

Level 2 Award

Thinking and Reasoning Skills

Unit **B902**: Thinking and Reasoning Skills Case Study

OCR Level 2 Award

Mark Scheme for June 2014

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This mark scheme is published as an aid to teachers and students, to indicate the requirements of the examination. It shows the basis on which marks were awarded by examiners. It does not indicate the details of the discussions which took place at an examiners' meeting before marking commenced.

All examiners are instructed that alternative correct answers and unexpected approaches in candidates' scripts must be given marks that fairly reflect the relevant knowledge and skills demonstrated.

Mark schemes should be read in conjunction with the published question papers and the report on the examination.

OCR will not enter into any discussion or correspondence in connection with this mark scheme.

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Annotations

Annotation	Meaning
BP	Blank Page – this annotation must be used on all blank pages within an answer booklet (structured or unstructured) and on each page of an additional object where there is no candidate response.
BOD	Benefit of doubt
SEEN	Page seen and answer on extension pages seen and marked

Subject-specific Marking Instructions

- 1.1 Marking must be positive. Marks must not be deducted for inaccurate or irrelevant answers. Half-marks must not be used.
- 1.2 The full range of marks should be used. Do not be afraid to award full marks or no marks. Failure to do this will seriously affect the distribution of marks.
- 1.3 Be consistent from script to script and from batch to batch.
- 1.4 It is not possible to cover every possible type of response within a levels of response mark scheme and examiners are expected to use their professional judgement at all times in ensuring that responses are placed in the correct levels and given an appropriate mark within that level.
- 1.5 If a candidate reaches a particular level s/he must be rewarded with a mark within that level. It is not necessary to work through the levels.
- 1.6 Where a band of marks is indicated for a level these marks should be used with reference to the development of the answer within that level. Decide the appropriate level first and then mark within that level.
- 1.7 The mark scheme primarily aims to reward the demonstration of the skills. **Where examples are given these are not prescriptive but intended as a guide.** If in doubt refer to your team leader.
- 1.8 Please use the green tick annotation tool to indicate where you have awarded a mark in questions 8a, 9, 10, 11 and 15.
- 1.9 Please make sure you use the red 'seen' annotation to confirm that you have read and marked any parts of an answer written on pages 12 onwards of the answer booklet or on any extension pages used.

Crossed out and duplicated answers**Crossed Out Responses**

Where a candidate has crossed out a response and provided a clear alternative then the crossed out response is not marked. Where no alternative response has been provided, examiners may give candidates the benefit of the doubt and mark the crossed out response where legible.

Short Answer Questions (requiring only a list by way of a response, usually worth only **one mark per response**)

Where candidates are required to provide a set number of short answer responses then only the set number of responses should be marked. The response space should be marked from left to right on each line and then line by line until the required number of responses have been considered. The remaining responses should not then be marked. Examiners will have to apply judgement as to whether a 'second response' on a line is a development of the 'first response', rather than a separate, discrete response. *(The underlying assumption is that the candidate is attempting to hedge their bets and therefore getting undue benefit rather than engaging with the question and giving the most relevant/correct responses.)*

Short Answer Questions (requiring a more developed response, worth **two or more marks**)

If the candidates are required to provide a description of, say, three items or factors and four items or factors are provided, then mark on a similar basis – that is downwards (as it is unlikely in this situation that a candidate will provide more than one response in each section of the response space.)

Question			Answer	Marks	Guidance
1			Credit 1 mark for putting a tick next to 'explanation'.	1	Please follow the guidance on crossed out and duplicated answers.
2	(a)	(i)	Credit 1 mark for underlining '(so) <u>it would be wrong to go through with the death penalty in this case</u> '.	1	The word 'so' can either be underlined or not, but all other words must be included for the mark to be awarded.
		(ii)	Credit 1 mark for putting brackets around '(Everyone, even including two hundred politicians, thinks he is innocent)'.	1	All parts of the answer must be included within the brackets for the mark to be awarded.
	(b)		Credit 1 mark for putting a tick next to 'irrelevant appeal'.	1	Please follow the guidance on crossed out and duplicated answers.
3			Credit 1 mark for a clear statement of any reasonable assumption. Creditworthy examples: <ul style="list-style-type: none"> • Mental age makes a difference to how someone should be punished. • Having a lower mental age makes someone less responsible for their actions/less guilty. • 11 year olds should not be punished. • 11 year olds don't know right from wrong. 	1	Credit can be given for answers which demonstrate understanding of the gap in the reasoning, which in this case concerns the idea that an 11 year old does not have the mental capacity to be responsible for their actions. Answers which merely paraphrase the argument cannot be credited as, by definition, an assumption cannot be stated in the argument itself.
4	(a)		Credit 1 mark for circling 'reason'.	1	
	(b)		Credit 1 mark for putting a tick next to 'Punishing people in proportion to their crime'.	1	Please follow the guidance on crossed out and duplicated answers.
5	(a)		Credit 1 mark for stating 'false dilemma', 'false dichotomy' or 'restricting the options'	1	Credit can be given to a candidate who does not give the correct technical name of the flaw but clearly describes the weakness in the reasoning – for instance 'giving them only two options'. However, for a mark to be awarded for 5 (b) in this case, the answer given would need to go beyond this description, for example by identifying the two options in the judge's question to the jury. Credit cannot be given to candidates who say this is a 'leading question' as this is not a flaw in the reasoning.

Question		Answer	Marks	Guidance
	(b)	<p>Credit 1 mark for answers which show an understanding of the false dilemma flaw.</p> <p>Creditworthy examples:</p> <ul style="list-style-type: none">• It makes it seem as though the jury have to choose between only those two options.• He does not consider other possible options.	1	Merely repeating what has been given in 5 (a) cannot be credited.

Question		Answer	Marks	Guidance
6	(a)	<p>Award 1 mark for a clear, relevant statement of a similarity.</p> <p>Creditworthy examples:</p> <ul style="list-style-type: none"> • In both cases the two people get knowingly involved in criminal activity. • Both situations involve only one person actually committing a crime. • Two people are working together. 	1	Creditable answers here need to recognise the importance of there being two people working together. Answers which focus on both scenarios involving break-ins or crimes cannot be credited as these similarities do not in any way strengthen the analogy.
	(b)	<p>Award 2 marks for a clear, relevant explanation of a difference.</p> <p>2 mark examples:</p> <ul style="list-style-type: none"> • The outcome is intended from the start with a burglary, but not with the shooting. • In a burglary, the lookout is knowingly assisting, but only one person pulls a trigger when a shot is fired. • In the burglary no violence is used, but in the Bentley case one uses violence and the other doesn't. <p>Award one mark for an answer which identifies a difference but where the explanation is less clear or less relevant.</p> <p>1 mark examples:</p> <ul style="list-style-type: none"> • Only one person can pull a trigger. • Shooting someone is much worse than a robbery. 	2	Answers which only imply the other side of the analogy are to be awarded only 1 mark.
7	(a)	<p>Credit up to 2 marks for valid explanation of one way in which paragraph 5 is evidence of bias/misdirection.</p> <p>2 mark examples:</p> <ul style="list-style-type: none"> • He uses loaded language like shocking and dreadful, to influence the jury to see Bentley as a bad person. 	2	<p>2 mark explanations will be developed and might make use of indicator words such as therefore, so, because; or make use of an example from what the judge said.</p> <p>1 mark answers will be less clear and/or lacking development.</p>

Question	Answer	Marks	Guidance
	<ul style="list-style-type: none"> • Everything he says is one sided and he only gives his own point of view about the weapons to influence the jury. • He should be objective as a judge but paragraph 5 shows his own judgement about Bentley's guilt. • He asks lots of rhetorical questions, which makes the jury want to answer in the way he wants them to. • He describes Bentley's weapons as horrible and shocking but actually there's no evidence he ever intended to use them. <p>1 mark examples:</p> <ul style="list-style-type: none"> • It is one-sided. • He uses rhetorical questions. • He gives his own views. • He says how awful Bentley's weapons are but doesn't say this about Craig's (second point doesn't contribute to the mark). 		<p>Answers which only focus on the fact that paragraph 5 says nothing about how bad Craig's weapons were and that this shows the judge is biased against Bentley should not be credited as this is not the focus of the question.</p>
(b)	<p>Credit 2 marks for an answer which suggests and explains a plausible factor in Lord Goddard's bias:</p> <p>2 mark examples:</p> <ul style="list-style-type: none"> • Bentley was a working class boy so the judge may have been influenced by prejudice against lower class people. • Because it was a policeman who was killed, he might have been determined to make someone pay for it. • He is worried about gun crime and wants to make an example of Bentley to stop it growing. • He wanted someone to be punished severely and Craig was too young to hang. 	2	<p>2 mark explanations will be developed and might make use of indicator words such as therefore, so, because. Answers which only suggest, but do not explain, should only be given 1 mark.</p>

Question		Answer	Marks	Guidance	
		<p>1 mark examples:</p> <ul style="list-style-type: none"> • Class difference. • Solidarity with police. • Deterrence/fear of gun crime. • He believed Bentley was guilty. • Goddard might have known PC Miles so he wanted to punish the people who killed his friend. <p>NB – final example only worth one mark as reason is not very plausible.</p>			
8	(a)	<p>Credit 1 mark for each relevant point that the evidence of Fairfax and Harrison agree upon.</p> <p>Creditworthy examples:</p> <ul style="list-style-type: none"> • That Bentley shouted 'Let him have it Chris'. • The gun was fired immediately after Bentley called out. • The shot caused Fairfax to spin round and fall. • That Fairfax had grabbed hold of Bentley. • That Bentley broke away from Fairfax before shouting out. • That there were 2 shots fired. 	2	<p>Answers which say the two accounts agree that 'shots were fired' cannot be credited as this is not significant.</p> <p>The list opposite is not necessarily definitive. Any correct and significant agreement can be credited.</p>	
	(b)	(i)	<p>Credit 1 mark for identifying that McDonald reported a time lapse between Bentley shouting and the shots being fired.</p>	1	<p>Answers which suggest a disagreement between them is that McDonald says 'two or three shots were fired' and the others say it was two, should not be credited as this is not a significant difference.</p>
		(ii)	<p>Credit 1 mark for clearly explaining why a time lapse would be important in establishing Bentley's guilt/innocence.</p> <p>Creditworthy examples:</p> <ul style="list-style-type: none"> • If there was a time lapse it shows that Bentley's shout did not directly cause Craig to shoot PC Miles. • It could alter the meaning of the shout, 'let him have it Chris' 	1	

Question	Answer	Marks	Guidance
	<ul style="list-style-type: none"> • If the officers don't agree on this point, then we can't assume that the shout caused the shot. • At least one of the policemen may be lying. 		
9	<p>Credit 1 mark for each reasonable explanation.</p> <p>Examples:</p> <ul style="list-style-type: none"> • He might not have been able to get to the weapons in time. • He might have wanted to but thought it might get him into bigger trouble. • Too slow witted. • Didn't know how to use them. • He forgot they were in his pocket. • He was too scared to use them. • He was being restrained so couldn't. • Chris had a gun so he didn't need to use his weapons. • The weapons were planted by the police. 	[2]	<p>Explanations which are paraphrases of George Trotter's suggestion that Bentley was a 'good person' cannot be credited as these would not be alternative explanations.</p>
10	<p>Credit 1 mark for each relevant claim and 1 mark for each corresponding, valid explanation.</p> <p>Examples: creditworthy claims:</p> <ul style="list-style-type: none"> • Up to then Chris had not said anything • I didn't know he was going to use the gun • As we walked away Chris fired • I shouted something but I forget what it was • I could not see Chris when I shouted to him • I did not know Chris had one until he shot <p>Examples: creditworthy explanations linked to claims</p>	4	<p>For a claim to be credited, it does not necessarily have to be a direct quote, but the paraphrase must be precise enough to retain the same meaning.</p> <p>Relevant claims can be credited independently, even if the linked explanation is inaccurate.</p> <p>An accurate explanation can be credited even if the linked claim was imprecise and not credited.</p> <p>No claims or linked explanations can be credited which argue that Bentley can't be guilty because he himself did not have a gun, as there is no dispute about this and his guilt at the trial was one of association with Craig.</p>

Question	Answer	Marks	Guidance
	<ul style="list-style-type: none"> • If Chris hadn't said anything then Derek couldn't know he had a gun, so can't be blamed for the shooting. • If Derek couldn't see him when he shouted then how can you know he was telling him to shoot? • If Bentley can't remember what he shouted then it can't have been telling Craig to shoot the PC. 		<p>Claims and linked explanations which focus on the break-in cannot be credited as this does not relate directly to the murder of PC Miles.</p> <p>Where both claims relating to Bentley's knowledge of the gun are used, credit can only be given for both explanations if they are sufficiently different from each other.</p>
11	<p>Credit 1 mark for each relevant claim.</p> <ul style="list-style-type: none"> • Chris then jumped over and I followed. • Chris said: "It's a copper, hide behind here". • We hid behind a shelter arrangement on the roof. • I knew we were going to break into the place. • I didn't know what we were going to get - just anything that was going. 	3	<p>For a claim to be credited, it does not necessarily have to be a direct quote, but the paraphrase must be precise enough to retain the same meaning.</p>
12	<p>Credit up to 2 marks for a relevant explanation of a credibility criterion that strengthens Hugh Maw's claim.</p> <p>2 mark examples:</p> <ul style="list-style-type: none"> • As an educational psychologist, he has relevant expertise to assess Bentley's character. • As the psychologist at Bentley's school he had the ability to see how he behaved with others. • He was not involved in the case, and as a professional he is neutral. • He has a reputation to uphold as an educational psychologist, so won't want to risk lying. <p>1 mark examples:</p> <ul style="list-style-type: none"> • He knows about psychology. • He could see Bentley at school/he knew Bentley. 	2	<p>No mark should be awarded for simply naming a criterion. The marks should be awarded for the quality of the explanation.</p>

Question		Answer	Marks	Guidance	
13	(a)	Credit 1 mark for each correctly circled answer:	4	Please follow the guidance on crossed out and duplicated answers.	
					Can be drawn from the information
		10 wrongful convictions took place in 2003			No
		Over 130 wrongfully convicted people would have been executed since 1973 if it weren't for DNA evidence			No
		The legal system does not always get it right			Yes
Over 130 wrongfully convicted people would have been executed since 1973 if executions took place immediately following the trial.	Yes				
	(b)	<p>Credit up to 2 marks for a valid explanation of the problem with this reasoning.</p> <p>2 mark examples:</p> <ul style="list-style-type: none"> • The statistics are from America, so you can't assume that the same problem exists in the UK. • Technology/DNA testing has got better since 2003, so it is less likely for innocent people to be convicted nowadays. • CCTV/improvements in legal system since then means the past is not a good guide to the future. • The evidence to support the reasoning comes from the Amnesty website and this might not be reliable because they are biased against capital punishment. 	2	Answers which only suggest, but do not explain, should only be given 1 mark.	

Question	Answer	Marks	Guidance
	1 mark examples: <ul style="list-style-type: none"> • These figures are from America, not UK. • CCTV and DNA testing are better now. 		
14	<p>Award up to 3 marks for an argument supporting the view that 'capital punishment should be mandatory for the murder of police officers'</p> <p>Example of a Level 3 answer: I believe that capital punishment should be mandatory for the murder of police officers. Police are there to keep order in the country and anybody killing them is threatening the breakdown of order. So the killers should face death themselves. [3]</p> <p>Example of a Level 2 answer: People who kill a policeman should be executed. The police risk their lives to protect us so we should protect them using the death penalty. [2]</p> <p>Example of a Level 1 answer: I believe that capital punishment should be mandatory for the murder of police officers. If somebody kills somebody else then they should be killed themselves. So we should bring back hanging. [1]</p>	3	<p>To gain three marks answers need to justify why the punishment for murdering a police officer should be greater than that for other murders.</p> <p>Answers where the reason given is a general one about the use of capital punishment and doesn't directly relate to its use for murdering police officers can only be awarded a maximum of one mark.</p> <p>Marks are to be allocated in accordance with the performance descriptors below.</p> <p>Performance description for 3 marks: Level 3</p> <ul style="list-style-type: none"> • The conclusion is precisely stated • A developed and relevant reason is provided for the conclusion. • The structure of the reasoning is clear and explicit and places minimal reliance on assumptions • Grammar, spelling and punctuation are good. <p>Performance description for 2 marks: Level 2</p> <ul style="list-style-type: none"> • The conclusion is clearly stated • A relevant reason is provided for the conclusion. • The structure of the reasoning is not fully explicit and does rely on some assumptions • Grammar, spelling and punctuation are adequate. <p>Performance description for 1 mark: Level 1</p> <ul style="list-style-type: none"> • The conclusion is imprecise and unclear • A reason is given but it offers only weak support for the conclusion. • Structure is either absent or minimal or unclear

Question			Answer	Marks	Guidance
					<ul style="list-style-type: none"> Grammar, spelling and punctuation may be inadequate.
15			<p>Credit 1 mark for each plausible reason that would support the view that it was/is important to send out a message.</p> <p>Creditworthy examples:</p> <ul style="list-style-type: none"> Because that would help to prevent similar crimes from occurring in the future. Because it would teach young people that what happens in films is not always cool to copy. Because these weapons can cause serious harm and even kill people. 	2	No credit can be given for any answers which support the opposite argument, that it is not important to send out a message.
16			<p>Marks are to be allocated in accordance with the performance descriptors.</p> <p>The content for the arguments may be utilised and/or developed from the documents or may be independent of those documents.</p> <p>Example of a Level 3 answer: Campaigning to have a person pardoned after they have been executed is definitely not a waste of time. Firstly, the family of the executed person will be living with the shame of a loved one having been wrongly accused of an incredibly serious crime. They will want closure and release from this. Just look at the reaction of Bentley's niece when he was finally pardoned.</p>	9	<p>The main discriminator here in terms of levels is likely to be the quality of the reasoning.</p> <p>The candidates should all have had an opportunity to study the pre-release documents, so developed reasons should be expected in order to reach level 3, making use of evidence and/or examples drawn from the documents or introduced independently.</p> <p>Marks within the levels can be determined by the number of reasons provided and the extent of the evidence or examples provided.</p> <p>Candidates have been asked to present an argument <u>either</u> in favour <u>or</u> against, so answers which argue both sides of the argument must be marked to credit only the material relating to the stronger of the two sides. However, use of genuine counter arguments which are then dismissed to strengthen the overall argument can and should be credited.</p>

Question	Answer	Marks	Guidance
	<p>Secondly, it is really important that people continue to have faith in our justice system. If a wrong has been done then it is vital that it is seen to be put right. Without this some members of society will think that the courts can't be trusted and will look at other ways to achieve justice. Pardons for people wrongly executed are a way of avoiding this. [9]</p> <p>Example of a Level 2 answer: It is a complete waste of time campaigning to pardon somebody who has already been executed. No pardon will ever bring somebody back to life and as they've already been found guilty they will have died with that. Although some people argue families need to know they weren't guilty, what use does that do when their loved one is dead? Also we don't want to hear that courts get things wrong. How would the jury feel who found someone guilty? The executed should be left in peace and we need to move on. [6]</p> <p>Example of Level 1 answer: We should campaign to have people pardoned. How would you like it if someone you know had been killed? We all want our friends to be good so if one of mine had been executed then I'd write letters to say he didn't do it. [3]</p> <p>0 marks – no creditworthy material</p>		<p>Performance descriptions for 7 to 9 marks: Level 3</p> <ul style="list-style-type: none"> • The conclusion is precisely stated • Reasons are provided for the conclusion, which are persuasive, cogent and fully developed • The structure of the reasoning is clear and explicit and places minimal reliance on assumptions • Evidence and examples are provided which are both relevant and clearly strengthen the reasoning • Grammar, spelling and punctuation are good. <p>Performance description for 4 to 6 marks: Level 2</p> <ul style="list-style-type: none"> • The conclusion is clearly stated • Reasons are provided for the conclusion, which are plausible and relevant • The structure of the reasoning is not fully explicit and does rely on some assumptions • Evidence and examples are provided which are relevant but are open to challenge • Grammar, spelling and punctuation are adequate. <p>Performance description for 1 to 3 marks: Level 1</p> <ul style="list-style-type: none"> • The conclusion is imprecise and unclear • Reasons are undeveloped and only provided weak support for their conclusion • Structure is either absent or minimal or unclear • Evidence and examples are poorly developed or explained and are open to obvious counter examples and objections • Grammar, spelling and punctuation may be inadequate.
17	<p>Marks are to be allocated in accordance with the performance descriptors. The content for the arguments may be utilised and/or</p>	9	<p>The main discriminator here in terms of levels is likely to be the quality of the reasoning.</p>

Question	Answer	Marks	Guidance
	<p>developed from the documents or may be independent of those documents.</p> <p>Example of a Level 3 answer: Derek Bentley's sentence was definitely unfair. In the first place, the judge was biased and misdirected the jury at the trial. He asked leading questions about the weapons Bentley carried, causing the jury to focus on how horrible they were. He also made it clear that the police couldn't be lying and never mentioned the inconsistencies in their evidence, such as the time gap between Bentley saying 'let him have it Chris' and the shots being fired. These actions by the judge meant Derek didn't get a fair trial. Secondly, the sentence never took into account his mental age. The expert child psychologist made it clear he had a mental age of 11. Craig could not be hanged because he was under age and Bentley suffered the punishment instead, but as he had the brain of an 11 year old surely he shouldn't have been hanged either. This sentence was unfair. [9]</p> <p>Example of a Level 2 answer: Derek Bentley's sentence was unfair. He was executed for killing PC Miles but he never even had a gun, so how could he have killed him. 'Let him have it Chris' didn't mean shoot him, it meant hand over the gun. The judge was totally biased and asked lots of rhetorical questions which were really unfair on Derek as they made it sound like he was really violent when he wasn't. 'Have you ever seen a more shocking thing than <i>that?</i>' is just biased and unfair because there are lots more shocking things in life. [6]</p>		<p>The candidates should all have had an opportunity to study the pre-release documents, so developed reasons should be expected in order to reach level 3, making use of evidence and/or examples drawn from the documents or introduced independently.</p> <p>Marks within the levels can be determined by the number of reasons provided and the extent of the evidence or examples provided.</p> <p>Performance descriptions for 7 to 9 marks: Level 3</p> <ul style="list-style-type: none"> • The conclusion is precisely stated • Reasons are provided for the conclusion, which are persuasive, cogent and fully developed • The structure of the reasoning is clear and explicit and places minimal reliance on assumptions • Evidence and examples are provided which are both relevant and clearly strengthen the reasoning • Grammar, spelling and punctuation are good. <p>Performance description for 4 to 6 marks: Level 2</p> <ul style="list-style-type: none"> • The conclusion is clearly stated • Reasons are provided for the conclusion, which are plausible and relevant • The structure of the reasoning is not fully explicit and does rely on some assumptions • Evidence and examples are provided which are relevant but are open to challenge • Grammar, spelling and punctuation are adequate. <p>Performance description for 1 to 3 marks: Level 1</p> <ul style="list-style-type: none"> • The conclusion is imprecise and unclear • Reasons are undeveloped and only provided weak support for their conclusion

Question	Answer	Marks	Guidance
	<p>Example of Level 1 answer: Derek should never have been hanged. He was only really 11 and that's just too young. It was Chris who shot the policeman so he should have been hanged. How would you like it if you went with a friend to a shop and they stole something and then you were put in prison just because you were with them! [3]</p> <p>0 marks – no creditworthy material</p>		<ul style="list-style-type: none"> • Structure is either absent or minimal or unclear • Evidence and examples are poorly developed or explained and are open to obvious counter examples and objections • Grammar, spelling and punctuation may be inadequate.

OCR (Oxford Cambridge and RSA Examinations)
1 Hills Road
Cambridge
CB1 2EU

OCR Customer Contact Centre

Education and Learning

Telephone: 01223 553998

Facsimile: 01223 552627

Email: general.qualifications@ocr.org.uk

www.ocr.org.uk

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Head office
Telephone: 01223 552552
Facsimile: 01223 552553

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