

GCSE

Law

General Certificate of Secondary Education **J485**

OCR Report to Centres June 2015

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This report on the examination provides information on the performance of candidates which it is hoped will be useful to teachers in their preparation of candidates for future examinations. It is intended to be constructive and informative and to promote better understanding of the specification content, of the operation of the scheme of assessment and of the application of assessment criteria.

Reports should be read in conjunction with the published question papers and mark schemes for the examination.

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CONTENTS

General Certificate of Secondary Education

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OCR REPORT TO CENTRES

Content	Page
B141 The Nature of Law. Criminal Courts and Criminal Processes	4
B142 Civil Courts and civil processes. Civil liberties and human rights	7
B143 Employment rights and responsibilities	10
B144 Consumer rights and responsibilities	12

B141 The Nature of Law. Criminal Courts and Criminal Processes

General Comments:

This was the sixth series of the B141 GCSE Law paper. This paper contributes 25% of the marks towards the full four unit GCSE Law course. The paper remained true to the format used in the specimen and past papers, while able to explore other areas within major topics. The 2015 paper continued to allow differentiation to stretch more able candidates, while still allowing lower ability students to gain marks. The paper continued the strong blend of ‘straightforward’ questions requiring the ability to identify and remember, alongside questions requiring high standards of specific subject knowledge and the ability to evaluate and discuss.

The main differentiator of ability was again seen in the short and longer comprehension type questions worth three and six marks respectively. Indeed, for some of the topics tested on the 2015 paper, the AO2 and AO3 type responses continue to require some reflection and practice by centres. Those students scoring high marks typically were able to answer each question in a fluid style and stick to the question’s command. Again, as is customary to state in this report, candidates are reminded as a general approach to this paper:

1. Firstly, to answer the question set
2. Secondly, to note the mark-value of each comprehension-type question.

For example, a response that is marked out of three requires three separate points. Candidates would again benefit from the P.E.E (point, evidence and extension) method of answering questions in, for example, questions 2(a), 2(c)(ii) and 2(c)(iii).

This series the main questions which separated the ability of candidates were Questions 2(a), 2(c)(ii), 2(c)(iii), 3(c)(ii) and 4(c).

Comments on Individual Questions:

Question 1

This was a traditional two-part question that centred on the police powers of detention at a police station and a more general question on the topic. Most candidates were able to score two or full marks on question 1(a). Those that scored one or no marks seemed to be, again, because of their misreading of the question or by giving vague answers. Correct responses included, for example, ‘the police are able to hold and question a suspect for specific periods of time’. However, a minority of candidates answered, incorrectly, by simply saying ‘stop and search’, ‘arrest’ and ‘detention’ as their three responses.

Question 1(b) was well answered by candidates with nearly all of the candidates achieving full marks.

Question 2

This question for 2015 centred on sources of law; in particular, precedent and legislation.

The majority of candidates were able to achieve one or more marks for Question 2(a). Most candidates were able to explain a difference between civil and criminal law, while providing a

detailed explanation with an example for full marks. However, many failed to capitalise on their first mark in identifying a difference by either failing to expand on this or by failing to give any further elaboration.

Question 2(b) was, given its precedent basis, generally well answered. Most candidates achieved either one or two or marks. Where full marks were not achieved, the majority of such candidates would state, incorrectly, their final answer as 'experts'.

Question 2(c)(i) required candidates to identify three different stages of a bill in the House of Commons. Just under half of candidates were able to identify three correct stages. Some candidates, who were unsure of the question's demands, would, incorrectly, simply answer using the stages of 'White Paper', 'Green Paper' or 'Royal Assent', misreading the question.

In Question 2(c)(ii) those candidates who scored highly were able to explain two problems with the process of using legislation to pass laws following the P.E.E method identified above. For example, they would state that it is time-consuming, explain why this was a problem, then for a third and final mark, expand on their first two points either with an example or an evaluative point of their own. However, some candidates again would simply state a single reason without any further elaboration achieving only one mark.

Question 2(d) produced some very mixed responses. Those who scored one or zero marks would seem to be explained by candidates' inability to articulate an explanation of orders in council by looking at it perhaps from a different angle. Nevertheless, many candidates were able to discuss their thoughts on an advantage of this type of delegated legislation and were able to give some excellent examples of such.

Question 3

Question 3(a)(i) produced mixed results with the majority able to explain one or two functions of the Criminal Defence Service. Where candidates failed to do this, or were unable to achieve full marks, was either in their brevity, repetition of a similar function or in their vagueness in their response.

Question 3(b) provided a broad range of marks and, on the whole, candidates were able to correctly discuss the trial process following a 'not guilty' plea in the magistrates' courts. Given the wide target on this area, many candidates were able to score three or more marks on this question. Many candidates were able to develop a good discussion on the process, giving, in many cases, much more information than was required. This demonstrated how comfortable they were with the subject matter. A small minority of candidates answered this question from a trial in the crown court following a defendant's election and, given the stem of the question, where their answer was relevant, was credited.

Question 3(c)(i) was answered well by the vast majority of candidates, and nearly all achieved full marks. However, alarmingly, a significant minority of candidates felt that an elderly victim was a mitigating factor.

In Question 3(c)(ii) the majority of candidates were able to explain, at least, one factor per punishment and reform, but failed to capitalise on this or provide a further explanation for a second or third mark. Many candidates failed to score any marks as they did not specifically look at the different ways the courts treat young and adult offenders (such as prison versus community sentences) and instead simply rephrased the wording of the question.

Question 4

Question 4(a) provided mixed results based on the demands and, more specifically, the actual wording of the question. Many candidates were able to correctly identify two or three magistrates' roles. However, a small number of candidates responded by incorrectly using the formal qualification of magistrates, for example, the age restrictions as their response.

The responses to Question 4(b) regularly scored two or full marks. This therefore suggested that the majority of candidates knew the subject matter well. The most common incorrect response was in answering as to whether a blind person can become a magistrate.

Question 4(c) gave candidates an opportunity to explain simply and effectively two key qualities of a magistrate. This question demonstrated that this is an area that candidates were clearly more familiar with. Again, many candidates, incorrectly, explained the formal qualifications required to be a magistrate. Nevertheless, many candidates did understand the qualities and, more importantly, why these were referred to as key qualities. For example 'good character' - to become a magistrate an applicant must be able to demonstrate personal integrity: here they must also enjoy the respect and trust of others.

Question 4(d) was generally answered well. Candidates were not thrown due to the slight change to the wording of this familiar topic. Also, this time the topic was contextualised with a scenario which could, if required, assist their response. The main disadvantages were generally identified with good understanding, in particular, Brendan being judged by non-qualified lay people. Again, the P.E.E system was utilised by many candidates who scored full marks.

B142 Civil Courts and civil processes. Civil liberties and human rights

General Comments:

This is the sixth series of the B142 GCSE Law paper. This paper contributes 25% of the marks towards the full four unit GCSE course.

This paper contained a number of straightforward questions requiring candidates to demonstrate their knowledge. Those candidates who had a sound understanding of the track system and of basic freedoms did well on these questions.

The paper also included questions that required the candidates to apply their knowledge to factual scenarios. Here, good responses showed a sound understanding of the different types of ADR. However, there were a significant number of responses that need to work on clearly distinguishing between arbitration and tribunals.

The question on the legal professions required candidates to identify similarities and differences between the training and education of solicitors and barristers. A number of responses did not focus their answers on education and training but gave generic differences between the two professions that did not enable marks to be credited. Candidates should be encouraged to highlight key words in questions to ensure they direct their material appropriately.

The extended answer questions at 11 and 14 acted as the main differentiators. Those candidate responses that scored well tended to adopt a structured approach to their answer in terms of making a point; explaining it and then developing it. As regards Q11, many candidates showed good understanding of the initiatives being undertaken to improve routes into the legal profession. Most candidates answered Q14 well, showing a good evaluation of the role of a free press that covered both sides of the argument. The better answers successfully identified Articles 8 and 10 and there were some outstanding responses that eloquently related these to recent case examples.

Comments on Individual Questions:

Question 1

Most candidates scored well on this question although there was some confusion about the fact that the High Court sat as both an inferior and superior court.

Question 2

The identification of the most appropriate form of ADR and an explanation of why it was appropriate was generally done well. Many candidates did very well by recognising the relevant point and applying the law accurately to the scenario.

Unfortunately, if the candidates did not identify the correct form of ADR then they could not achieve the second mark for explaining its relevance.

There remains some confusion (possibly understandably) between mediation and conciliation but candidates need to understand the compulsory nature of mediation in family cases.

What was of more concern was the misunderstanding of arbitration compared to tribunals particularly in that the scenarios given were very clearly one rather than the other.

There remains a misconception that ADR is a process where the parties to a dispute start with negotiation and worked through mediation, conciliation etc. to see what will work. Some candidates adopted a 'shopping bag' approach where they referred to several types of ADR in the hope of covering the correct one! This approach fails to recognise that different types of ADR are applicable to different types of problems and must be clearly differentiated.

Finally, there were some answers were candidates referred to the track system operating in the criminal rather than the civil courts which is a source of concern.

Question 3

The majority of candidates were able to obtain full marks on this question.

Question 4

The majority of candidates were able to obtain most marks on this question. Most candidates had been taught that the financial limits in small claims and fast track had increased which was encouraging. Some candidates lost marks by designating the small claims track as the 'slow' track.

Question 5

Most candidates answered this question correctly.

Question 6

This was a difficult question that acted as an effective discriminator for the most able candidates. Questions (a) and (b) required high level skills from the candidate even whilst looking deceptively easy and a significant number struggled to answer this question correctly. The candidate needed to recognise which judges sat in the superior and inferior courts and then, apply that knowledge to the table setting out the judicial diversity statistics. Whilst only worth 2 marks in total, it was striking that it was generally only the highest scoring candidates that achieved one or both of these marks.

Question 7/8

Again, these two questions looked deceptively easy, but they required a sound knowledge of judicial qualification and the relevant courts. Most candidates secured at least 1 mark here.

Question 9

The majority of responses accessed the both marks available on this question which showed a good understanding of the funding alternatives for civil law.

Question 10

Common incorrect responses failed to identify the focus of the question which was on the similarities and differences between the **education and training** of barristers and solicitors. Candidates who simply discussed generic differences between the two professions did not attract credit. There were also some vague answers about the length of training being 'longer' or

'shorter' for one profession rather than the other but this vagueness was insufficient to gain marks.

Very few candidates hit the 2 marks on similarities of education/training - simply saying 'they both need a law degree'.

In terms of differences, many students discussed continuing professional development, which was not anticipated but relevant.

Question 11

This question discriminated well between candidates with the higher scoring papers structuring their responses using the technique of point, evidence and extension which enabled them to access the higher marks.

Candidates were very strong across the board on ILEX and apprenticeships, giving good answers on these topics.

Question 12

This question was generally well answered. Candidates tend to do well on these questions where they have to insert the relevant words into the text. Here, a good solid understanding of the basic freedoms was demonstrated.

Most candidates scored 6-8 marks on this question as even when one bizarre choice was made the others were usually correct. 'Civil Liberties' / 'freedoms' and 'constitution' / 'statute' were muddled fairly frequently.

Question 13

This question proved surprisingly challenging with some candidates struggling to relate the relevant human right to the most appropriate restriction.

Question 14

Occasionally, there was no direct focus on the Article 8/Article 10 debate, which was the focus of the question. When this was kept central, answers were often very sophisticated and secondary rights were brought in to good effect. However, where it was not, other articles were relied on artificially and there was not enough clarity in the discussion to award serious credit. This meant that better answers received credit in some instances for use of Article 9, 14, 5 and very rarely 11, whereas those who went into more length on these articles did not because they did not tie them in to the question sufficiently, leaving their points vague.

There were some excellent answers to this question with candidates demonstrating how they could construct a balanced argument that enabled them to access the higher marks. Pros and cons were identified; explained and then were often extended which meant that clearly structured answers were given.

Good answers gave objective examples in support of their analysis such as the MPS' expense scandal and the Milly Dowler case. Less strong responses talked in a subjective way terms about the disadvantages of a lack of restrictions on a free press which meant these candidates were unable to access the higher marks.

B143 Employment rights and responsibilities

General Comments:

The 2015 examination shows continued evidence of candidates being well-prepared for the challenge of this paper, demonstrating both knowledge and the use of appropriate skills. Candidates are again reminded that the whole specification can be covered in the examination and so selective preparation is not advised. In addition, topic areas can move around the paper and candidates need to read the questions carefully before they start to write to ensure relevant material is used to answer the questions.

All areas of this year's examination were accessible although questions such as 3(b) and 4(c) required candidates to be clear in their application of relevant law, rather than simply being able to rely on selecting the correct answer. This would again be a fruitful area for practice as part of a candidate's revision programme.

Comments on Individual Questions:

Question 1

In (a) many, but not all, candidates were able to identify at least one correct element. Relatively few candidates were able to identify all three.

In (b) a good number of candidates achieved full marks – those who did not appeared to have read the information incorrectly or been unsure as to the most appropriate test of employment. This is an important distinction which can be practised using both 'quiz' and 'application-type' questions to consolidate knowledge.

Question 2

In (a) many candidates scored well, with many scoring full marks.

In (b) candidates had to select the most appropriate 'Six Pack' Regulation. As this is a straightforward 'identify' question those who were able to identify the correct Regulation from the scenario were able to score well. Many candidates knew the correct Regulation's theme, but few could articulate its correct title. A good number of candidates gained some marks by naming the correct regulation from the Six Pack – most often this was the Personal Protective Equipment Regulation. Candidates were rewarded for giving the essence of the regulation, especially if it was linked accurately in terms of how it would affect the situation illustrated in the picture. In these cases the annotation BOD (benefit of doubt) was used by markers. Again, this would be a useful area of the specification for candidates to consolidate their knowledge and then practice applying the material they have learnt, although there is no requirement for candidates to know every single detail of each of these regulations in depth.

In (c) it was important to focus on the issue of the operation of the Health and Safety Executive with regards to Notices. The best answers did this clearly and did more than simply repeat the same point or points.

In (d) candidates were given the opportunity to explain, in their own words, the importance of duties and why they only need to do what is reasonable in the area of health and safety law. As much of this reflects the common-sense nature of the statute-driven law, many candidates were able to score 4 or more marks on this question.

Question 3

In (a)(i) most candidates were able to choose some, but not all, of the correct situations successfully. However, a small but significant minority simply re-wrote the stem's example, and therefore did not score a mark for doing so. Few candidates were able to successfully answer (a)(ii) and a very wide range of incorrect answers were given.

In (b)(i) candidates were asked to identify the area of discrimination and in (ii) support their answer using the scenario, then reach a conclusion as to whether discrimination had occurred. The facts in the scenarios provided a useful support, for example:

- in (i) Munir's belief's would certainly factor into a successful discrimination claim due to his boss ignoring these and encouraging drinking during nights out as part of the recruitment process
- in (ii) it was important to establish that Jill was likely discriminated against on the ground of her sexual orientation
- in (iii) the scenario encouraged candidates to explore the fact that Pauline looks to have been treated less-favourably than other employees by being refused extra time off for her sex-change operation.

Responses to (c) showed that many candidates were not confident as to this area of employment law when placed into a scenario context.

Question 4

In (a) most candidates were able to correctly identify at least two of the three correct responses.

In (b) many candidates scored full marks and the question appeared to be accessible to most.

In (c) most candidates were able to identify correctly whether the dismissal is fair or unfair and were able to successfully give a reason as to why:

- (i) fair given the circumstances of the fight
- (ii) unfair due the dismissal being simply due to her membership of a trades' union
- (iii) fair given the amount of alcohol the doctor consumed before an operation.

In (d) a wide range of responses were seen. The best answers followed the rubric of the question and considered three separate reasons – beginning with identification of a reason which was then expanded further. Some candidates listed reasons without development and so were not able to access the higher mark bands, whilst others gave multiple examples of the same reason and again these candidates could not access the higher mark bands. The quality of written communication was assessed in this question and so it was important for candidates to show good skills of evaluative writing to develop and amplify their points.

B144 Consumer rights and responsibilities

General Comments:

This entry for this series demonstrated the full range of ability. There was evidence of an appropriate level of preparation by a range of candidates. To reach the highest marks it is necessary to fulfil all the demands of the question. In the questions necessitating extended writing, such as 1(b), 2(c), 3(c) and 4(c) there was evidence of some well-structured, fluent and relevant discussion. It is essential that candidates are able to follow the rubric accurately and there were examples of candidates selecting carefully and demonstrating their skills of analysis and application well, such as 1(b) and 4(c).

Thorough knowledge of the areas covered by the specification is required to perform well, although there is no requirement for citation of cases or reference to detailed statutory or regulatory provisions. All questions were accessible but there were also some instances where a number of candidates made a limited response; 1(b) and 3 (c) being examples of this. It is essential on this paper that candidates read the question carefully and draw attention to the key words in the question to ensure they follow the rubric accurately. This together with an appropriate selective use of material allows for better candidate responses. Previous exam papers remain useful tools for practice and preparation purposes.

Comments on Individual Questions:

Question No 1 - Many candidates were confident in 1(a) in their identification of the three correct rules of contract formation. However, a number of candidates did confuse legal intent and consideration thereby reducing their marks to 1/3. Candidates were less confident in 1(b) having to explain the presumption relating to domestic agreements with many not answering at all or scoring no marks.

Question No 2 - This question contained a range of tasks focused on different skills and candidates often achieved a good or very good range of marks. In 2(a) candidates had to select appropriate key words to complete a passage on misrepresentation with the majority scoring 2 or 3 marks. In 2(b) candidates often correctly identified the majority or all of the factors relevant to satisfactory quality under the Sale of Goods Act 1979. Question 2(c) on the Supply of Goods and Services Act 1982 allowed the majority to successfully explain the relevant implied terms with many candidates achieving full marks. The majority of candidates in 2(d) successfully identified if particular defendants were liable under the law of negligence.

Question No 3 - This question focused on exclusion clauses which is an area that candidates often find challenging. In 3(a) candidates had to select appropriate key words to complete a passage on exclusion clauses with the majority scoring 2 or 3 marks. Those not obtaining full marks often confused business with consumer and lawful with reasonable as the relevant answer. Answers to part 3(b) varied but again many candidates were able to identify which contracts were or were not consumer contracts. Very few did not achieve some marks and many obtained full marks. 3(c) posed some challenges for candidates who found it difficult to explain three factors relevant to the scenario relating to exclusion clauses. Candidates tended to identify only and not add further explanation. Unfair Terms in Consumer Contracts Regulations 1999, in 3(d) is often an area that candidates would struggle with so it was pleasing to see that many candidates obtained 2 or 3 marks.

Question No. 4 - This question focused on the area of the Consumer Protection Act 1987. In 4(a) candidates were required to identify a type of defendant and although many candidates did well some tended to confuse wholesaler with manufacturer or identify seller rather than retailer. 4(b) caused some difficulty for candidates when indicating whether particular defendants had a

defence under the 1987 Act. Very few candidates scored nothing but overall the majority obtained 3 or 4 marks, with very few scoring full marks. In 4(c) many candidates were able to identify correctly some benefits and limitations of the 1987 Act. There were many examples of candidates obtaining L2 marks with some candidates moving into L3 and obtaining full or nearly full marks. There were few examples of candidates simply listing the benefits and limitations. Some candidates were also able to use examples to illustrate the points they were making. Some candidates misunderstood the rubric and answered the question on the basis of exclusion clauses rather than the Consumer Protection Act 1987 and consequently obtained no marks. However, it was pleasing to see that overall this question resulted in a range of good answers where candidates demonstrated detailed analysis and evaluation of the question and the skills necessary to access the higher mark bands.

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