

OCR Report to Centres

June 2012

OCR (Oxford Cambridge and RSA) is a leading UK awarding body, providing a wide range of qualifications to meet the needs of candidates of all ages and abilities. OCR qualifications include AS/A Levels, Diplomas, GCSEs, OCR Nationals, Functional Skills, Key Skills, Entry Level qualifications, NVQs and vocational qualifications in areas such as IT, business, languages, teaching/training, administration and secretarial skills.

It is also responsible for developing new specifications to meet national requirements and the needs of students and teachers. OCR is a not-for-profit organisation; any surplus made is invested back into the establishment to help towards the development of qualifications and support, which keep pace with the changing needs of today's society.

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.

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

© OCR 2012

CONTENTS

General Certificate of Secondary Education

Law (J485)

OCR REPORT TO CENTRES

Content	Page
Overview	1
B141 The Nature of Law. Criminal Courts and Criminal Processes	3
B142 Civil Courts and civil processes. Civil liberties and human rights	5
B143 Employment rights and responsibilities	8
B144 Consumer rights and responsibilities	10

Overview

It is encouraging to see centres using the GCSE route to introduce the study of Law in a topical and meaningful way through the use of subject areas which are both relevant and useful, as well as giving a grounding and helpful insight for those who choose to continue their studies of Law to AS and A Level. Candidate enthusiasm for the subject areas of each of the four papers is evident from the detailed and thoughtful responses that many provide, showing an awareness of legal skills and pertinent debate as well as exploring issues of human rights, consumer and employment law which are an integral element of modern life.

The qualification offers the opportunity for centres to embrace different assessment methods by offering B142 as a CBT unit and it is encouraging to see candidates engaging well with this option. B142 will continue to be offered as a conventional written unit for centres who find this route better suited to their needs.

Whilst GCSE Law aims to impart knowledge of the areas of Law being studied it is also structured so as to assist candidates in the acquisition of skills which are useful and transferrable to higher level study or the world of work. This includes close reading, the interpretation of instructions and the application of accurate knowledge as well as problem solving and extended analytical writing. Across all four papers there are encouraging examples of candidates demonstrating these skills to a high level, although for a good number of centres and their candidates the practising of core skills such as careful reading of a question so as to respond to it precisely and accurately would be fruitful. Another area which would be helpful to most candidates is the practising of extended writing with the aim of making and developing points.

In B141 there was encouraging evidence of good subject knowledge and problem solving skills in areas relating to the English legal system and criminal processes. Occasionally there was evidence of the rubric not being followed in the extended writing questions: for example, if three disadvantages are asked for giving two disadvantages and two advantages cannot score so highly as a response which complies fully with the rubric. In B142 it was pleasing to see that the majority of centres completed the CBT successfully. Candidate answers showed clear evidence of some excellent teaching and learning, particularly evident in the discussion questions which were answered with better structure and greater confidence than in previous sittings. Candidates were also impressive in the range and detail of their knowledge, skills put to good use in the one-mark questions which rely on accuracy. In B143 there were many examples of candidates engaging with the subject matter at a high level but there were also candidates who chose to rely on the transference of material in the paper, or on anecdotal answers, as a substitute for their own knowledge based on solid revision, to little avail. In B144 it was encouraging to see candidates embracing the challenge posed by the subject area which requires the most detailed and specific knowledge with considerable success, with many demonstrating good understanding and application skills as well as the ability to discuss this topical and technical area. However, it was also evident that some candidates had been selective in their preparation and were unprepared for topics which were examined in a slightly different format or sequence than had been the case in previous sittings.

Although the use of case law is not required at this level it is encouraging to see many candidates, supported by their teachers, engaging with the law by the use of specific cases and relevant examples, especially when applying knowledge or discussing topical issues – methods which clearly reinforce, inform and develop candidates' understanding as well as allowing them to write with confidence in an examination setting.

This qualification aims to be accessible and enjoyable – allowing candidates to achieve success, helping Centres to feel that their candidates have earned a valuable and appropriate qualification and providing a useful grounding for those who continue their studies at a higher level as well as supporting them in their roles as citizens, workers and consumers. The evidence suggests that this aim is being realised and it is hoped that the qualification will continue to go from strength to strength.

B141 The Nature of Law. Criminal Courts and Criminal Processes

General Comments:

This was the third series of the B141 GCSE Law paper. This paper contributes 25% of the marks towards the full four unit GCSE Law course. There is only one session per year available for this paper, and this is in the summer. The paper remained true to the format used in the specimen, and past papers but was able to explore other areas within topics. The 2012 paper continued to allow differentiation to stretch more able candidates while still allowing lower ability students to score marks. The paper continued the strong blend of straight forward questions requiring simple answers 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 3 and 6 marks respectively. Those students scoring high marks typically were able to answer the question in a fluid style and stick to the question's command. Centres and candidates are reminded to note the mark-value of each comprehension question and work towards making that many separate points. The main questions which separated the candidates were: 1a, 2biv, 3a, 3bii and 4(d)(ii).

Comments on Individual Questions:

Question 1

This was a short two part question that centred on the basics behind the nature of law. Few candidates were able to score full marks in question 1(a). This seemed because of their misreading of the question which required candidates to state three differences between the criminal and civil law. An example was provided in the stem of the question. However, a minority of candidates explained one difference over two parts of their answer eg Difference 1 = the type of courts in criminal are the Crown Court; Difference 2 = the type of courts in civil are the County Court; Difference 3 = the prosecution are used in criminal courts. These candidates were duly credited with one mark but it meant they failed to achieve more than one mark for the question. Question 1(b) was well answered by candidates and was not found to be problematic with the majority of students scoring full marks.

Question 2

This question for 2012 again centred on police powers and the balance between the police and citizens. The majority of candidates answered Question 2(a) correctly. However, despite the command of the question a minority of candidates failed to centre on Code A and instead used any knowledge of stop and search which, if not under Code A, could not be credited. Question 2(b)(i) was well answered in general. However, a minority of candidates failed to answer 'Recorder' as the correct third response. In question 2(b)(ii) most candidates were able to identify at least two problems with Pablo's detention and could explain why, under PACE84, his treatment was not lawful. The question required two problems to be explained. Candidates who scored highly on this question were able to identify why the detention was unlawful and developed this with good discussion. However, some candidates would identify three of four problems and not explain why they were unlawful. Some candidates also failed to give two reasons for the detention being unlawful, missing out on valuable points. Question 2(b)(iii) was generally well answered with candidates using the correct terminology, eg intimate search. It was apparent that the correct terms were, on occasion, not used, but credit was given for variations eg 'pat-down' was credited for a general or non-intimate search.

Question 2(b)(iv) produced very mixed responses. The majority of candidates correctly identified that in an appeal against the sentence you would appeal if you think the sentence is too high, however they went no further than that and consequently their response lacked detail. Many candidates failed to identify the Court of Appeal as the court that would hear the appeal, detailing only 'a higher court' which showed a lack of understanding of the appeal routes. Also a good number of candidates became mixed up with the appeal routes from the magistrates' court and crown court, citing the appeal route from the magistrates' court, rather than the Crown Court which also showed a lack of understanding of the question and the appeal route for an indictable offence.

Question 3

Question 3(a)(i) was answered well by many candidates and most candidates were able to identify one or two aggravating factors affecting sentencing. Some candidates failed to understand the meaning of 'aggravating factors', citing mitigating factors instead which indicated a lack of understanding and perhaps lack of careful reading of the question. Some answers were too vague and with a little more thought would have gained marks. Question 3(a)(ii) provided some mixed responses but, on the whole, candidates correctly identified that aggravating features are likely to increase the sentence and most were able to identify how this relates to society and the sentencing. Many candidates were able to develop a good discussion on aggravating factors, showing good understanding of how they alter sentences and how they are used to assess the correct sentences. A minority of candidates failed to understand the question, providing very vague and confused answers. Question 3(b)(i) was answered well by the majority of candidates, but a good number of candidates failed to correctly link 'The young offender is required to clear graffiti from a school wall' with 'Reparation Order'. Question 3(b)(ii) provided some interesting answers. The majority of candidates were able to identify the purposes of the three institutions and their responses were well contextualised. There was, however, with some candidates some repetition of answers. For example, candidates citing 'to protect the public', 'protect the offender' or 'punish the offender' for every purpose. Most candidates did try to give different answers for each institution and provided good answers on the whole.

Question 4

Question 4(a) again provided mixed results. Many candidates appeared to misread the question and gave reasons that would permanently disqualify a person from jury service rather than giving reasons that would disqualify them for, specifically, 10 years. Most provided one or two correct reasons with many giving answers that were given the benefit of the doubt. Some also just provided offences rather than actual reasons to disqualify. Question 4(b) was generally well answered with candidates scoring two or three marks. Question 4(c) gave candidates an opportunity to discuss simply and effectively why a citizen would be excused from jury service. While the majority of candidates were able to use obvious examples, many used unusual, but perfectly adequate examples. Candidates clearly understood this question well. The majority of candidates provided a good reason and explained it well using good development. Question 4(d)(i) was answered well, however, a lot of candidates did only give one disadvantage which either showed lack of careful reading of the question or lack of time. The main disadvantages were generally identified with a good understanding shown of potential bias of juries and the cost and length of time a jury trial can take. Lack of legal knowledge and the general understanding of juries were also well identified and discussed by the many candidates. A minority of candidates either only gave one disadvantage or one disadvantage with no elaboration or two disadvantages but no discussion or elaboration.

Question 4(d)(ii) was a real differentiator. A minority of candidates seemed to misread this question and gave reasons why juries should be used without giving an alternative. Many were able to identify valid alternatives and some gave valid and thoughtful answers, scoring the highest points.

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

In this series the unit was assessed through computer based testing (CBT) or equivalent paper based examination. It is pleasing to report that the majority of centres were able to utilise the resources successfully for the CBT and that the candidates at these centres completed the CBT. This specification is now in its third year and preparation was evident in candidate answers. Overall the standard was high with clear evidence of some excellent teaching and learning taking place. This was particularly evident in the discussion questions 4, 12 and 28 (Qu.29 CBT) which were answered with much better structure and more confidence than in previous sittings. Once again, candidates were impressive in both the range and detail of their knowledge. In addition the general level of candidates' accuracy in relation to one-mark questions was equally as impressive. It would suggest that centres have taken note of previous guidance provided and it is clear that the candidate preparation for this examination has been thorough. Please note that each of the following question specific comments is written in the context of the CBT and/or Question Paper (QP)

Question		Comment
CBT	QP	
1–3	1–3	The majority of candidates were able to successfully identify the next stage in the civil process in all questions though some candidates were less successful with Q1 than Q2 and Q3.
4	4	This question discriminated well between candidates who were expected to discuss the advantages and disadvantages of tribunals. There were clues in the question and candidates could utilise “most formal way” and “specific areas” in their answers. It was pleasing to see candidates who would have struggled with the question making some thoughtful use of the source material. This is very good exam technique and shows excellent preparation by teachers. Well prepared candidates produced a range of both advantages (eg subject specific knowledge and expertise; relieving pressure on civil courts) and disadvantages (eg lack of availability of legal aid and inequality of parties). Many candidates were able to produce a comprehensive range of discussion points, thereby achieving high marks. However, many candidates discussed general matters relating to ADR rather than specifically tribunals and by not focusing on the question obtained lower marks.
5	5	The majority of candidates were able to obtain full marks by successfully identifying courts within the hierarchy.
6	6	Many candidates answered this question correctly. There was however a significant number of candidates giving ‘Magistrates’ as an answer
7	7	Despite clues within the question many candidates answered incorrectly with “Chancery Division”. A pleasing majority of candidates did however answer correctly.
8	8	A significant number of candidates appeared to focus only on the reference to ‘district judge’ in the question thereby incorrectly giving ‘Magistrates’ as an answer. This was the most common mistake.

Question		Comment
CBT	QP	
9–11	9–11	A number of candidates appeared to guess the answers to these CFA questions or identified more than one answer on each question.
12	12	This question produced a pleasing range of answers and discussion on CFA's. Candidates who would have struggled with the question made some thoughtful use of the source material within the question. However, material contained in Questions 9–11 was not necessarily used by weaker candidates. Overall there was clear evidence of good preparation by teachers. Well prepared candidates produced a range of both advantages (eg filtering out of time wasters, clients not facing huge bills) and disadvantages (eg a two-tier system and an inability to afford ATE). Many candidates were able to produce a wide range of discussion points, thereby achieving high marks.
13–15	13–15	The majority of candidates were able to successfully identify the two or three areas in relation to the correct area of law, track and court. Many candidates were unable to identify the correct court with many selecting "Magistrates" rather than 'County Court'.
16–18	16–18	The majority of candidates were able to successfully identify the two or three areas in relation to the correct area of law, track and court. Many candidates were unable to identify the correct area of law with many selecting "Intellectual Property" rather than 'Negligence'.
19–21	19–21	The majority of candidates were able to successfully identify the two or three areas in relation to the correct area of law, track and court. Many candidates were unable to identify the correct court with many selecting "Chancery" rather than 'Queens Bench'.
22.1– 22.2	22–23	The majority of candidates were able to select the correct answer for both questions. Candidates had two options to select from on Q23 (Q22.2)
23	24	The majority of candidates scored well or very well with this question. It was pleasing to see the level of awareness of the role and function of the judiciary
24	25	Candidate answers to this question were on the whole disappointing with few candidates obtaining full marks and many only 1 or 2 marks. This demonstrated a lack of understanding of the different levels of human rights protection.
25–27	26	The majority of candidates scored satisfactorily here. It was pleasing to see the level of awareness of the link between the Human Rights Articles and the case details. However, it was disappointing as some candidates ignored the request to identify one article and gave multiple answers thereby not obtaining any marks at all.
28	27	The majority of candidates scored well here with very few candidates not scoring at all. The greatest difficulty for candidates was in the correct selection of limited or qualified rights.

Question		Comment
CBT	QP	
29	28	This question produced a very good range of answers on a law relating to abortion and the rights and restrictions under the Human Rights Act. Many candidates scored very well on this question. The majority of candidates did consider the HRA in their answers with many focusing on the Article. 2 'right to life' in their discussions whilst others were able to include references to some or all of Articles 3; 8 and 9. Consequently many candidates produced an impressive discussion of the main arguments and addressed the theme of the question very well. Some candidates did though frequently offer their personal views on the subject matter and consequently were unable to address the question fully. Yet again there was clear evidence of good preparation by teachers regarding both content and exam technique.

B143 Employment rights and responsibilities

This year's entry comprised the full breadth of candidate ability and it was encouraging to see evidence of thorough preparation and engagement with the issues raised by this paper in many scripts. As there is no need to refer to decided cases at this level, although they can inform both knowledge and understanding, the use of examples can be a helpful support. Such examples were most commonly seen in the questions which invited the candidates to engage in extended writing, particularly 2(c) and 4(b)(ii), and were frequently used to good effect. A number of candidates relied on the use of material contained elsewhere in the question paper to frame their responses in preference to their own knowledge and thus were not able to score highly. Given the number of marks available for these questions it is helpful for candidates to consider the type of issues covered by such questions in class discussion and to practice the writing of extended answers. This will allow candidates to be confident in a discussion that is usefully supported by pertinent examples, in the examination. **Examiner tip** – begin with a basic premise, then expand it and either apply it to a scenario or consider it from a different perspective in a discussion question.

Thorough knowledge of all the areas covered by the specification is required to perform well as there are no optional questions. All questions were accessible although some, such as the elements of question 1 on employment terms and question 4 on redundancy seemed to be ones for which some candidates were less well-prepared. There were relatively few instances of candidates being unable to make any response at all to a given question although this was sometimes the case for both 2(c) and 4(b)(ii).

An important skill is close reading of the rubric and the accompanying text and questions 1(a), 1(b), 4(a)(i), 4(b)(i) and 4(b)(ii) were areas in which candidates did not always perform as well as might have been the case had they been more careful and attentive in responding to instructions.

Responses to Questions

In Q1 candidates were not always able to identify correctly the situations from which Simon would be protected, rather choosing to focus on general rights given by an employment contract. In (b) those who read the question carefully were able to score well, reinforcing the need to respond to the question which has been asked.

In Q2(a) many answers were anecdotal rather than focusing on the type of discrimination, despite scenarios which indicted harassment, direct and indirect discrimination. In (b) candidates who used the stimulus material often reached a reasoned conclusion, backed up by reference to the information provided, with all scenarios providing considerable differentiation as they required candidates to be confident in the areas of sex/gender, disability and age discrimination as well as being alert to factors which could give rise to, or mitigate against, the existence of discrimination. In (c) some candidates were able to show good knowledge which they were then able to develop, and it was important to consider the law from the perspective of the employee, but other candidates simply rewrote the information contained in (b) without any discussion or elaboration.

Q3 focused on health and safety law and many candidates were able to perform well. In (a) many candidates were able to choose the correct words successfully but a surprising number opted for Rules rather than Instruments which meant they could not score so highly. In (b) there were many good answers although relatively few picked up on the nuances in all six of the scenarios. Responses to (c) showed that relatively few candidates were confident on the role of Improvement Notices whilst 3(d) allowed candidates to show good application skills if they had detailed knowledge of the particular Regulations indicated by the question but a number strayed into other areas of the Six Pack and so did not answer the question posed with sufficient accuracy.

In Q4 the areas of redundancy and unfair dismissal were examined, with candidates often less confident as to the former. In (a)(i) some candidates were accurate in their responses whilst others were colloquial and anecdotal. In (a)(ii) many candidates cited the 'last in, first out' rule for William and referred to the two written warnings as being a reason for redundancy for Emma but were less confident when dealing with Joseph. Discussion of topics such as redundancy in class and working out how the laws can be applied is good preparation for such questions. In (b)(i) many candidates were able to respond accurately to the procedural steps which must be followed so as to avoid unfair dismissal but others did not read the question carefully enough and so answered incorrectly. In (b)(ii) a wide range of responses were seen. Many candidates covered a range of reasons with a series of basic points as to how employees are protected from discrimination and such candidates could not access the higher mark bands as they had not followed the rubric. **Examiner tip** – practice developing a number of evaluative points to enhance understanding, and write answers which require different numbers of reasons to be discussed so as to develop candidate confidence and to encourage the need to respond to the specific demands of the question set.

B144 Consumer rights and responsibilities

The entry for this series demonstrated the full range of candidate ability and it was encouraging to see a level of preparation shown by many candidates. Application skills were often good, with many candidates able to support their responses with relevant examples but to reach the highest marks it is necessary to fulfil all the demands of the question; 2(b) is a good example of this as many candidates were able to identify the type of breach but explanations were often vague and not necessarily well expressed. In the questions necessitating extended writing, such as 2(c) and 4(d) there was evidence of some well structured, articulate and fluent answers using material in a thoughtful and relevant way. 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 no response; 1(a), 3(a), 4(b), and 4(d) being examples of this. This would seem to suggest a lack of thorough preparation and the compulsory nature of all questions means that tactical revision in the hope that particular topics will be favoured should not be encouraged. Questions calling for development of knowledge, whether as application or analysis of an area of law, require good use of the legal skill of building on a basic premise through expansion and application or consideration from a different perspective. This is an area where it would benefit both centres and candidates to focus some attention as the rewards success in this skill brings are significant.

Responses to Individual Questions

Question 1

Some candidates were confident in 1(a) in their identification of all the key elements of a misrepresentation whereas others hopefully but incorrectly included elements of a contract. However, in 1(b) in relation to whether a contract has been formed, candidate skills of application were good.

Question 2

This question contained a range of tasks focused on different skills. In 2(a) the rubric required candidates to respond by identifying the correct type of implied term – the majority were successful in doing so with some including the relevant statute as an addition. Some candidates though referred to the scenarios from 2(b) without identifying the implied term. In 2(b) candidates performed across the whole spectrum of marks with some able to expand little beyond a basic assertion as to whether a term had been breached or not. The question required candidates to explain whether the implied term has been breached in each scenario not simply identify it. In 2b(i) few made reference to the lack of accuracy of calculations, professional status or contract for services. 2b(ii) the majority answered on the basis of there being a breach but generally with a poorly expressed explanation. 2b(iii) was the most successful of the questions and the answers generally had a much better structure than in either 2b(i) or 2b(ii). 2(c) required discussion of implied terms under the Sale of Goods Act (1979) though some candidates confused this with the Sale of Goods and Services Act (1982). Many highlighted, in general terms, unscrupulous business practices but were vague about the implied terms of satisfactory quality, fit for the purpose or matching description. Some did not follow the rubric and discussed more than two ways. The best responses chose two of the three possible ways and developed their points with an explanation and sometimes an example.

Question 3

3(a) was very poorly answered with the majority of candidates either making no response or incorrectly providing answers relating to the Consumer Protection Act (1987). Those candidates who made a successful attempt on this question usually obtained full marks. On 3(b) the majority of candidates were able to show good application skills with many obtaining full marks. Responses to 3(c) varied significantly with many candidates not being able to identify the three requirements accurately especially the need for foreseeability of damage. 3(d) provided candidates with the opportunity to demonstrate good application skills. However, many candidates were unable to identify the correct type of defendant for each illustration and either repeated the same defendant throughout or did not answer at all. Few candidates' obtained full marks.

Question 4

This question focused on the issue of exclusion clauses; a topic that perhaps some candidates had not prepared for evidenced by a good number of detailed and expansive responses based on material inappropriate to the question. In 4(a) many candidates were able to select some or all of the appropriate terms. In 4(b) some candidates were clear and accurate in their explanation; others relied on the use of basic principles of negligence, despite the rubric of the question, and a number of candidates did not attempt an answer. There was some confusion with the requirements and principles relating to the signing of forms and candidates did not take into account the previous dealings identified in the scenario. In 4(c) many candidates were able to identify correctly some or all examples of unfair terms. In 4(d) some candidates wrote extensively and insightfully whilst a number of candidates offered no response at all and many did not focus on the rubric and the requirement to discuss the protection arising from UCTA (1977) but instead focussed on common law rules extensively. This resulted in limited answers lacking appropriate development and would not allow candidates to demonstrate detailed analysis and evaluation of the question and the skills necessary to access the higher mark bands. Good reference was made by a significant number of candidates to the exclusion of implied terms in Sale of Goods Act (1979) and the consequences, though very few made reference to guarantees.

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

For staff training purposes and as part of our quality assurance programme your call may be recorded or monitored

Oxford Cambridge and RSA Examinations
is a Company Limited by Guarantee
Registered in England
Registered Office; 1 Hills Road, Cambridge, CB1 2EU
Registered Company Number: 3484466
OCR is an exempt Charity

OCR (Oxford Cambridge and RSA Examinations)
Head office
Telephone: 01223 552552
Facsimile: 01223 552553

© OCR 2012

