

# **Government and Politics**

Advanced Subsidiary GCE **F852**

Contemporary Government of the UK

## **Mark Scheme for June 2010**

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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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When marking, examiners must use both this mark scheme and the Assessment Matrix (**Appendix B of the Specifications**).

Examiners should refer to the OCR booklet *Instructions to Examiners* for details of all administrative procedures.

## GENERAL MARKING INSTRUCTIONS

**Broadly speaking, and depending on the question, examiners should look for:**

- a balanced and well-focused answer
- which correctly identifies a number and range of relevant and important factors
- in detail
- and communicates these clearly in a logical, fluent and coherent style
- containing few, if any, errors of grammar, punctuation and spelling.

**Examiners should also credit answers which display knowledge and understanding of:**

- current examples
- political concepts, theories and language
- other political systems including the EU
- parallels, connections, similarities and differences.

## The Mark Scheme

The mark scheme provides an indication of a range of points which might be made, however, because of the nature of the subject, it cannot be regarded as complete and individual examiners are expected to use their professional judgement and the guidance provided at the standardisation meeting.

Examiners who have any concerns about an individual script should contact the Principal Examiner immediately.

## The Assessment Matrix

For each of the assessment objectives the Assessment Matrix sets out the principal characteristics of each level of performance.

## Assessment objectives 1 and 2

Award marks as follows:

Level	Descriptor	Mark Range
4	'thorough'	10-12
3	'good'	7-9
2	'limited'	4-6
1	'basic'	0-3

**Assessment Objective 3**

- Where a full-length answer is provided:
  - half of the available AO3 marks should be used to credit the ability to construct and communicate arguments using appropriate political vocabulary
  - half should be used to credit the quality of written communication - legibility, clarity of expression, structure, and presentation of ideas, spelling, punctuation and grammar.
- Where answers are short, or simply wrong, examiners must use their judgement: a very short answer, or one which contains little relevant knowledge or evidence of understanding, should not necessarily be awarded full marks.

Section A		
Question Number	Answer	Max Mark
1 (a)	<p><b>Using the sources and your own knowledge, describe the methods by which the House of Commons scrutinises the executive.</b></p> <p><i>Specification: The organisation of parliament. Debates; questions.</i></p> <p><b>AO1 [12]</b></p> <ul style="list-style-type: none"> <li>• <b>AO1:</b> Candidates will display knowledge and understanding of the methods by which the House of Commons can and does scrutinise the executive. Points which might be made are questions, both written and oral, debates, such as adjournment debates, all types of committees, voting, (or abstaining), the Ombudsman, letters to ministers/departments.</li> <li>• If only own knowledge or only the sources are used, award a maximum of 8 marks.</li> <li>• For L4 and full marks expect to see a clear demonstration both of candidates' own knowledge and good use of relevant source material, source B in particular.</li> <li>• Assessment/evaluation is not expected; it is description that is looked for, but if there is a response to the implications of Source B then it can be rewarded.</li> <li>• Credit candidates who are able to use contemporary examples, such as leaking to the media.</li> </ul>	[12]
(b)	<p><b>Using the sources and your own knowledge, discuss the importance of parliamentary committees.</b></p> <p><i>Specifications: Select and standing committees.</i></p> <p><b>AO1 [12], AO2 [12] AO3 [4]</b></p> <ul style="list-style-type: none"> <li>• <b>AO1:</b> Candidates will display knowledge and understanding of parliamentary committees, in both houses of parliament.</li> <li>• The sources give useful information on a wide range of policy reviews conducted by the Home Affairs Committee and also of the scrutiny role of the Public Accounts Committee.</li> <li>• For L3 and above there has to be clear evidence of own knowledge, either of other similar committees and the work they do and/or knowledge of other types of committees such as those which deal with legislation or privileges. Finer points such as the committee of the whole house are not expected, but obviously reward those who know about such arcane procedures.</li> <li>• The key to L3 and above is knowledge not only of a range of committees but using such knowledge to substantiate points made while discussing the importance of these committees.</li> <li>• Membership of committees and how they are organised should also be credited.</li> </ul>	

Question Number	Answer	Max Mark
	<ul style="list-style-type: none"> <li>• If only own knowledge or only the sources are used then L2 is the highest level attainable.</li> <li>• Reward highly those candidates who not only have a full grasp of the work of committees but use recent and relevant examples of their work.</li> <li>• Any candidate who makes reference to the work of Lords' committees should be well rewarded; particularly any reference to the work of the Lords committees on legislation which are relied on so much to deal with legislation the Commons has had too little time to deal with, and also monitoring much of the EU's legislation.</li> <li>• <b>AO2:</b> Candidates will discuss the importance of parliamentary committees. For L3 and above expect to see points made both for and against them having an important role to play in both houses of parliament.</li> <li>• Possible points "for" could include the detailed scrutiny of the executive illustrated in source A with the Committee of Public Accounts as well as the review of government and private sector policy evidenced in the work of the Home Affairs Committee. Detailed scrutiny of legislation (guillotines and programme motions permitting) as well as dealing with awkward matters like members' behaviour could also be mentioned, as could facts such as the fact that the Chair of the PAC is always a member of the opposition.</li> <li>• Against the view could be points such as the limited power of the committees, the fact that the majority party always has the majority on all committees, the whips are on committees which deal with legislation and the whips can also have a considerable influence on committee membership.</li> <li>• Reward focus and balance, but distinguish between description (<b>AO1</b>) and analysis (<b>AO2</b>).</li> <li>• Level 4 answers offer a discussion that is clearly focused on the importance of parliamentary committees and there is some attempt at a balanced analysis. There is nothing wrong in a strong answer one way or the other, but there has to be some balance, or awareness of an alternative view, for the highest marks.</li> <li>• Level 3 for candidates who adopt a clear for and against approach with at least an implicit answer.</li> <li>• Maximum bottom Level 3 for a totally one-sided (however good) approach.</li> <li>• Maximum Level 2 for candidates, who provide answers which are short, poorly focused, lacking range and/or depth.</li> <li>• Credit candidates who are able to use contemporary examples.</li> <li>• <b>AO3:</b> Credit the ability to communicate legibly, fluently, coherently, using specialist vocabulary, taking into consideration spelling, punctuation and grammar.</li> </ul>	

Question Number	Answer	Max Mark
	<ul style="list-style-type: none"><li>• Where a full-length answer is provided:<ul style="list-style-type: none"><li>– two marks should be used to credit the ability to construct clear explanations and to communicate these in a clear, structured manner, making use of appropriate political vocabulary</li><li>– two marks should be used to credit spelling, punctuation and grammar.</li></ul></li><li>• Where answers are short, examiners must use their judgement: a very short answer which meets the above criteria should not necessarily be awarded full marks for <b>A03</b>.</li></ul>	<b>[28]</b>

Question Number	Answer	Max Mark
2	<p><b>Discuss the view that the appointment and dismissal of ministers is the Prime Minister's most important power.</b></p> <p><i>Specification: The Prime Minister. Role; powers; limits.</i></p> <p><b>AO1 [12] AO2 [12] AO3 [6]</b></p> <ul style="list-style-type: none"> <li>• <b>AO1:</b> Candidates will display knowledge and understanding of the powers, limits to those powers and the broad role of the Prime Minister.</li> <li>• Prime ministerial powers which might be considered are appointment, dismissal, and the broader patronage role. Also factors such as his own policy unit and 'nerve centre' in No 10. Ability to focus on policy of his preference, the ability to dominate the media, control of party machinery and therefore the policy making process as well as the ability to dominate parliament. The increased power of the centre over local government is also relevant.</li> <li>• Limits to his power which might be considered are the party, his senior colleagues, an entrenched bureaucracy, pressure groups, the media and public opinion. Wider factors like membership of the EU are also relevant and judicial review could also be a factor.</li> <li>• Reward highly good use of contemporary examples. The recent debate over the prerogative of war and peace after the Iraq conflict might well be mentioned, and also factors like the 'loss' of Scotland to the SNP and damaging by-election results. 'Events' can also play a significant role.</li> <li>• <b>AO2:</b> Candidates discuss the view that ministerial patronage is the most important power a Prime Minister possesses. Some might argue that it is broader patronage, including honours, heads of QUANGOS, defence chiefs that is equally important, while others could argue that it is the ability to dominate party and parliament that is vital to a Prime Minister wishing to carry out an agenda. Leading a party with a parliamentary majority could also be seen as a key 'power', as also are the traditional prerogative powers which the Prime Minister can usually rely on. For L3 and above there needs to be both balance and an answer to the question of 'most important'.</li> <li>• Reward focus and balance, but distinguish between description (<b>AO1</b>) and analysis (<b>AO2</b>).</li> <li>• Level 4 answers offer a discussion that is clearly focused on prime ministerial powers and there is some attempt at a balanced analysis. There is nothing wrong in a strong answer one way or the other, but there has to be some balance, or awareness of an alternative view, for the highest marks.</li> <li>• Level 3 for candidates who adopt a clear for and against approach with at least an implicit answer.</li> <li>• Maximum bottom Level 3 for a totally one-sided (however good) approach.</li> </ul>	



Question Number	Answer	Max Mark
	<ul style="list-style-type: none"><li>• Maximum Level 2 for candidates, who provide answers which are short, poorly focused, lacking range and/or depth.</li><li>• Credit candidates who are able to use contemporary examples.</li><li>• <b>AO3:</b> Credit the ability to communicate legibly, fluently, coherently, using specialist vocabulary, taking into consideration spelling, punctuation and grammar.</li><li>• Where a full-length answer is provided:<ul style="list-style-type: none"><li>– two marks should be used to credit the ability to construct clear explanations and to communicate these in a clear, structured manner, making use of appropriate political vocabulary</li><li>– two marks should be used to credit spelling, punctuation and grammar.</li></ul></li><li>• Where answers are short, examiners must use their judgement: a very short answer which meets the above criteria should not necessarily be awarded full marks for <b>AO3</b>.</li></ul>	<b>[30]</b>

Section B		
Question Number	Answer	Max Mark
3	<p><b>Discuss the view that statute law is the most important source of the UK constitution.</b></p> <p><i>Specification: Sources of the UK constitution.</i></p> <p><b>AO1 [12] AO2 [12] AO3 [6]</b></p> <ul style="list-style-type: none"> <li>• <b>AO1:</b> Candidates display knowledge and understanding of the main sources of the UK's constitution.</li> <li>• Knowledge of those specified includes the royal prerogatives, conventions, common and statute law, works of authority and membership of international organisations, especially the EU.</li> <li>• Expect a sound grasp of all for L4, while for L3 all should be mentioned, but possibly with gaps or limited development. Those who confuse sources with principles or characteristics are unlikely to get much beyond the bottom of L2. Moderate coverage of two or three of the aforementioned sources should get to the top of L2.</li> <li>• There is less scope on this question for contemporary knowledge, but awareness of recent constitutional developments, such as those coming out of EU membership or devolution should be rewarded. Factors such as the royal prerogative being the most important as it was using this that took the UK to war with Iraq might be mentioned, while it was an act of parliament which took us into the EU.</li> <li>• <b>AO2:</b> Candidates will make a clear case each way for and against the view that statute law is the most important source for the UK condition.</li> <li>• For L3 and above expect to see a case both for and against the view that it is the most important source. There is a large variety of possible points either way of a type which has not been asked before, so be prepared for a variety of possible answers. The case 'for' could be based on the argument that most of the major constitutional changes, ranging from the HRA, FoI Act, Devolution to joining the EU came through acts of parliament. However a case could be made for the royal prerogative as that is the basis of much of executive power. Remaining flexible and rewarding signs of clear analysis and sensible cases based on sound knowledge of the sources is vital.</li> <li>• Reward focus and balance, but distinguish between description (<b>AO1</b>) and analysis (<b>AO2</b>).</li> <li>• Level 4 answers offer a discussion that is clearly focused on the sources of the constitution and there is some attempt at a balanced analysis. There is nothing wrong in a strong answer one way or the other, but there has to be some balance, or awareness of an alternative view, for the highest marks.</li> </ul>	

Question Number	Answer	Max Mark
	<ul style="list-style-type: none"> <li>• Level 3 for candidates who adopt a clear for and against approach with at least an implicit answer.</li> <li>• Maximum bottom Level 3 for a totally one-sided (however good) approach.</li> <li>• Maximum Level 2 for candidates, who provide answers which are short, poorly focused, lacking range and/or depth.</li> <li>• Credit candidates who are able to use contemporary examples.</li> <li>• <b>AO3:</b> Credit the ability to communicate legibly, fluently, coherently, using specialist vocabulary, taking into consideration spelling, punctuation and grammar.</li> <li>• Where a full-length answer is provided: <ul style="list-style-type: none"> <li>– two marks should be used to credit the ability to construct clear explanations and to communicate these in a clear, structured manner, making use of appropriate political vocabulary</li> <li>– two marks should be used to credit spelling, punctuation and grammar.</li> </ul> </li> <li>• Where answers are short, examiners must use their judgement: a very short answer which meets the above criteria should not necessarily be awarded full marks for <b>AO3</b>.</li> </ul>	<b>[30]</b>

Question Number	Answer	Max Mark
4	<p data-bbox="359 291 1117 324"><b>To what extent is the judiciary independent in the UK?</b></p> <p data-bbox="359 358 1220 459"><i>Specification: The Judiciary. Judicial neutrality and independence. Separation of powers; appointment and removal of senior judges; relationship between judiciary, the executive, and the legislature.</i></p> <p data-bbox="359 492 726 526"><b>AO1 [12] AO2 [12] AO3 [6]</b></p> <ul data-bbox="359 571 1268 1960" style="list-style-type: none"> <li data-bbox="359 571 1268 739">• <b>AO1:</b> Candidates will display knowledge and understanding of the concept of judicial independence and also of the controls that currently exist over the judiciary and the degree to which the judiciary is independent of the executive and the legislature in the UK.</li> <li data-bbox="359 750 1268 840">• Awareness of relevant concepts listed in the specification is also expected, such as separation of powers, judicial independence and judicial neutrality, and should be credited.</li> <li data-bbox="359 851 1268 1187">• How judges are appointed and removed and the theoretical and actual relationship between the executive, the legislature and the judiciary is expected. For L3 and above there should be awareness of what influence the executive and the legislature (the politicians in other words) have over the judiciary, in terms of appointment and dismissal, decisions to prosecute etc. Other factors mentioned might be the ability of the judiciary to ‘harm’ politicians over judicial review or also the ability of the judiciary to fail to implement legislation in the way that Parliament intended.</li> <li data-bbox="359 1198 1268 1288">• The question could be dealt with in a very theoretical way, dealing with concepts such as what is right for the rule of law or justice, or at a much more practical level.</li> <li data-bbox="359 1299 1268 1400">• Reward knowledge of the Constitutional Reform Act and also contemporary examples which illustrate the often difficult nature of the relationship between politicians and the judiciary.</li> <li data-bbox="359 1411 1268 1780">• <b>AO2:</b> Candidates will give a clear and focused answer to the issue of ‘extent’. Factors which might be brought into the discussion might range from the methods of appointment and dismissal of judges, the type of person who appoints judges and the type of people actually appointed judges. The theory of the separation of powers could be a major factor in an answer. The roles of the Lord Chancellor, Attorney General, DPP, Minister for Justice and their relationship with judges could be discussed also. The implications of the Human Rights Act and the relationship between the UK judiciary and the ECHR and the ECJ could also be relevant.</li> <li data-bbox="359 1792 1268 1960">• For L3 and above there needs to be clear sign of a case each way and a degree of balance. While there is of course no ‘right’ answer, a candidate who argues strongly one way while paying some attention for the need for balance by just dismissing some of the points that might be made against still can get to L4.</li> </ul>	

Question Number	Answer	Max Mark
	<ul style="list-style-type: none"> <li>• Reward focus and balance, but distinguish between description (<b>AO1</b>) and analysis (<b>AO2</b>).</li> <li>• Level 4 answers offer a discussion that is clearly focused on the issue of judicial independence, or otherwise, and there is some attempt at a balanced analysis. There is nothing wrong in a strong answer one way or the other, but there has to be some balance, or awareness of an alternative view, for the highest marks.</li> <li>• Level 3 for candidates who adopt a clear for and against approach with at least an implicit answer.</li> <li>• Maximum bottom Level 3 for a totally one-sided (however good) approach.</li> <li>• Maximum Level 2 for candidates, who provide answers which are short, poorly focused, lacking range and/or depth.</li> <li>• Credit candidates who are able to use contemporary examples.</li> <li>• <b>AO3:</b> Credit the ability to communicate legibly, fluently, coherently, using specialist vocabulary, taking into consideration spelling, punctuation and grammar.</li> <li>• Where a full-length answer is provided: <ul style="list-style-type: none"> <li>– two marks should be used to credit the ability to construct clear explanations and to communicate these in a clear, structured manner, making use of appropriate political vocabulary</li> <li>– two marks should be used to credit spelling, punctuation and grammar.</li> </ul> </li> <li>• Where answers are short, examiners must use their judgement: a very short answer which meets the above criteria should not necessarily be awarded full marks for <b>AO3</b>.</li> </ul>	<b>[30]</b>

Question Number	Answer	Max Mark
5	<p><b>Discuss whether enlargement has been the most important European Union development for the UK since 1997.</b></p> <p><i>Specification: The European Union. The impact of membership of the EU on the British government, politics and constitution. Key developments in the EU affecting the UK.</i></p> <p><b>AO1 [12] AO2 [12] AO3 [6]</b></p> <ul style="list-style-type: none"> <li>• <b>AO1:</b> Candidates will display knowledge and understanding of enlargement and other relevant EU developments since 1997. The details of enlargement, which countries joined and the implications of such a significant increase should be known.</li> <li>• The main terms of the Lisbon Treaty should be known, such as those affecting the Commission, the Council, the EU parliament, the constitution, the Presidency, voting, as well as policy areas such as defence, the environment, energy and taxation.</li> <li>• For L3 and above there should be knowledge of enlargement and also possibly of the impact of Lisbon on the main structures of the EU such as the Commission and the Council, while for L4 the knowledge should be detailed and also cover at least some of the possible policy implications as well as the structural ones.</li> <li>• Awareness of at least two other possible developments is needed for L3 and above. There is a considerable choice, ranging from the decision over the EURO, Amsterdam, and Nice. There might even be some who look at UKIP. No credit should go to those who get involved in details on the ECHR. The debate and referendums on the constitution are also possible.</li> <li>• <b>AO2:</b> Candidates will assess whether enlargement is or is not the most important EU Development to affect the UK and its relationship with the EU.</li> <li>• Possible points for include the range of EU institutions that are affected, such as the Council and the Commission, but also the extent to which they are affected. The likely effect on major policy areas is also a reason which could be put forward to argue that enlargement is the most significant. It could also be argued that, given the reaction to Lisbon in Ireland for example, this has had the effect of making further progress in terms of centralising power etc more difficult.</li> <li>• There are many possible points against and each should be considered on its merits. For L3 and above expect to see enlargement contrasted with at least one major development. If that is seriously considered and there is a real balance there and evidence of analysis of the impact, then L4 is possible. Ideally at least two other developments should be considered and clearly contrasted with enlargement.</li> <li>• Reward focus and balance, but distinguish between description (<b>AO1</b>) and analysis (<b>AO2</b>).</li> </ul>	

Question Number	Answer	Max Mark
	<ul style="list-style-type: none"> <li>• Level 4 answers offer a discussion that is clearly focused on enlargement and other developments within the EU and there is some attempt at a balanced analysis. There is nothing wrong in a strong answer one way or the other, but there has to be some balance, or awareness of an alternative view, for the highest marks.</li> <li>• Level 3 for candidates who adopt a clear for and against approach with at least an implicit answer.</li> <li>• Maximum bottom Level 3 for a totally one-sided (however good) approach.</li> <li>• Maximum Level 2 for candidates, who provide answers which are short, poorly focused, lacking range and/or depth.</li> <li>• Credit candidates who are able to use contemporary examples.</li> <li>• <b>AO3:</b> Credit the ability to communicate legibly, fluently, coherently, using specialist vocabulary, taking into consideration spelling, punctuation and grammar.</li> <li>• Where a full-length answer is provided: <ul style="list-style-type: none"> <li>– two marks should be used to credit the ability to construct clear explanations and to communicate these in a clear, structured manner, making use of appropriate political vocabulary</li> <li>– two marks should be used to credit spelling, punctuation and grammar.</li> </ul> </li> <li>• Where answers are short, examiners must use their judgement: a very short answer which meets the above criteria should not necessarily be awarded full marks for <b>AO3</b>.</li> </ul>	<b>[30]</b>

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