

## **Reports on the Units**

---

**June 2010**

**J485/R/10**

OCR (Oxford Cambridge and RSA) is a leading UK awarding body, providing a wide range of qualifications to meet the needs of pupils 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 2010

Any enquiries about publications should be addressed to:

OCR Publications  
PO Box 5050  
Annesley  
NOTTINGHAM  
NG15 0DL

Telephone: 0870 770 6622  
Facsimile: 01223 552610  
E-mail: [publications@ocr.org.uk](mailto:publications@ocr.org.uk)

## CONTENTS

### General Certificate of Secondary Education GCSE Law (J485)

#### REPORTS ON THE UNITS

<b>Unit/Content</b>	<b>Page</b>
Chief Examiner's Report	1
B141 The Nature of Law. Criminal Courts and Criminal Processes	2
B142 Civil Courts and civil processes. Civil liberties and human rights	4
B143 Employment rights and responsibilities	7
B144 Consumer rights and responsibilities	9

## **Chief Examiner's Report**

This report is in relation to the first assessment series for this specification. The specification is designed to introduce the study of Law and to approach the subject in an appropriate and lively way. To this end the subject matter is varied – beginning with a focus on some of the fundamental building blocks that make up the English legal system and expanding this into the topical area of civil liberties and human rights. The specification then progresses to a study of two areas, Employment Law and Consumer Law, which are a key part of life but are not studied anywhere else in OCR Law qualifications. This was a deliberate decision and the aim of the course is to give candidates a solid base on which to build and a taste of what lies ahead should they choose to study Law at a higher level.

A key component of the specification is the acquisition of legal skills. An introduction to this at an early stage renders their assimilation easier and prepares the ground for higher level study. The core skills of knowledge, application, discussion and attention to detail are relevant not only to the specific subject area being studied but also to the workplace, higher education and life in general.

The methods of assessment are designed to be varied and attractive to candidates. It was unfortunate that the use of computer assessed assessment for unit B142 had to be postponed but plans are well under way for this to happen in June 2011 and it is hoped that this will be a positive experiences for candidates.

The number of candidates entered for this series is not reflected equally across all the units but it is encouraging to see in excess of 500 candidates sitting B141 and about 300 sitting B142, with smaller cohorts sitting B143 and B144. Of those candidates many were well prepared and they engaged with the examinations in a positive way. There were encouraging signs of good subject knowledge and an awareness of the way the law has developed through EU law, statute and judge-made law. Although the use of case law is not required at this level it was encouraging to see many candidates, and therefore their teachers, engaging with the law by the use of specific cases or through example led teaching which certainly informs and develops candidates understanding.

Across the units it is also encouraging to see candidates using legal skills by identifying, explaining, applying and then discussing relevant law as well as interpreting and then responding appropriately to stimulus material.

The first certification opportunity for this qualification is June 2011. Despite the requirement for terminal assessment at the point of certification there is an opportunity for retrospective certification in 2011 **only** for those candidates who had sat all four units in June 2010.

The experiences of this year suggest that this is an accessible and enjoyable course which will allow candidates to achieve success in a valuable and appropriate qualification.

# **B141 The Nature of Law. Criminal Courts and Criminal Processes**

## **General Comments**

The paper was, in many ways, similar in its style to the specimen paper whilst maintaining sufficient difference to allow for a full distribution of marks. In consequence, the paper resulted in a good range of marks being awarded to candidates.

There was evidence of a pleasing number of candidates at the top end of the range who were clearly prepared, and able, to meet the demands of the different types of questions. However, there were a significant number of students who, by failing to read the command words, eg *explain*, as a result could not access all of the marks available.

The main differentiator of ability was seen in short comprehension type questions. Those students scoring high marks typically were able to answer the question in a fluid style and stick to the question's command. The main such questions were: 2(b)(ii); 3(a)(ii); 3(b)(ii) and 4(c)(ii).

## **Question 1**

This was a short two part question which centred on the basics behind the nature of law.

Just over half of the candidates were able to score full marks in question 1(a). However, there were many candidates who confused a statute with a regulation and were only able to score a maximum of one mark. Candidates are minded to approach such a question carefully in the future.

Question 1(b) was similarly problematic with around a third of candidates scoring only one mark. This was simply due to the brevity of their answer and, as such, unable to 'explain' as the question demanded.

## **Question 2**

This centred on police powers and the balance between the police and citizens. A significant number of candidates answered question 2(a) correctly, but it was, in many cases, misread by candidates who, incorrectly, felt that bail was one of the police powers under PACE84.

A similar pattern emerged in question 2(b)(i) with nearly half of candidates achieving full marks. Here many felt, again incorrectly, that the police had the right to remove a citizen's hat in the street.

Question 2(b)(ii) required an explanation of the incorrect use of police powers from a fictitious scenario. Well prepared candidates were able to state two reasons why the stop was potentially illegal and then go on to explain why this was so. It was especially pleasing to see that many candidates were able to (although not required) to quote exact sections of PACE84. However, the majority of candidates simply stated two reasons without any explanation and hence could not access all of the available marks

Question 2(c)(i) was the worst performed part of question 2. It was apparent that candidates misunderstood the question's command and wrote about narrow examples of each of the three methods rather than explain how each one worked.

Candidates gave mixed responses to question 2(c)(ii). The idea was to comment on the balance of the police's rights while comparing them to a citizen's rights or vice versa. Many candidates simply centred on either's rights and therefore restricting the number of marks which they could access.

### **Question 3**

Most candidates in answering question 3(a)(i) were able to get at least two of the responses correct. Where some candidates did not gain a mark was in suggesting that an electronic tag would be the most appropriate sentence for a conviction for repeated harassment when the correct answer was, from the list, community service.

Question 3(a)(ii) again confused a good number of students who failed to discuss how the sentence worked and mistakenly used the characters in question 3(a)(i) and explained why they specifically had been given the most appropriate sentence.

Candidates who scored highly on question 3(b)(ii) were able to identify at least two of the aims of sentencing used in their answer to 3(b)(i), explain the theory behind them then simply discuss (using examples) how effective they were.

### **Question 4**

Question 4(a)(i) seemed to confuse the majority of candidates. The single most common error was seen where students confused identifying the requirements of a magistrate with those of a juror.

Again a significant number of candidates did not answer question 4(b) correctly. Such incorrect responses would look at why the Crown Court was preferable to the magistrates' court rather than the other way round for a triable either way offence.

Question 4(c)(i) was answered very well.

Question 4(c)(ii) was designed to test legal knowledge but also quality of written communication. Sadly the majority of students, while able to communicate successfully, were unable to identify any, or few, disadvantages of using magistrates. Well prepared students simply stated two disadvantages, explained why they were so and scored the maximum six marks. A significant minority of candidates spoke about advantages of using magistrates.

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

### **General Comments**

The responses to the first sitting of this unit were of an excellent standard. Candidates had clearly been well taught and demonstrated confident and wide-ranging knowledge across the whole specification. Candidates demonstrated an impressive understanding of civil appeals, the three track system and the legal profession.

Areas for improvement include the discursive questions, which some candidates interpreted wrongly, and sources of legal advice. Candidates would also be well advised to read the question more carefully and not 'dive in' having only read the information in the stem.

What was most pleasing was the obvious enthusiasm demonstrated by the candidates in the discussion questions. Also pleasing is the evidence that candidates are gaining a clear understanding of their basic civil rights which was always a key aim of the broader intention behind the qualification.

### **Question Comments**

- |           |  |
|-----------|--|
| 1         | The intention behind this question was to make sure candidates had an appreciation of the relationship between the main types of ADR in terms of the increasing formality. Most candidates knew that arbitration was the most formal but a significant number were not aware that conciliation is more formal than mediation.  |
| 2         | This question produced some excellent answers and was answered more accurately than the other two discussion questions. A small but significant minority misread the question and answered their own misinterpretation of the question as 'what are the advantages of using ADR'. This was not the question but was referred to in the question stem.                                  |
| 3, 4 & 5  | These questions were almost universally well answered. What was most pleasing was the way some candidates had clearly thought their way through to the correct answers. A basic understanding of the civil justice system and how to resolve a civil dispute via the three track system is at the core of this unit and will always form a fundamental part of this unit's assessment. |
| 6         | Civil appeals is a topic which is often poorly understood by GCE students so it was a real credit to this first cohort of GCSE candidates that they did so well with these questions which required some careful thought.  |
| 7         | Most candidates seemed to recognise the role of a District Judge clearly enough but a significant minority did less well with High Court and Circuit Judges.   |
| 8, 9 & 10 | Were generally well answered. Candidates seemed less aware of the Legal Executive branch of the profession than solicitors and barristers. A small minority didn't seem to understand the task and thought that one of the three 'clues' was, in fact, the right answer and they simply had to select the right one.   |

**Question    Comments**

11            Most candidates were fine with (i) and (ii) but (iii) was most commonly wrong. Dame Brenda Hale, the first female member of what was then the Law Lords (now Justices of the Supreme Court), was an academic before becoming a judge and this was made possible by the courts and Legal Services Act.

12            This was one of the least well answered 'knowledge' questions. Given the widespread shortage of legal aid, it is important for candidates to have an understanding of the sources of free legal advice that are available elsewhere.

13            This was the biggest of the three discussion questions. There were, unfortunately, not that many full mark answers. One of the main reasons for the poorer performances was that candidates were answering a question they were not asked.

The question was quite clear and the statement in italics immediately above the question made it clear that class was only one weakness before inviting the candidates to discuss *others*. What many candidates did was to write a discussion of the class system and/or the private education system. A few candidates were able to link this in some way to the training of lawyers and these responses were credited. However, where the comments were not tied to the question they were not creditworthy.

What was also rather worrying were some of the assumptions made about the upper and middle classes and the private education system; some of which would not be out of place in the 1930s. There also seems to be a widely held view that there is gross under-representation of women and ethnic minorities within the profession which is an out-of-date notion. Women are entering the profession in greater numbers than men and have been for some time now and although in overall terms men outnumber women it is not by an overwhelming degree. The position regarding ethnic minority lawyers is also properly representative of the community as a whole.

Lastly, a minority of students also read 'the legal profession' to include judges which is a somewhat understandable mistake. However, any leading textbook will make it clear that 'the legal profession' refers to lawyers and does not include judges. The better answers rightly reflected on issues such as cost, time, lack of jobs after training and the quality of training placements as weaknesses and good practical and skills preparation, close supervision during training and funding from the profession as strengths.

14            Candidates did modestly well on this question with most correctly identifying 'freedoms' and 'World War II' but the 'European Court of Human Rights' was most frequently wrongly answered. The mark scheme was very precise with this question; for example, where candidates gave the European Court of Justice by mistake. This is because these are now very important courts with distinctly different roles both of which have a powerful influence over our daily lives. It is important that candidates know the difference.

15, 16 & 17            These were all extremely well answered and amongst the highest performing questions on the paper.

**Question    Comments**

18            Again, these questions were generally well answered. A few candidates made the same mistake referred to above regarding questions 8, 9 & 10 and thought the 'clues' contained the right answer. 18(c) was the most commonly wrongly answered sub-question with candidates often giving 'freedom of expression' as the answer. Whilst this is incorrect it does show some common sense and is not a 'silly' answer by any means.

19            This question was very well answered with many candidates scoring full marks.

20            This question, whilst often answered wrongly, produced some thought-provoking and interesting responses. There were two common mistakes. Firstly, answering a question that was not asked. This usually involved looking at the arguments 'against' euthanasia not 'for' as the question makes clear. Secondly, a lot of candidates wanted to discuss the broader morality around the issue not the actual 'arguments'.

One of the most important legal skills is the ability construct and use arguments which is why this style of question is set. Better answers were very thoughtfully put together and included intelligent use of Articles 2, 3 & 8 of the Human Rights Act to justify their arguments.

## **B143 Employment rights and responsibilities**

### **General Comments**

This was a small entry for this series and many of those who had entered had clearly, for the most part, been very well prepared. They showed good levels of understanding, were confident in using the skills required and were able to write articulately and fluently in questions where extended writing was appropriate. With the exception of one question, 4(a)(i) on the difference between summary and other types of dismissal and the consequent application of this area of law in 4(a)(ii), all the questions appeared to be accessible and there were few instances of candidates being unable to make any response at all to a given question.

Some areas, such as discrimination law, did not always show the same high level of knowledge and it was evident that not all candidates were as confident in reasoning to a logical conclusion, which is an area of skills to which it would help centres to pay attention. Centres are advised that candidates should enter the examination room confident with a breadth of knowledge rather than attempting to anticipate those areas to be examined as the specification is broad.

Paying attention to the rubric is always important and close reading is essential to guarantee that candidate responses are accurate and appropriate. Questions calling for extended writing require good use of legal skills – for example, if a question asks a candidate why an employer needs to be able to dismiss an employee the best response gives a reason which is then developed and a conclusion drawn on the basis of that development rather than a bare listing of accurate, but undeveloped, points. This is a skill which is a key part of legal thinking and prepares candidates for higher level study whether in Law or in other subject areas.

### **Question 1**

Most candidates for 1(a) were able to identify the requisite pieces of information essential to the formation of a valid contract.

For 1(b) they were also able to spot the difference between an employee and independent contractor with impressive accuracy as well as being able to follow the rubric in terms of the way in which the response was conducted.

### **Question 2**

There was a greater degree of difficulty in the different tasks the candidates were required to complete.

In 2(a) many successfully identified all the relevant areas of discrimination law but the first scenario prompted a good number to opt for sex discrimination despite the clear indicator of equal pay being the crucial issue.

This had consequences for some candidate responses in 2(b) and this question provided for considerable differentiation in the marks awarded as only those who used the stimulus material to reach a reasoned conclusion, backed up by reference to the information provided, were able to access the higher mark bands through accurate explanation.

In 2(c) differentiation was also provided by the need to identify, and then explain, a specific number of reasons for laws preventing discrimination and therefore a mere listing of factors without development could not access the higher marks.

### **Question 3**

A small number of candidates entered for this examination were well versed in the EU 'Six Pack'.

In 3(a) they were able to access marks by giving the overall title of the relevant areas of the Regulations or by giving a specific example of a relevant duty. Such confidence with the material meant that a large number were able to match the relevant duty to the appropriate factual situation in 3(b).

Responses to 3(c) showed that candidates were also well versed in the wider ambit of health and safety legislation although there was a much less clear awareness of the type of injury which is covered in this area of the law.

3(d) provided a good level of discrimination as many candidates did not identify the hazard but simply listed the factors which would give rise to the hazard and this further amplification was vital to access marks, reinforcing the need for careful reading of, and response to, the rubric.

### **Question 4**

There was a much less confident grasp of the area of law being tested – this is probably a function of the small entry and the emphasis placed on areas of the specification by the centres concerned.

In 4(a)(i) many candidates chose to give, or attempted, long explanations based on defining the key elements of wrongful, unfair and constructive dismissal rather than focusing clearly and simply on the factors which make summary dismissal different.

This lack of certainty was mirrored in 4(a)(ii) where some candidates were much less clear as to how the law would impact on the individual named in the scenario.

In 4(b)(i) candidates were more comfortable with the requirements of unfair dismissal and, consequently, most were able to deal with the question well and to follow the rubric in terms of their response.

4(b)(ii) provided good differentiation in the responses seen. Candidates could cover a range of reasons why it is important for an employer to be able to dismiss an employee but the need for a discussion necessitated the candidate looking at any given reason from more than one perspective and reaching a conclusion to access higher marks. The best candidates were able to identify a reason, explain and then evaluate its importance, often using examples although not necessarily from decided cases as they are not required, to illustrate their thought process. Weaker candidates were able to identify reasons but were less willing, or less able, to develop their knowledge or to evaluate its importance.

## **B144 Consumer rights and responsibilities**

### **General Comments**

There were only a small number of candidates entered for this examination. Those who were entered had clearly, for the most part, been prepared well. Many candidates appeared to be articulate and to have a good understanding of this area of law. This paper showed that there is a need to be prepared across the range of the specification as question 4 had a specific focus on exclusion clauses. It appeared that not all candidates had an appropriate level of awareness of this area of law as it tended to be the area in which the largest number made no responses at all or responded in a way which attracted few, or no, marks.

The other area to which centres, and candidates, need to be alert is in following the rubric; doing as instructed is a key skill in the exam room, the workplace and life. 'Identify/State' commands usually require a candidate to state or list information. 'Define' requires a candidate to give key elements, possibly of a term provided in the stimulus. 'Explain' requires reasoning as to why a statement provided by the stimulus is accurate, or not, or asking the candidate to reach a conclusion. 'Discuss' requires a candidate to deal with an issue from more than one perspective. Time spent practising these skills and in reading questions carefully so as to respond in the way required by the question will benefit candidates and may in some circumstances save them duplicating information or responding inappropriately.

All candidates were able to access most of the questions and any area in which there was a paucity of responses was influenced by the subject area rather than the complexity of the question.

### **Question 1**

For 1(a) many candidates were able to identify offer and acceptance but not to see these terms as an agreement and the element of consideration was often missing.

In 1(b) many did not respond in the way required by the question and although credit was given when the correct answer was identified, with for example a tick; part of the skill in this question was to respond to the rubric.

### **Question 2**

Weaker responses did not read the rubric for 2(a) carefully and therefore omitted to see that they had to do more than identify the statute concerned; specific knowledge of the particular type of term was required to access marks.

2(b) allowed for considerable differentiation as candidates who used the source material to reach a reasoned conclusion, backed up by reference to the information provided, were able to access the higher mark bands through accurate explanation.

In 2(c) there was a need to look at the two terms provided from the perspective of both the consumer and the seller. Discussion of the adequacy of the law was required to access the higher marking levels.

### **Question 3**

In 3(a) those candidates comfortable with the use of both contract and tort law in relation to defective goods were able to score highly and this question differentiated well on this basis.

This theme continued in 3(b) with, again, the need for candidates to respond in the way dictated by the question. Here the use of a tick or a cross could not be credited as it gave no indication as to the area of law the candidate believed to be most appropriate and this is an area in which centres would be well advised to counsel their candidates carefully.

3(c) saw many candidates uncertain as to categories of defendants but this did not prevent them scoring highly on 3(d), with the same proviso applying as to annotation mentioned for 3(b).

### **Question 4**

There was a much less confident grasp of the area of law being tested – this is probably a function of the small entry and the emphasis placed on areas of the specification by the centres concerned.

In 4(a) the concept of a definition did not seem to be clearly understood and many candidates chose to respond by giving examples and often referring to cases. Although it is good to teach the law through cases, their use is not required for GCSE Law and it cannot stand in the stead of the clear exposition of key elements a definition requires. Similarly, examples may be illustrative of understanding but are not a substitute for clarity of expression as to key terms.

Responses to 4(b) tended to correlate to the awareness or otherwise of the particular subject area and the use of examples was often a substitute for knowledge rather than being indicative of it.

4(c) led to very similar outcomes but in 4(d) most candidates were able to advance some reasons as to why consumers need protection in this area. Differentiation was found in the sophistication of the responses and the ability of the candidate to look at the issue from two different perspectives.

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

**OCR Customer Contact Centre**

**14 – 19 Qualifications (General)**

Telephone: 01223 553998

Facsimile: 01223 552627

Email: [general.qualifications@ocr.org.uk](mailto:general.qualifications@ocr.org.uk)

**[www.ocr.org.uk](http://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 2010

