

Report on the Units

June 2009

H134/MS/R/09

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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 syllabus 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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Advanced Subsidiary GCE Law (H134)

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Chief Examiner's Report

This was the first completion of the AS under the new H134 specification.

As we move into an academic year which will see first completion of the H534 exams some reflections on the outgoing specification and some illumination on the A2 exams under the new specification are worth making.

H524

A number of points could be made about the different units:

- Performance on all three option papers was similar at both A and E boundaries.
- The modified Special Study papers have clearly benefited from the changes made and outperform all other papers. This is particularly so of G148. However, from 2010 teachers will not be as familiar with the new themes as they are with the current themes and this may impact on future performance.

Generally candidates have continued to engage meaningfully with all models of assessment and at high levels with the skills requirements of the specifications.

H134

Performance on G151 and G152 has been slightly disappointing by contrast with former sittings of G141 and G142. There are many possible reasons for this.

H534 (2010)

There are essentially two changes from the H524 specification which are likely to impact on teaching for A2 examinations in 2010:

- The requirement for synoptic assessment in all A2 units, not just the Special Study units.
- The requirement to provide opportunities for and to reward stretch and challenge.

These should not be seen as frightening requirements. In many ways they only recognise what our best candidates are already doing.

How candidates should seek to achieve marks for synopticism in the option papers is simply explained in section 4.5 of the specification:

“This is achieved by relevant reference to precedent and/or statutory materials including the development of law and comment on justice and morality where appropriate. It is also achieved by relevant use of precedent and/or statutory interpretation in the application of legal reasoning to given factual situations including comment on the justice or morality of the outcomes where appropriate.”

Candidates who adopt in essays a critical approach to eg erratic development of the law, inconsistency between decisions, lack of relevance of a given precedent to modern circumstances, delays in reforming outdated laws, inconsistent application of statutory provisions, decisions made by courts ignoring the rules of precedent, use of spurious distinguishing, and the potential injustice of any of the above, to name but a few of the possibilities, would be rewarded for demonstrating high level critical awareness, in the same way that they would be on the Special Study papers.

Report on the Units taken in June 2009

Stretch and challenge, the basis of an A* grade, can only be achieved where candidates, as well as demonstrating wide ranging knowledge and understanding for AO1, also achieve at Level 5 for the higher level skills of AO2. Candidates wishing to demonstrate stretch and challenge should therefore always be seeking to achieve the highest levels of analysis, evaluation and legal reasoning. In this respect candidates should always read questions carefully since the specific focus of the AO2 requirement is always to be found in the wording of the question.

G151 English Legal System

General Comments

Overall the performance of the candidates was quite good but at a lower standard overall than January 2009.

Most candidates were able to access four questions to answer, and could understand what was required of them for most questions but a significant number of candidates have limited vocabulary and writing skills which prevents them from demonstrating a clear understanding of the subject. Performance was particularly affected by candidates failing to answer the question and rather giving general, but off the point, information surrounding the topic.

Given the mark scheme and criteria, it was relatively easy to get out of Level 1 for most questions, but to get into Level 4 candidates needed to demonstrate a sound understanding and some detailed knowledge of the subject matter of the question. Candidates with scores above 100 were able to write in depth and at length on their four chosen areas, sometimes to a very sophisticated level.

On the whole there seemed to be a lack of knowledge and detail in part (a) questions, particularly with regard to certain aspects of the questions which required a description of two distinct sub-topics within a topic area eg training of judges and magistrates and complaints about solicitors. However, there was some better use of statutes and cases in many scripts than in previous years. Many candidates still do not focus on the command word and discuss when they are asked to describe and vice versa.

Worryingly many candidates are being taught from old texts. It is important to use up-to-date texts and the Internet to ensure students are being taught up-to-date material. Teachers should be using the mark schemes from previous exams as an additional resource.

The part (b) questions have seen an improvement overall with candidates structuring points and development well. However, the application questions (6 and 7) still proved problematic with Tim and Hamish, and even more commonly their predicaments, being left out of answers and not referred to or addressed. Better candidates focused on key words like 'discuss' and 'advantage/disadvantage' instead of basic lists. Weaker students spent a great deal of time on these but are not aware of what a developed expanded point is, and therefore often made statements rather than comments.

A substantial number of candidates chose to do the two applied questions but did not tend to do well on part (b) of the rights at the police station question.

A significant minority of students produced scripts which were very difficult to decipher due to poor handwriting, poor expression or structuring the answer poorly. It is disappointing that so many candidates still fail to enter the question numbers on the front of their scripts.

The length of answer given is more appropriate this session than in previous sessions with most candidates having time to make a reasonable attempt at all four questions. Very few candidates seem to have run out of time.

Comments on Individual Questions

SECTION A

Question 1

This was the least popular question on the paper and was answered either very well by a few well-prepared candidates from some centres or very badly as a last resort question. There were very few mid-level answers.

Part a - The best responses demonstrated a good grasp of the different funding available in criminal cases including the duty solicitor scheme and the means and merits tests. The weaker responses tended to confuse civil and criminal funding or tried to answer a question on ADR.

Part b - If the candidate had produced a good answer to part a then they tended to produce a good answer to part b. The best responses were able to focus on the question asked and made points developing them into an argument. The weaker ones compounded the confusion they had in part a and often gained 0 or Level 1 marks for the occasional point on funding in general.

Question 2

This was a very popular question and at the very least the training part of the question was usually done reasonably well.

Part a - The better responses got the order of training correct and mentioned the three different routes and the professional skills course. These candidates also gave up-to-date, detailed information on how complaints are dealt with. There were some excellent answers with excellent additional insight and detailed expansion. The weaker responses did not know the difference between the CPE/GDL and the LPC and which one applied in which context, and had no real idea of the order of the training. Some candidates confused solicitors with barristers. Many candidates were much weaker on the complaints part of the question with a significant number failing to mention complaints or just mentioning suing solicitors.

Part b - The better responses focused on the question and discussed several points including extended advocacy rights for solicitors and direct access for barristers. The weaker ones failed to identify recent changes and concentrated on the fusion debate or talked generally about pay differences and differing respect for the professions without answering the question. Some appeared to be unaware that solicitors can already represent clients in lower courts. Many candidates wasted time writing AO1 information, when there are no AO1 marks available in part (b) questions.

Question 3

This was one of the more popular questions on the paper and quite well answered overall the majority of answers reaching Level 3 or Level 4.

Part a - The best responses were able to focus on the requirements of the question, explained the selection process in some detail and then went on to explain the training in detail. The weaker responses tended to put excessive information about the six key qualities without really describing the selection process in any detail often failing to mention any interview process. Some candidates confused magistrates with juries. There was some out-of-date information in some of the answers.

Part b - This was generally well answered by the vast majority of candidates with very many Level 3/4 answers.

Question 4

This was not a very popular question and was on the whole not answered well when it was attempted.

Part a - A few well-prepared candidates were able to describe the role of judges in some detail and also give some detail on the training. These candidates gained Level 4 marks. The weakest responses tended to discuss the qualifications of judges, rather than the role. Very few candidates knew what the training regime for judges is, although many could describe at least some of the things judges do. Many candidates simply referred to previous training and experience as a solicitor or barrister being unaware that any training was available for judges.

Part b - This was generally very badly answered as so many candidates did not know the training regime for judges.

Question 5

This was a very popular question answered at different levels with some quite wide ranging knowledge.

Part a - Descriptions of all three types of sentence were required for Level 4 marks. The best responses were able to describe two or three distinct custodial sentences, several community sentences fines and something else with some detail. Candidates from some centres seemed to be able to describe community sentences but did not seem to have any information on custodial sentences for young offenders. The weakest responses stated custodial sentences were not available for anyone under the age of 21. The level of detail was the best discriminator in this question with the weaker responses tending to just list available sentences. Encouragingly there was less confusion between sentences and aims this session than in previous years at least in this part of the question.

Part b - The best responses focused on the question asked and discussed which sentences were likely to prevent further offending. Weaker ones either explained why certain sentences would not prevent offending or concentrated on which aims of sentencing would work.

SECTION B

Question 6

This was a very popular question.

Part a - This was usually answered well with a good level of detailed information reaching Level 3 or Level 4. It was pleasing to see the use of cases and statutory reference in this question. The best responses focused on the rights of the suspect and described rights during detention, interview and searches. The weaker ones focused more on police powers and limited their answers to detention times and being allowed a solicitor. There were very few Level 1 answers.

Part b - This was either answered well, with candidates focussing on the adequacy of Hamish's rights, or it was answered very badly, with candidates not answering the question but just stating what the rights would be. This resulted in many candidates gaining no marks for this question.

Question 7

This was a popular question.

Part a - This was answered well overall with many students scoring well on the classification of offences, giving good examples and correctly identifying the correct courts. The best responses also described the process for deciding where a triable either way offence will be tried. There were many candidates who gained full marks for this question. The weaker responses were able to gain a few marks for the classification of offences although a few did confuse categories of offence with the track system in civil courts.

Part b - This was usually well answered with many Level 4 answers. Weaker responses did not focus on the question and discussed which court would be best for the state or just applied the process of mode of trial to Tim.

G152 Sources of Law

General Comments

The overall standard of performance was lower than that of the January series (G142 and G152). Firstly, the vast majority of candidates did poorly on the Law Commission question. Centres must note that this area is an important part of the course. Although this topic has not been set prior to the January exam, it is an important part of the specification and will be assessed. Due to the nature of the subject content, it is difficult to comprise a whole source on this area alone and its use will be focused in combination with other syllabus areas. Secondly, the paper involved the European Union; a topic that poses a considerable challenge for a number of candidates. Lastly, there were aspects of the paper where candidates were expected to excel, however, this did not materialise.

The majority of candidates attempted the law reform and precedent question. The European Union question was attempted by a minority of candidates. A number of centres clearly taught this to a high degree; their candidates produced some of the best European Union law answers in recent years. However, the average answer in this area was poor.

The use of the source was encouraging. Candidates at all levels attempted to use the source. It is important that centres continue to develop this skill. The source is invaluable support to enable weaker candidates to get a pass and stronger candidates to seek higher grades. Any question that states "using the source" as part of the question will expect use of the source in the answer. Answers to such questions are marked taking this into account.

The use of case citation and examples was disappointing. A number of candidates confused cases, could not support their answers with cases, or could not develop them to illustrate their point. Case citation need not be exhaustive (eg A grade answers to the Practice Statement question normally involved four developed cases).

The AO2 aspects of the paper were encouraging. In particular, the part (b) answers demonstrated strong technique. A high proportion of candidates achieved Level 4 by identifying the central point of the question, explaining why and then linking it to some other relevant point, eg the source.

Comments on Individual Questions

Question 1

European Union

A minority of candidates attempted this question. Answers ranged from outstanding to very poor. Given the nature of the questions in this area, it was hoped that more candidates would attempt this area.

- a The responses in this area were varied. Most candidates relied on the source and could offer only little development. The use of case citation, explanation and relevant examples were poor. Focus on the question was also poor.
- b As usual, this was quite well answered with most candidates reaching an adequate level. This is a common area for application questions and centres can easily boost candidate performance by encouraging answers that develop their responses through illustrating their answers with examples, or linking answers to horizontal or vertical direct effect.
- ci The majority of candidates' answers were unbalanced. There was significant confusion over the roles of both bodies and, as a consequence, many answers were confused. Many answers were limited too. The question covered European Union law at its most basic and therefore it was disappointing to see so many candidates fail to achieve higher levels in this area.
- cii This was an open area for candidates to discuss the impact of the decisions of the European Court of Justice (ECJ). However, many could only focus on the issue of supremacy at a very low level. There was again too much focus on AO1, when no AO1 marks are available for this part question.

Question 2

Law Reform and Precedent

This was by far the most popular question, but the overall standard was significantly down on previous years; a surprise given the heavy focus on the Practice Statement.

- a This was the weakest area of the paper. Many candidates left this answer until last. Most candidates relied heavily on the source and could offer little or no development beyond it. A significant number of candidates struggled to achieve higher than Level 2.
- b This area was adequately answered. However, a number of candidates answered [ii] from the Court of Appeals perspective and this had a minor impact on the overall performance in this area. It was also notable that a number of candidates did not know the ECJ's position in the court hierarchy.
- ci Most candidates understood the basic mechanics of the Practice Statement, but could not go beyond Level 2 because their answers had a lack of citation. The use of the source was very strong in this area, but many answers could not give examples beyond it.
- cii This area produced some outstanding answers for many candidates; it was the best performing part of the paper. Answers had developed points as opposed to lists. Developed points are essential to achieve higher levels of response. However, a number of candidates were confused by the question focusing on the advantages and disadvantages of the Practice Statement.

Grade Thresholds

Advanced GCE Law H134
June 2009 Examination Series

Unit Threshold Marks

Unit		Maximum Mark	A	B	C	D	E	U
G151	Raw	120	85	75	65	55	45	0
	UMS	120	96	84	72	60	48	0
G152	Raw	60	43	37	31	25	20	0
	UMS	80	64	56	48	40	32	0

Specification Aggregation Results

Overall threshold marks in UMS (i.e. after conversion of raw marks to uniform marks)

	Maximum Mark	A	B	C	D	E	U
H134	200	160	140	120	100	80	0

The cumulative percentage of candidates awarded each grade was as follows:

	A	B	C	D	E	U	Total Number of Candidates
H134	12.2	25.3	43.7	62.6	79.0	100	9025

For a description of how UMS marks are calculated see:

http://www.ocr.org.uk/learners/ums_results.html

Statistics are correct at the time of publication.

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