

# Examiners' report

A LEVEL

# LAW

**OCR Level 3 Advanced GCE in Law**

**H418**

For first teaching in 2020

**H418/01 Summer 2025 series**

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## Introduction

Our examiners' reports are produced to offer constructive feedback on candidates' performance in the examinations. They provide useful guidance for future candidates.

The reports will include a general commentary on candidates' performance, identify technical aspects examined in the questions and highlight good performance and where performance could be improved. A selection of candidate responses is also provided. The reports will also explain aspects which caused difficulty and why the difficulties arose, whether through a lack of knowledge, poor examination technique, or any other identifiable and explainable reason.

Where overall performance on a question/question part was considered good, with no particular areas to highlight, these questions have not been included in the report.

A full copy of the question paper and the mark scheme can be downloaded from [Teach Cambridge](#).

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## Paper 1 series overview

Most candidates were well-prepared for the exam, adhering to the instructions and completing the required number of questions within the time limit. The question paper covered a broad range of topics, and candidates who had studied the full specification benefited from the range of topics offered and effectively demonstrated their knowledge, application, and evaluation skills. A recurring issue was 'question spotting,' where many candidates anticipated specific topics, such as theft and diminished responsibility. This led to attempts to force these topics into questions where they were not relevant. To achieve high marks, it is essential for candidates to study the entire specification. While candidates generally successfully responded to the question, preparation for the burglary question seemed to be lacking, possibly due to the fact it was on the question paper last year. Candidates showed good technique in the four application questions, effectively presenting their knowledge (AO1) and applying it (AO2) to the given scenarios. However, in the essay/evaluation question, candidates often overlooked AO1. In terms of authority, the focus should be on legal principles, and excessive case facts are not required.

| Candidates who did well on this paper generally:                                                                                                                                                                                                                                                                                                                                                                                      | Candidates who did less well on this paper generally:                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• managed their time effectively in the examination and followed the rubric</li> <li>• demonstrated good knowledge</li> <li>• used appropriate authority in all questions</li> <li>• covered the specification and were able to address all topics</li> <li>• understood the assessment objectives (AO) for each question</li> <li>• focused on the command words in the questions.</li> </ul> | <ul style="list-style-type: none"> <li>• did not focus on the question and command words.</li> <li>• misinterpreted questions</li> <li>• included irrelevant information or all aspects of a topic instead of picking out the relevant information</li> <li>• not responded to the specific question.</li> </ul> |

## Section A overview

Candidates successfully followed the rubric, responding to one question from each section. Many candidates displayed excellent knowledge of the topic areas. Question 2 being the more popular of the two AO1 questions. Some candidates responding to Question 1 did not read the question carefully, instead providing general information on obtaining legal advice, although many showed detailed knowledge of Legal Aid and other sources of funding. Question 2 was generally successfully responded to, but candidates frequently used the outdated term 'community service' for unpaid work and often broadly referred to 'rehabilitation for drugs' instead of specifying requirements for example, drug rehabilitation requirement or alcohol treatment requirement. Question 4 was the most popular AO3 question. Many students misinterpreted Question 3 and either discussed juries or focused on the independence of the judiciary. As per the specification, questions on judicial independence would only address advantages, which was not consistent with the nature of this question. Question 4 allowed candidates to explore various benefits of civil courts, even though some occasionally drifted into discussing the benefits of Alternative Dispute Resolution (ADR).

### Question 1

1 Describe the different sources of funding for civil cases.

[8]

Question 1 required candidates to describe different types of funding available for civil cases. This question was not a popular choice and revealed several recurring issues. Many candidates confused sources of legal advice with funding, focusing incorrectly on organisations like Citizens Advice rather than funding mechanisms. Level 4 responses clearly distinguished funding from legal advice, identified a variety of funding types, and provided specific details of how these mechanisms operate in practice. Candidates should note that a list with no description will demonstrate no more than basic knowledge. Some responses included unnecessary evaluation instead of the required descriptive detail. Question 1 only attracts AO1 marks. More successful responses correctly identified a range of funding methods, referencing both public and private sources. Legal aid was frequently cited, with higher-level candidates accurately discussing means and merits tests and recognising its limited availability, particularly for discrimination or housing matters. Conditional Fee Agreements (CFAs) were generally well explained, including their 'no win, no fee' nature and the role of success fees. Fewer candidates explored alternative funding sources such as trade unions, legal expenses insurance or charities and when mentioned, these were often insufficiently detailed. Less successful responses lacked clarity, offering vague suggestions like personal funds or crowdfunding without legal context.

## Exemplar 1

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>One way you can get funding for a civil case is through trade unions. This could be for an employment case, where you may get funding from <del>your</del> the trade union you are in.</p> <p>Another source is privately. You can fund your civil claim by yourself, <del>by</del> using savings or money given by relatives.</p> <p>You can also get funding from Legal Aid Agency, who may be able to fund your case by meeting certain criteria (e.g. a means and merit test).</p> <p><del>You can also get funding from if you meet a means and merit test</del></p> <p>Another way you can get funding for civil cases is <del>for</del> from insurance. For example in tort cases involving damage to property, certain insurance policies may provide you with funding to make a civil claim.</p> <p>You could also gain funding from charities. Specific charities may help fund a civil case for certain areas of civil law, depending on the charity and what they help to fund.</p> |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

This response received full marks, illustrating the effectiveness of a concise response in achieving maximum marks for Section A, Question 1 or 2. The candidate's confident approach, coupled with a clear focus on the question, allowed for an accurate and detailed description of various sources of funding for civil cases. Each funding type was correctly identified and thoroughly explained.

## Question 2

2 Explain the community sentences available to an adult offender.

[8]

Question 2 was more popular than Question 1 but was often less successfully responded to. Many candidates struggled to accurately identify and describe specific community sentences, limiting their ability to achieve higher marks. A common issue was confusion between community sentences and other types, such as custodial sentences or fines. Some responses incorrectly focused on the aims of sentencing rather than the sentences themselves. More successful responses accurately named specific community sentences and included some legal detail about how each operated. In contrast, less successful responses showed confusion over terminology or included irrelevant discussion. Candidates merely stating names of community sentences in a list with no description will demonstrate no more than basic knowledge. The incorrect use of the term 'community service' was widespread, often used in place of the Unpaid Work Requirement, but few candidates provided accurate legal detail, such as the 40 to 300 hours of work to be completed within 12 months. References to other orders, such as Curfew Requirements or Electronic Monitoring, were typically vague, with limited explanation of time restrictions or duration. Overall, performance was limited by misunderstanding the question's requirements and imprecise knowledge of sentencing options. Improved familiarity with the correct terms and details of community orders is needed for better outcomes in future assessments.

## Question 3

3 Discuss the disadvantages of the judiciary.

[12]

This question required a focused discussion on the disadvantages of the judiciary. The most successful responses clearly identified issues such as age imbalance, gender and racial under-representation, and elitism, developing these with explanation and relevant examples. To reach Level 4, candidates needed at least one fully developed point, progressing from identification to explanation and supporting it with evidence or a relevant counterargument used to deepen the analysis. No conclusion is necessary. However, many candidates were less successful as they misinterpreted the question. Many candidates discussed juries or focused on unrelated topics such as judicial independence, security of tenure, or the separation of powers, none of which addressed the disadvantages of the judiciary itself. These responses could not access higher marks. A further issue was limited development. Many candidates listed disadvantages without explaining their relevance or impact, and some repeated the same point in slightly different forms, reducing both breadth and depth. Few explored less obvious issues such as the lack of formal judicial training or the absence of a structured career path, indicating a narrow grasp of the topic. Overall, candidates who addressed the question directly and supported their arguments with structured reasoning and relevant detail were better positioned to achieve higher marks. Less successful responses were characterised by irrelevant content, superficial analysis, and a lack of focus on the specific demands of the question.

## Question 4

**4** Discuss the benefits of using the civil courts to solve a dispute.

**[12]**

This question required a focused discussion on the benefits of using the civil courts. More successful responses clearly focused on civil court features such as binding decisions, enforceability, judicial expertise, clear procedures, case management, track allocation, and the right to appeal. These responses demonstrated higher-level development by explaining the significance of each benefit with illustrative examples. A common feature in less successful responses was to compare civil courts with ADR or criminal courts, diverting from the question's focus. Many responses also lacked sufficient legal detail, offering unexplained benefits or repetition. To improve, candidates should maintain a clear focus on the civil court system, developing at least one point comprehensively and providing a variety of other explained benefits. Comparisons with other systems should be minimal and solely used to reinforce civil court benefits.

## Section B overview

Candidates were generally successful in Section B, especially with the application questions. In all four scenario based questions, most candidates successfully identified the key legal areas and applied them effectively to the given scenarios. While many candidates demonstrated the ability to pinpoint relevant legal areas, some still adopted a 'scattergun' approach, attempting to set out and apply all their knowledge on a particular topic rather than focusing on what was pertinent. Part 1 questions were the most popular, but candidates were equally successful in both parts. Performance on the essay question was mixed. Although candidates seemed well-prepared for a question on non-fatal offences, they sometimes were less successful with the specific nature of the question and with focusing their discussion on Section 47.

### Question 5

Heidi and Casey have been married for ten years when Heidi tells Casey she is divorcing him and going to live with another man. Casey is very upset and decides to get his revenge on Heidi. He goes to a hardware shop planning to buy some acid to throw at Heidi. While standing at the checkout with the acid, he notices a CCTV camera and realises he is being filmed. He leaves quickly without buying the acid. He asks his friend, Felix, a chemistry teacher, to get some acid for him. Casey tells him he needs it to unblock a drain. Felix can see that Casey is very upset and he is suspicious about why he wants the acid. He gives Casey a bottle of harmless liquid instead. Casey goes to Heidi's work and when she exits the building, he throws the contents of the bottle over her. Heidi is unharmed.

- 5 Advise whether Casey is criminally liable for any attempted crimes.  
Do **not** discuss the specific crimes.

[20]

Candidate responses to this question varied in quality, even though most reached a successful conclusions. More successful responses effectively explained the elements of the Criminal Attempts Act 1981, including a clear grasp of impossibility. These candidates successfully distinguished between acts that were merely preparatory and those that constituted an attempt, supporting their analysis with references to relevant case law. For instance, many correctly identified that the act of throwing acid at Heidi constituted an attempted offence, while the going to the hardware store did not. A most successful Level 4 response fully explained the actus reus (AR), mens rea (MR), addressed attempting the impossible and included at least two relevant cases/authorities/statutes. Less successful responses often struggled to adequately explain legal tests or provide supporting case authority, limiting their AO1 marks for knowledge and understanding. Many candidates did not address each element of the scenario separately, which led to confused analysis and limited application of legal principles. A most successful Level 4 response is demonstrated by fully applying the relevant law on attempts to the two incidents making good use of the facts provided in the scenario. Furthermore, a common misunderstanding concerned the issue of impossibility, with many candidates incorrectly believing it negated liability for an attempt. Despite instructions to avoid discussing specific crimes, many candidates provided detailed explanations of the substantive offences they perceived to have been attempted, which was outside the scope of the question.

## Question 6

Beth is over eight months pregnant and is due to give birth in two weeks' time. Her sister, Jane, is very jealous of Beth because of the attention she is getting from their family. One day, Jane is helping Beth to look for a new flat. When they are both standing on the staircase, Jane pushes Beth from behind. Beth falls to the bottom of the stairs and is seriously injured. She is taken to hospital. While in surgery, Beth gives birth prematurely to a baby boy. The surgeons are unable to save Beth, and she dies during the operation due to her injuries. The baby is breathing independently but is in a critical condition. He is quickly taken to another operating theatre on a trolley by a hospital porter. However, the porter is going so fast that the trolley crashes into a patient. The baby falls to the floor and dies instantly.

- 6 Advise whether Jane has the required *actus reus* for the murder of Beth and of the baby. Do **not** discuss the *mens rea* of murder.

[20]

This question generated the most successful responses in the question paper. It was generally successfully responded to, with many candidates demonstrating strong AO1 knowledge. Most were able to accurately identify and explain the elements of the *actus reus* for murder, including both factual and legal causation. References to relevant authority were frequently included and well-used. Level 4 responses explained both *actus reus* and the two types of causation and included at least two relevant cases/authorities/statutes. In terms of AO2, more successful responses took a structured approach, treating the deaths of Beth and the baby separately. These responses clearly applied legal principles to each scenario, which strengthened AO2 performance. In contrast, less successful responses blended the two incidents, making application vague and missing out on credit as a result. Application to Beth's death was generally strong, with good use of causation tests. However, the application to the baby's death was more confusing. While most recognised the porter's role as a potential intervening act, some incorrectly referred to the porter as a doctor or misunderstood their significance. Marks were available for either conclusion on causation, provided reasoning was sound and a clear conclusion was given. Some students unnecessarily discussed *mens rea*, which was not creditable, and a few did not give separate conclusions for each victim. However, overall, the question produced many successful responses and candidates were given marks accordingly.

## Exemplar 2

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. | <p>Murder is defined as the unlawful killing of a reasonable person in being under the King's Peace with malice aforethought express or implied.</p> <p>The actus reus of murder is the unlawful killing of a reasonable person in being under the King's peace. Causation is the link between the defendant's act and the consequence and there are two types of causation which are factual causation and legal causation. Factual causation is when the victim's death would not have occurred without the defendant's act and the 'but for' test is used to show this. * This can be seen in <i>R v White and Carter</i> and <i>R v Pagett</i>. Legal causation is when the defendant's act is the substantial and operating cause of death as shown in <i>R v Kimsey</i> or <i>R v Pagett</i>. The thin skull rule is that the defendant must take the victim as he finds her. <sup>(R v Blaue)</sup> The focus is not considered as a reasonable person in being if it is not independent of it's mother as shown in the Attorney General's reference No. 2.</p> |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

This response demonstrates a candidate who has effectively laid out all their AO1 very clearly before they start to apply to the given scenario. The candidate sets out a definition, the actus reus elements and explains the two types of causation and acknowledges the matter of novus actus interveniens. Some AO1 points are supported with relevant authority. This candidate clearly understands all elements of the actus reus murder.

## Question 7\*

- 7\* 'The current law relating to assault occasioning actual bodily harm, charged under s47 Offences Against the Person Act 1861 is easily criticised and needs to be reformed urgently.'

Discuss the extent to which this statement is accurate.

[20]

This question required focused evaluation of assault occasioning actual bodily harm (ABH) under s47 Offences Against the Person Act (OAPA) 1861. Performance varied depending on how directly candidates addressed the specific offence. More successful responses clearly explained the actus reus and mens rea of ABH, including the need for assault or battery, the definition of 'actual bodily harm,' and the defendant's lack of foresight for the level of harm. These responses were well-structured, supported by case law, and laid a strong AO1 foundation for effective evaluation. A most successful Level 4 response fully explained the actus reus and mens rea of s47 and included at least two relevant cases/authorities/statutes. Less successful responses often omitted or gave minimal AO1, before moving into general AO3 commentary. For AO3, candidates were required to discuss a range of evaluative points relevant to the question, ensuring at least one point was well-developed and a conclusion was provided. Many strayed into broad discussions of all non-fatal offences or focused too heavily on assault or GBH, rather than evaluating s47 directly. Creditworthy evaluation included criticism of outdated language, the mismatch between low fault and serious harm (the correspondence issue), concerns over sentencing and inconsistency in charging. However, reform proposals were often mentioned without clearly linking them to s47's specific problems. Some students discussed assault and battery in disproportionate detail, often without linking it to their evaluation of ABH. Few addressed issues like indirect harm or the defendant's lack of foresight, both key elements in evaluating the offence. Overall, candidates who provided structured, offence-specific responses combining accurate legal knowledge with focused evaluation were more successful. Broader or unfocused responses were less successful and struggled to reach the top levels.

## Exemplar 3

One reason why S47 OAPA is easily criticised and needs reform is because of the old and outdated nature of ~~obsolete~~ ~~actual~~ language used in the act. This is bad because words such as 'actual' and 'bodily harm' and even 'assault' has been proven to be misunderstood by the public, for example the public do not know about battery and are only aware of assault. Furthermore, this may be confusing to ~~the~~ the jury as they may find the law confusing as it was written in 1861 and needs reforming to be more up to date

with language that is more modern. However, you could argue that the judge is present in courts to help explain important points of law to the jury and explain things like the difference between battery and assault and also what actual bodily harm is, so therefore the law does not actually need to be reformed.

This response showcases excellent analytical and evaluative skills (AO3). This response demonstrates a candidate's consistent focus on the question, particularly in addressing outdated language and its specific relevance to Section 47 concerning the words 'actual bodily harm'. The paragraph exhibits a well-developed and logical line of reasoning from beginning to end, presenting information relevant to the question. The overall response was well-structured, and the candidate effectively communicated their discussion points.

## Question 8

Amos is waiting in a fish and chip shop when he notices that Ben, the owner, has left the cash till open. He decides to steal some money from the till and goes behind the counter. However, as he approaches the cash till, Ben returns from the storeroom and sees Amos behind the counter. Amos panics and runs out of the shop. Ben shouts after Amos, "Don't you come back in here! You're banned!" Later, Amos realises that he has left his wallet on the counter of the fish and chip shop. He goes back and as he can't see Ben, goes inside. He cannot see his wallet, but in front of the counter is a fridge. He decides he will take a bottle of water from the fridge and leave without paying for it. However, when he tries to open the fridge he finds that it is locked.

8 Advise whether Amos is criminally liable for burglary.

[20]

This question focused on two distinct burglary scenarios under sections 9(1) (a) and 9(1) (b) of the Theft Act 1968. Candidates generally showed good AO1 knowledge, particularly when methodically outlining the elements of each subsection and addressing the incidents separately. A response demonstrating excellent AO1, fully explained s9(1)(a), s9(1)(b), actus reus and mens rea and included at least two relevant cases/authorities/statutes. In terms of AO2, more successful responses correctly identified the point of entry, the building or part of, trespass and intent in the first scenario, distinguishing s9(1)(a) liability where intent to steal arose before trespassing behind the counter. Trespass was well understood overall. However, many candidates confused s9(1)(a) with s9(1)(b), often misclassifying the first scenario and misunderstanding the mens rea timing. This confusion was a key factor separating successful from less successful responses. Some candidates merged analysis of both scenarios, leading to vague application and confusion about what was stolen. At Level 4 the application was clearly focused on the two separate incidents and made good use of the facts provided. Attempted theft in the second scenario proved challenging for many. Conclusions were less successful, failing to specify whether guilt was under s9(1)(a), s9(1)(b), or both, resulting in not gaining the marks. While statutory and case knowledge was solid, many responses lacked precise application and clear, subsection-specific conclusions. Future improvement depends on treating each scenario and subsection distinctly and focusing conclusions accordingly.

## Question 9

Rishi's hobby is playing video games. He wants to buy the latest instalment of his favourite game, but he has no money to pay for it. He decides to steal a copy from a video games shop. Rishi is nervous about stealing the game so drinks several beers to overcome his fears. Rishi does not realise how strong the beer is. He goes into the shop and puts a copy of the video game under his shirt before walking out without paying. Felix works in the shop. He suffers badly with anxiety. His doctor has prescribed a sedative drug to help with the anxiety. On this occasion, the drug has had an unusual side effect which makes Felix feel confused and angry. When he sees Rishi walk out the shop without paying for the video game, he chases after him. Felix punches Rishi and knocks him to the ground, breaking his pelvis. Felix cannot remember anything about the incident.

- 9 Advise whether Rishi and Felix can avoid liability for any offences using the defence of intoxication. Do **not** discuss the specific crimes. [20]

This question required application of the defence of intoxication across two distinct scenarios involving voluntary and involuntary intoxication. Overall performance was successful, with most candidates demonstrating basic knowledge of key legal principles. However, clarity and depth varied significantly. Many showed strong AO1 and AO2, particularly in distinguishing between the two types of intoxication and applying the law separately to each scenario. Some, however, blurred these distinctions, reducing clarity and marks. The difference between specific and basic intent offences was generally well understood, with more successful responses explaining when intoxication is a valid defence and referencing fallback offences. Key principles such as 'Dutch Courage' and the principle from *R v Allen* were commonly and accurately applied. Prescribed drugs causing unpredictable effects were also well noted. Application to the Rishi scenario was less developed. Although 'Dutch Courage' and alcohol strength were often discussed, fewer correctly identified theft as a specific intent offence or that the mens rea existed before the theft. So, conclusions were sometimes vague or incomplete. The Felix scenario was better handled, with most concluding his intoxication could support a defence. Several candidates explored alternatives like diminished responsibility. In summary, while most candidates understood the intoxication defence framework, the strongest responses clearly separated voluntary and involuntary intoxication, identified offence intent types, and provided precise conclusions for each defendant.

## Question 10\*

**10\*** 'The current law relating to assault occasioning actual bodily harm, charged under s47 Offences Against the Person Act 1861 is easily criticised and needs to be reformed urgently.'

Discuss the extent to which this statement is accurate.

**[20]**

This question required focused evaluation of assault occasioning actual bodily harm (ABH) under s47 Offences Against the Person Act 1861. Performance varied depending on how directly students addressed the specific offence. More successful responses clearly explained the actus reus and mens rea of ABH, including the need for assault or battery, the definition of 'actual bodily harm,' and the defendant's lack of foresight for the level of harm. These responses were well-structured, supported by case law, and laid a strong AO1 foundation for effective evaluation. A most successful Level 4 response fully explained the actus reus and mens rea of s47 and included at least two relevant cases/authorities/statutes. Less successful responses often omitted or gave minimal AO1 before moving into general AO3 commentary. For AO3, candidates were required to discuss a range of evaluative points relevant to the question, ensuring at least one point was well-developed and a conclusion was provided. Many strayed into broad discussions of all non-fatal offences or focused too heavily on assault or GBH, rather than evaluating s47 directly. Creditworthy evaluation included criticism of outdated language, the mismatch between low fault and serious harm (the correspondence issue), concerns over sentencing and inconsistency in charging. However, reform proposals were often mentioned without clearly linking them to s47's specific problems. Some students discussed assault and battery in disproportionate detail, often without linking it to their evaluation of ABH. Few addressed issues like indirect harm or the defendant's lack of foresight, both key elements in evaluating the offence. Overall, students who provided structured, offence-specific responses combining accurate legal knowledge with focused evaluation were more successful. Broader or unfocused responses were less successful and struggled to reach the top levels.

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