

Mark Scheme (Results)

June 2011

GCE Government & Politics 6GP02
Governing The UK

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General Marking Guidance

- All candidates must receive the same treatment. Examiners must mark the first candidate in exactly the same way as they mark the last.
- Mark schemes should be applied positively. Candidates must be rewarded for what they have shown they can do rather than penalised for omissions.
- Examiners should mark according to the mark scheme not according to their perception of where the grade boundaries may lie.
- There is no ceiling on achievement. All marks on the mark scheme should be used appropriately.
- All the marks on the mark scheme are designed to be awarded. Examiners should always award full marks if deserved, i.e. if the answer matches the mark scheme. Examiners should also be prepared to award zero marks if the candidate's response is not worthy of credit according to the mark scheme.
- Where some judgement is required, mark schemes will provide the principles by which marks will be awarded and exemplification may be limited.
- When examiners are in doubt regarding the application of the mark scheme to a candidate's response, the team leader must be consulted.
- Crossed out work should be marked UNLESS the candidate has replaced it with an alternative response.

No. 1 (a)	With reference to the source, why was the government criticised over the decision to freeze the assets of the suspected terrorists?
A01	Knowledge and understanding
Key knowledge and understanding	
<p>The criticisms were :</p> <ul style="list-style-type: none"> • The executive orders which were used had not been voted on in Parliament. • The Treasury has exceeded its powers. • Labour was behaving as if it were a police state by arbitrarily confiscating people's property without due process. • The Government was desperate to avoid consulting parliament etc. 	
<p>One mark for each of the above referred to. An additional mark if at least one is elaborated upon. Full marks if three are identified and at least two are elaborated upon. Four marks for two mentioned and both elaborated upon. Three marks for three identified with no elaboration or two identified with one elaborated. Two marks or less for lower level responses.</p>	

No. 1 (b)	With reference to the source and your own knowledge, explain judicial review and its importance.
A01	Knowledge and understanding
Key knowledge and understanding	
<p>This is a case of judicial review. The court examined whether the action concerned was lawful, whether it had the sanction of parliament. This is an example of ultra vires. Judicial review examines whether a public body has operated beyond its powers. Judicial review of this kind prevents the government operating in an arbitrary way. It can also protect the rule of law which demands that government must operate within the laws. Judicial reviews can also be held in relation to the Human Rights Act (ECHR), to decide whether that has been offended. Judicial reviews can also be the result of alleged unequal treatment, unfair treatment, or where the legal procedures have not been followed. They may occur where natural justice has not been followed. All public bodies or organisations involved in public business may be the subject of judicial review.</p>	
Level 3 5-7 Marks	Good to excellent knowledge and understanding of judicial review and the circumstances in which they may be held. Understanding of why this scenario is judicial review.
Level 2 3-4 Marks	Limited to sound knowledge of judicial review in relation to the example, but less full knowledge of judicial reviews in general. Possibly accurate knowledge of both, but not fully explained and exemplified.
Level 1 0-2 Marks	Very poor to weak knowledge and understanding of judicial review and tenuous understanding of why this is an example of judicial review.
A02	Intellectual skills
Intellectual skills relevant to this question	
<p>Ability to understand the link between the idea of judicial review in general and to relate this scenario to those ideas. Good links made between judicial review, the Human Rights Act, rule of law and natural justice etc.</p>	
Level 3 3 Marks	Good to excellent ability to make links between theory and practical applications.
Level 2 2 Marks	Limited to sound ability to make links between theory and practical applications but not fully developed.
Level 1 1 Mark	Very poor to weak ability link theory to practical applications and to this scenario.

No. 1 (c)	To what extent is there conflict between the judiciary and the executive in the UK?
A01	Knowledge and understanding
Key knowledge and understanding	
<p>The kinds of conflict which have arisen are : Disputes over who should control sentencing, possibly noting the work of the new Sentencing Council. Disputes relating to the Human Rights Act, with government sometimes pushing the boundaries and judges seeking to safeguard rights. Particular problems relating to the government's anti terrorism policies and their impact on human rights. Similarly the threat to rights posed by law and order policies in general, such as ASBOs, surveillance, DNA records etc. This should be balanced against the reality that the judiciary cannot challenge actions which have been sanctioned by parliament. The fact that judges are unelected and unaccountable places them in an inferior position to parliament, and therefore government when it acts within the law. That said, though the ECHR is theoretically subordinate to parliamentary sovereignty, in practice when the courts assert the ECHR, it tends to force government to change policy or pass new laws. Signs that the new Supreme Court is becoming more assertive but ministers continue to resist the influence of judges.</p>	
Level 3 6-8 Marks	Good to excellent knowledge and understanding of the nature of the disputes, with examples where appropriate. Good or better knowledge of both sides of the issue, i.e. where there are conflicts and where parliament is superior.
Level 2 3-5 Marks	Limited to sound knowledge and understanding of the relevant conflicts, possibly with less balance between arguments on one side of the issue or the other.
Level 1 0-2 Marks	Very poor to weak knowledge and understanding of thre disputes, with largely vague references to the relationship between judiciary and government.
A02	Intellectual skills
Intellectual skills relevant to this question	
Ability to analyse the precise nature of the conflicts and why they have arisen. Ability to evaluate the extent to which conflict exists.	
Level 3 6-9 Marks	Good to excellent ability to analyse and evaluate political information, arguments and explanations and to evaluate the extent to which there are conflicts.

Level 2 4-5 Marks	Limited to sound ability to analyse and evaluate political information, arguments and explanations. Some evaluation of the extent to which conflicts exist, but with less effective balance.
Level 1 0-3 Marks	Very poor to weak ability to analyse and evaluate political information, arguments and explanations. Little or no evaluation of the extent to which conflicts exist.

A03	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary. A well structured, balanced response.
Level 2 3-5 Marks	Limited to sound ability to ability to construct and communicate coherent arguments, making some use of appropriate vocabulary. Reasonably well structured response, with some, but not extensive balance.
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary. Little or no balance and a poor structure or no coherent structure at all.

No. 2 (a)	With reference to the source, describe three proposals that seek to strengthen parliamentary representation by increasing popular participation.
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The four proposals that increase representation are :</p> <ul style="list-style-type: none"> • The electoral reform proposal • Power of recall. • An elected/part elected second chamber • Petitions for public debates in parliament. 	
<p>Three marks available for any three proposals accurately identified. An additional two marks available for elaboration and explanation of two or more of the proposals. Elaboration or explanation need not be extensive but will merely demonstrate an understand of how the proposals will increase popular participation. For example how AV may encourage more voting and give more voter choice, an elected second chamber would obviously improve democratic representation and will involve the public in electing the second chamber. Power of recall and petitions will clearly increase participation.</p>	

No. 2 (b)	With reference to the source and your own knowledge, explain how three of these proposals seek to make government more accountable to parliament.
A01	Knowledge and understanding
Key knowledge and understanding	
<p>Note that the question requires only material from the source – i.e. not from the coalition agreement in general. ‘Own knowledge’ refers to knowledge and understanding of the proposals which is not specified in the source.</p> <p>The three proposals which are designed to make government more accountable are :</p> <ul style="list-style-type: none"> • Fixed term parliaments (though the explanation of how and why this measure may make government more accountable will be difficult to express). • The elected/part elected second chamber. • Committee for backbench business • The proposed business committee. <p>Candidates who do <i>not more than</i> accurately identify the relevant proposals should be awarded one mark for each proposals identified.</p>	
Level 3 5-7 Marks	Three relevant proposals identified with understanding shown of how at least two of them will make government more accountable. Seven marks for three proposals identified accurately with understanding shown of how all of them will make government more accountable.
Level 2 3-4 Marks	Three marks if three relevant proposals are identified but with no explanation. Possibly less than three relevant proposals identified but with some understanding demonstrated. Four marks for three relevant proposals identified and with understanding shown of one of these, or two proposals identified with understanding shown of each.
Level 1 0-2 Marks	Two relevant proposals identified but with no further information or one proposal identified with some understanding demonstrated.
A02	Intellectual skills
Intellectual skills relevant to this question	
<p>Up to three marks available for analysis of what accountability means and the mechanism by which the proposals will create more accountability. For example analysis of the fixed term parliament proposal might explain that removing the threat of government resignation or defeat from MPs may make them more independent and so be more active in calling government to account, an elected</p>	

second chamber may well more more effective than the current Lords in calling government to account. The proposals for the two new backbench committees may widen the opportunity for MPs to debate government policy and so call the executive to account.

Level 3 3 Marks	Good to excellent ability to analyse the ways in which the proposals will make government more accountable.
Level 2 2 Marks	Limited to sound ability to analyse the ways in which the proposals will make government more accountable.
Level 1 1 Mark	Very poor to weak ability to analyse the ways in which the proposals will make government more accountable.

No. 2 (c)	To what extent will the coalition government's proposals bring about an effective reform of parliament?
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>Either implicitly or explicitly knowledge and understanding should include material about the problems faced by parliament currently. These may include, for example,</p> <ul style="list-style-type: none"> • The House of Lords lacks democratic legitimacy. • The House of Commons has fallen into public disrepute. • MPs have too little time and opportunity to debate their own concerns and so call government to account. • There has, arguably, been excessive executive control of parliament. • Parliament is politically and socially unrepresentative as a result of the electoral system and the system of appointing peers. • Any other reasonable problems identified should be credited. <p>Knowledge and understanding should be shown of which of the coalition proposals will address these issues with accurate links made between the problem and the proposal(s) designed to create improvement.</p> <p><i>Note : Responses which refer to only one house of parliament cannot be awarded above a level 2 mark for AO1.</i></p>	
Level 3 6-8 Marks	Good to excellent knowledge and understanding of the problems of parliament, the proposals designed to address them and which proposals are linked to which problems.
Level 2 3-5 Marks	Limited to sound knowledge and understanding of the problems of parliament, the proposals designed to address them and which proposals are linked to which problems.
Level 1 0-2 Marks	Very poor to weak knowledge and understanding of the problems of parliament, the proposals designed to address them and which proposals are linked to which problems.

A02	Intellectual skills
Intellectual skills relevant to this question	
<p>The intellectual skills fall into two main types. First, analysis of <i>how</i> the measures may address the various problems of parliament. Second there will be an evaluation of how well the proposals are likely to work, demonstrating assessment of their strengths and weaknesses.</p> <p><i>Note: Responses which refer to only one house of parliament can achieve a level 3 mark, but only if the analysis and evaluation are excellent.</i></p>	
Level 3 6-9 Marks	Good to excellent ability to evaluate and analyse the potential effectiveness of the relevant proposals. A very good or excellent grasp of the relationship between the proposals and how they are likely to address the relevant problems.
Level 2 4-5 Marks	Limited to sound ability to evaluate and analyse the potential effectiveness of the relevant proposals. A sound grasp of the relationship between the proposals and how they are likely to address the relevant problems.
Level 1 0-3 Marks	Very poor to weak ability to evaluate and analyse the relevant proposals
A03	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent arguments and evaluations, making good use of appropriate vocabulary. <i>Note : Responses which refer to only one house of parliament can be awarded any mark level under A03.</i>
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent arguments and evaluations, making some use of appropriate vocabulary
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent arguments and evaluations, making little or no use of appropriate vocabulary

No. 3	To what extent has the location of sovereignty in the UK changed in recent years?
A01	Knowledge and understanding
Key knowledge and understanding	
<p>Full knowledge and understanding of the meaning of sovereignty. Knowledge shown of distinctions between the classic account of sovereignty and political meanings of the softer, more flexible approach to sovereignty.</p> <p>The legal sovereignty of parliament is mainly challenged by the EU. Knowledge of the relationship between the UK and the EU should be full and exemplified. Devolution is often seen as a <i>de facto</i> transfer of sovereignty. Knowledge of the relationships between Westminster and the devolved administrations. Referendums can also be seen in the same light as devolution. Investigation of the transfer of political sovereignty over a long period to executive government and the prime minister. There should be a clear statement of how legal sovereignty remains with parliament.</p>	
Level 3 14-20 Marks	Good to excellent knowledge and understanding of both aspects of sovereignty and the ways in which they have, or have not, been transferred away from Westminster. Strong exemplification.
Level 2 7-13 Marks	Limited to sound knowledge and understanding of both aspects of sovereignty together with a sound account of classical sovereignty. Some exemplification.
Level 1 0-6 Marks	Very poor to weak knowledge and understanding of sovereignty of both kinds with little or no exemplification.
A02	Intellectual skills
Intellectual skills relevant to this question	
<p>Ability to analyse different forms of sovereignty and the relationship between them.</p> <p>Ability to evaluate the extent to which sovereignty has become dispersed.</p>	
Level 3 8-12 Marks	Good to excellent ability to analyse and evaluate the ways in which the location of sovereignty has moved and been dispersed. Strong analysis of the difference between different kinds of sovereignty.
Level 2 4-7 Marks	Limited to sound ability to analyse and evaluate the ways in which the location of sovereignty has become dispersed and of the differences between different kinds of sovereignty.
Level 1 0-3 Marks	Very poor to weak ability to analyse different kinds of sovereignty and the implications of their dispersal. Little or no evaluation

A03	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary. A well structured answer.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary. A soundly structured answer.
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary. Little or no coherent structure to the answer.

No. 4	Is the UK Prime Minister now effectively a president?
A01	Knowledge and understanding
Key knowledge and understanding	
<p>The arguments to suggest he is a president include – the increasing use of prerogative powers especially in the field of foreign affairs and war, the growth of the Downing Street machine, the use of the media, concentration of the media on the prime minister as a separate leader, growth of spatial leadership and the presidential style of the prime minister. Much evidence is available from several recent prime ministers. Countervailing evidence is that the prime minister is not head of state and, strictly, has no separate popular mandate as a president does. However, the prime minister does appear to act as representative of the nation at times (e.g. over security, national crises etc.) rather than as narrow partisan leader. Note the limitations which presidents do not have – the cabinet as a collective body and parliament in particular. Understanding that prime ministers may adopt a presidential style while there is relatively little substance. Use of examples of such limitations and style issues in relation to Thatcher, Major, Blair and Brown.</p>	
Level 3 14-20 Marks	Good to excellent knowledge and understanding of both sides of the issue, together with an impressive quantity of recent context. Good knowledge of key distinctions between the position of a head of government and a president.
Level 2 7-13 Marks	Limited to sound knowledge and understanding of both sides of the issue and a reasonable amount of context used to exemplify them. Probably less effective understanding of distinctions between a prime minister and a president.
Level 1 0-6 Marks	Very poor to weak knowledge and understanding of the distinctions between a prime minister and a president. Little or no context used and a narrow range of issues in what is likely to be an unbalanced account.

A02	Intellectual skills
Intellectual skills relevant to this question	
Ability to analyse the distinctions between heads of government and presidents. Good conceptual analysis used and a well balanced evaluation. Good or better analysis of why prime ministerial domination has grown.	
Level 3 8-12 Marks	Good to excellent ability to analyse and evaluate political information, arguments and explanations with good or better use of conceptual material. Strong explanations of why prime ministerial domination has grown.
Level 2 4-7 Marks	Limited to sound ability to analyse and evaluate political information, arguments and explanations, with some conceptual material, though explanations of growth of prime ministerial power are likely to be more narrative than analytical.
Level 1 0-3 Marks	Very poor to weak ability to analyse and evaluate political information, arguments and explanations. No relevant conceptual knowledge used and no analytical explanation of the growth of prime ministerial power. Answers will be largely or wholly narratives.
A03	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary. A well developed structure and a response with a good introduction and conclusion.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary. A sound structure to the answer with a cogent introduction and conclusion.
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary. Lacking a satisfactory introduction and/or conclusion.

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