



Mark Scheme (Results)

Summer 2017

Pearson Edexcel GCE in
Government and Politics (6GP02)
Unit 2: 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)	
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The source identifies several reasons why judges are now more subject to scrutiny, these include:</p> <ul style="list-style-type: none"> • Their work is discussed more by politicians, journalists and the general public • Judges are increasingly drawn to resolve issues on public policy • There has been a growth in judicial review • The introduction of the Human Rights Act • The increased importance of the EU • The ever growing power of the executive and the publicity surrounding that monitoring 	
<p>Marks are allocated for</p> <p>1 mark is awarded if any one aspect is identified.</p> <p>2 marks are awarded if any one aspect is identified and fully described.</p> <p>A composite mark is then obtained.</p>	

No. 1 (b)	
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The source highlights the following points as to how the Human Rights Act (HRA) has changed the role of judges:</p> <ul style="list-style-type: none"> • It has expanded further judges' role as a 'law maker' by having to amend statutes • Judges have to inform Parliament if certain legislation is incompatible with the HRA • It is important as judges have to now act in areas they had hitherto not been involved with, such as moral and political issues • Judicial review has been used far more <p>Own knowledge as to why the Human Rights Act (HRA) is important for judges may include the following:</p> <ul style="list-style-type: none"> • Any enhancement or development of the source • The fact that the HRA is now active in UK courts as to being more distant in Strasbourg – easier individual access • HRA presents a clearer and defined platform for the judiciary to act on • Increased judicial activism and in particular its willingness to engage with the public and media to explain its decisions and its role <p>A Level 2 response will typically exhibit the following features:</p> <p>Knowledge and understanding is not expansive and there is an over reliance on either the source or own knowledge</p> <p>A Level 3 response will typically exhibit the following features:</p> <p>Expansive knowledge and understanding with suitable development of both the source and own knowledge</p>	
<i>Level 3</i> 6-7 Marks	Good to excellent knowledge and understanding of at least three points including at least one reason drawn from the passage and at least one from the candidate's own knowledge
<i>Level 2</i> 3-5 Marks	Limited to sound knowledge and understanding of at least two points, either drawn from the passage and/or from the candidate's own knowledge
<i>Level 1</i> 0-2 Marks	Weak to poor knowledge and understanding of at least one point, drawn either from the source or the candidate's own knowledge

A02	Intellectual skills
Intellectual skills relevant to this question	
Ability to analyse the importance of the HRA for the judiciary	
<i>Level 3</i> 3 Marks	Good to excellent ability to explain the importance of the HRA
<i>Level 2</i> 2 Marks	Limited to sound ability to explain the importance of the HRA
<i>Level 1</i> 1 Mark	Very poor or weak ability to explain the importance of the HRA

No. 1 (c)	
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>Those who argue that judges are free from bias cite the following:</p> <ul style="list-style-type: none"> • Judges cannot openly take part in political activity such as promoting political ideas nor can they join a political party. As such they do not and cannot advance political stances • Judges do not seek or court publicity • Judges are legally trained and their work is subject to intense scrutiny for bias. They seek neutrality. <p>Those who argue that judges are not free from bias cite the following:</p> <ul style="list-style-type: none"> • Judges are no longer silent on political issues and increasingly make comments on political issues • Although judges do not take part in formal political activity their rulings are political and these decisions have a political compass • Judges emerge from such a narrow social background – this lack of diversity renders them to have little empathy with the citizens upon whose future they decide <p>Those who argue that judges are sufficiently independent from other areas of the state cite the following:</p> <ul style="list-style-type: none"> • Judges are appointed with little political interference (compared with appointments to the Supreme Court in the US) here the work of the Judicial Appointments Commission is relevant • Judges enjoy security of tenure – which means they cannot be sacked for making the decisions they do – they are subject simply to the law as any ordinary citizen • The decisions which they reach do not invite criticism from MPs and Peers. Cases cannot be commented upon whilst being heard. <p>Those who argue that judges are not sufficiently independent from other areas of the state cite the following:</p> <ul style="list-style-type: none"> • Increasingly government ministers have criticised the judiciary – these battles have been most pronounced in the area of Human Rights • The Judiciary all too often side with the Government when deciding outcomes – this is clear in the huge success enjoyed by governments in Judicial Review cases. 	

<p>A Level 2 response will typically exhibit the following features:</p> <p>Restricted knowledge and understanding of judicial independence and neutrality with one aspect often being clearer than the other.</p> <p>An uneven A Level 3 response will typically exhibit the following features:</p> <p>Informed knowledge and understanding of both neutrality and independence often supported by examples</p>	
<p><i>Level 3</i> 6-8 Marks</p>	<p>Good to excellent knowledge and understanding of how judges are free or not from bias and also whether they are sufficiently independent or bound to other areas of the state.</p>
<p><i>Level 2</i> 3-5 Marks</p>	<p>Limited to sound knowledge and understanding if judges are free or not from bias and also sufficiently independent from or bound to other areas of the state</p>
<p><i>Level 1</i> 0-2 Marks</p>	<p>Weak to very poor knowledge and understanding if judges are free or not from bias and also sufficiently independent from or bound to other areas of the state</p>
<p>A02</p>	<p>Intellectual skills</p>
<p>Intellectual skills relevant to this question</p>	
<p>The ability to evaluate and assess the independence and neutrality of the judiciary.</p>	
<p><i>Level 3</i> 7-9 Marks</p>	<p>Good to excellent ability to evaluate and assess the neutrality and independence of the judiciary</p>
<p><i>Level 2</i> 4-6 Marks</p>	<p>Limited to sound ability to evaluate and assess the neutrality and independence of the judiciary</p>
<p><i>Level 1</i> 0-3 Marks</p>	<p>Weak ability to evaluate and assess the neutrality and independence of the judiciary</p>
<p>A03</p>	<p>Communication and coherence</p>
<p>Level 3 6-8 Marks</p>	<p>Good to excellent ability to construct and communicate coherent analysis and evaluations, making good use of appropriate vocabulary.</p>
<p>Level 2 3-5 Marks</p>	<p>Limited to sound ability to construct and communicate coherent analysis and evaluations, making some use of appropriate vocabulary.</p>
<p>Level 1 0-2 Marks</p>	<p>Very poor to weak ability to construct and communicate coherent analysis and evaluations, making little or no use of appropriate vocabulary.</p>

No. 2 (a)	
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The source identifies that Parliamentary power has been strengthened by:</p> <ul style="list-style-type: none"> • A decline in the power of political parties and their internal cohesion in parliament, empowering more autonomy for parliament • The growing importance and independence of Select Committees whose reports carry more respect • A more dynamic House of Lords willing to challenge the government • The in-built Conservative majority has been removed • The improved position of backbench MPs 	
<p>Marks are allocated for each source that is correctly identified.</p> <p>1 mark is awarded if any one point is accurately identified.</p> <p>2 marks are awarded if any one point is identified and fully described.</p> <p>A composite mark is then obtained.</p>	

No. 2 (b)	
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The source notes the following concerning the significance of the House of Lords in passing legislation:</p> <ul style="list-style-type: none"> • The House uses the potential to exploit dissent in government backbenches • Structurally since 1999 the House has had more freedom since the Conservative in-built majority has been removed • The House is consulted by the government to smooth out potential problems with legislation. <p>Own knowledge in relation to the significance of the House of Lords in passing legislation may include:</p> <ul style="list-style-type: none"> • Any enhancement or development of the source • Non controversial legislation may be commenced in the Lords • The Lords is limited by the Parliament Act 1949 – in veto powers and that it cannot debate Money bills • The Lords contains experts and thus can provide specialist input in key areas • The Salisbury convention acts to empower the Lords when challenging legislation not contained in the governing party’s manifesto <p>A Level 2 response will typically exhibit the following features:</p> <p>Knowledge and understanding is not expansive and there is an over reliance on either the source or own knowledge</p> <p>A Level 3 response will typically exhibit the following features:</p> <p>Expansive knowledge and understanding with suitable development of both the source and own knowledge</p>	
<p><i>Level 3</i> 6–7 Marks</p>	<p>Good to excellent knowledge and understanding of the significance of the Lords’ role in passing legislation showing three elements, at least one reason factor drawn from the passage and at least one from the candidate’s own knowledge</p>
<p><i>Level 2</i> 3-5 Marks</p>	<p>Limited to sound knowledge and understanding of the significance of the Lords’ role in passing legislation covering two elements, either drawn from the passage and/or from the candidate’s own knowledge</p>
<p><i>Level 1</i> 0-2 Marks</p>	<p>Weak to very limited knowledge and understanding of the significance of the Lords’ role in passing legislation drawn either from the source or the candidate’s own knowledge</p>

A02	Intellectual skills
Intellectual skills relevant to this question	
Ability to explain effectively the reforms and reporting process identified	
<i>Level 3</i> 3 Marks	Good to excellent ability to explain the significance of the Lords' role in passing legislation
<i>Level 2</i> 2 Marks	Limited to sound ability to explain the significance of the Lords' role in passing legislation
<i>Level 1</i> 0-1 Mark	Weak or poor ability to understand the significance of the Lords' role in passing legislation

No. 2 (c)	
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>Those who argue that Parliament still requires further reform cite the following:</p> <ul style="list-style-type: none"> • Parliament does still not provide accurate representation in terms of reflecting the makeup of the UK population • The House of Lords still lacks democratic credentials and elections would be the route here for major reform • Party control is still too prevalent in the Commons and this should be redressed by reducing the power of the whips • The dominance of the executive remains with respect to Parliament – especially when governments have large majorities in the Commons • Elections also require reform for the Commons • The power of recall requires attention, it is an area for major reform <p>Those who argue that Parliament does not require further reform cite the following:</p> <ul style="list-style-type: none"> • The Lords has undergone major reform and is now functioning much better than its pre-1999 form • The Commons is much better having undergone a series of reforms • These include a revitalised Committee system, and up-take on many of the Wright proposals • Backbench MPs are now showing increased autonomy and can determine the agenda far more than previously • Government climb downs are far more common than ever before • Coalition government from 2010 – 2015 shows the ability of parliament to compromise and provide legitimate government <p>A Level 2 response will typically exhibit the following features:</p> <p>An uneven balance over the case for and against reform with detail lacking in the methods and content of reform</p> <p>A Level 3 response will typically exhibit the following features:</p> <p>A full appreciation of the case for and against the need for reform. Both sides of the debate clearly addressed and also both Houses of Parliament recognised (even if not equal in proportions)</p>	
<i>Level 3</i> 6-8 Marks	Good to excellent knowledge and understanding of the ways by which Parliament requires reform and the extent of the changes and the counter case
<i>Level 2</i> 3-5 Marks	Limited to sound knowledge and understanding of the ways by which Parliament requires reform and the extent of the changes and the counter case

<i>Level 1</i> 0-2 Marks	Weak to very limited knowledge and understanding of the ways by which Parliament requires reform and the extent of the changes and the counter case
A02	Intellectual skills
Intellectual skills relevant to this question	
Ability to analyse, evaluate and assess the areas where Parliament requires reform and the extent of the proposed changes	
<i>Level 3</i> 7-9 Marks	Good to excellent ability to analyse, evaluate and assess the areas where Parliament requires reform and the extent of the proposed changes
<i>Level 2</i> 4-6 Marks	Limited to sound ability to analyse, evaluate and assess the areas where Parliament requires reform and the extent of the proposed changes
<i>Level 1</i> 0-3 Marks	Weak to poor ability to analyse, evaluate and assess the areas where Parliament requires reform and the extent of the proposed changes
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 response with balance and clear conclusions supported by evidence.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary. A structured response with some balance and some coherent conclusions drawn.
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate analysis, making little or no use of appropriate vocabulary. Poor or limited structure and weak or limited conclusions.

No. 3	
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>Arguments that the Cabinet is the most important limitation on Prime Ministerial power may indicate the following factors:</p> <ul style="list-style-type: none"> • The cabinet approves all major policy decisions – such as the decision to deploy troops • The cabinet is a key coordinator of government policy and the PM would not be able to manage affairs without this scheduling • It is a key forum for debate and a PM needs to know how and why their ministers will respond – they needs insight into how they are running departments • The cabinet has often been called ‘insurance for troubled times’ a PM needs their cabinet for the problems faced by the government • Under the coalition government from 2010 -2015 the PM was limited from within the Cabinet by the Liberal Democrats <p>However there are arguments that the cabinet is no longer the main (or only) limitation on PM power and may indicate the following factors:</p> <ul style="list-style-type: none"> • The peak of cabinet power has been eclipsed by the relentless growth of PM power and the PM is no longer a first among equals, he/she is a colossus in that forum • The party acts to limit the PM – failure here undermines all PM’s to an extent • The electorate is now the most important limitation on the PM and a loss of support here ends the PM reign • The media now limit PM power to an enormous extent • Events - the affairs of state if not handled well can spell doom for a PM and their credibility and fortunes • Parliament can and does act as a constraint on the PM • The Judiciary as in the recent Gina Miller case shows how the Cabinet can be restricted <p>A Level 2 response will typically exhibit the following features:</p> <p>A recognition of both sides in the debate surrounding the cabinet v PM conflict but both sides will not be fully developed.</p> <p>A Level 3 response will typically exhibit the following features:</p> <p>Clear and defined knowledge and understanding with a focused recognition of both sides in the debate which incorporates examples.</p>	

<i>Level 3</i> 14-20 Marks	Full and developed knowledge and understanding of the limitations of cabinet amongst others factors as a limit on PM power.
<i>Level 2</i> 7-13 Marks	Limited to sound knowledge and understanding of the limitations of cabinet amongst others factors as a limit on PM power.
<i>Level 1</i> 0-6 Marks	Weak to poor knowledge and understanding of the limitations of cabinet amongst others factors as a limit on PM power.
A02	Intellectual skills
Intellectual skills relevant to this question	
Ability to explain and evaluate the arguments surrounding the nature of the factors which limit PM power	
<i>Level 3</i> 8-12 Marks	Good to excellent ability to analyse and evaluate the limitations of PM power
<i>Level 2</i> 4-7 Marks	Limited to sound ability to analyse and evaluate the limitations of PM power
<i>Level 1</i> 0-3 Marks	Weak or very limited ability to analyse and evaluate the limitations of PM power
A03	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent analysis and evaluations, making good use of appropriate vocabulary. A well-developed clear structure with coherent conclusions.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent analysis and evaluations, making some use of appropriate vocabulary. Some discernible structure with relevant conclusions.
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent analysis and evaluations, making little or no use of appropriate vocabulary. Lacking a clear structure and with weak or limited conclusions.

No. 4	
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The argument that devolution in Scotland and Wales has been the most significant change to the UK's constitution may cite the following:</p> <ul style="list-style-type: none"> • It has made a fundamental shift in the power of the Westminster Parliament and its sovereignty • It has brought about a significant move from a unitary to a more federal or quasi-federal structure to the UK's constitution • It has very much been 'a process and not an event'. It has become the 'motorway without any exit' as was forecast. It has unleashed further calls for independence both in Scotland and Wales, as in Scotland it brought about the 2014 referendum on independence. Wales also extended their powers following the referendum in 2011. • It has brought differing provision within the UK which has compromised a unitary state - such as differing health and education provision • It has created a backlash in England with the demand to limit spending to the regions and establish English autonomy on the legislative process. • The process has had an impact on the structure of UK party politics <p>However there are arguments that devolution for Scotland and Wales has not been the most significant challenge and may cite the following:</p> <ul style="list-style-type: none"> • Parliament in Westminster retains its sovereign powers and if it so desires it can revoke the powers which it has devolved, so the significance is limited • A referendum on independence was rejected by the Scottish in 2014 with a preference to remain part of the UK indicating that the demand for independence was not strong enough, the significance is over-estimated • Far from damaging the constitution or making a significant difference, devolution has preserved the constitutional integrity of the UK and provided stability • Other constitutional changes have made (or are making) more significant changes, these include the exit from the EU, the introduction of the HRA, the CRA 2005, the FOI Act etc • Outside the devolved areas England remains the largest component of the UK and it has not changed the status and position of how the Union is valued • Devolution in Northern Ireland was seen as a major change to the UK constitution <p>Both sides of the debate will be addressed.</p>	

A Level 2 response will typically exhibit the following features:

A recognition of both sides in the debate surrounding the significance of Scottish and Welsh devolution, but both sides will not be fully developed.

A Level 3 response will typically exhibit the following features:

Clear and defined knowledge and understanding with a focused recognition of both sides in the debate

A01	Knowledge and Understanding
<i>Level 3</i> 14-20 Marks	Good to excellent knowledge and understanding of the significance of devolution on the constitution of the UK
<i>Level 2</i> 7-13 Marks	Limited to sound knowledge and understanding of the significance of devolution on the constitution of the UK
<i>Level 1</i> 0-6 Marks	Weak and very poor knowledge and understanding of the significance of devolution on the constitution of the UK
A02	Intellectual skills
Intellectual skills relevant to this question are indicated by an ability to evaluate, explain and analyse the significance of devolution on the UK's constitution	
<i>Level 3</i> 8-12 Marks	Good to excellent ability to analyse, evaluate and explain the significance of devolution on the UK's constitution
<i>Level 2</i> 4-7 Marks	Limited to sound ability to analyse, evaluate and explain the significance of devolution on the UK's constitution
<i>Level 1</i> 0-3 Marks	Weak to poor ability to analyse, evaluate and explain the significance of devolution on the UK's constitution
A03	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent analysis and evaluation, making good use of appropriate vocabulary. A well-developed clear structure with coherent conclusions.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent analysis and evaluation, making some use of appropriate vocabulary. Some discernible structure with relevant conclusions.
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent analysis and evaluation, making little or no use of appropriate vocabulary. Lacking a clear structure and with weak or limited conclusions.