

Mark Scheme (Pre-Standardisation)

June 2009

GCE

6GP02

GCE Government and Politics (Unit 2) AS

New Specification

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.

Question Number	
1(a)	With reference to the source, describe three functions of Parliament.
Indicative content (<i>This is not an exhaustive account of relevant information.</i>)	
<p>The following functions can be found in the passage :</p> <ul style="list-style-type: none"> • Calling government to account, making it account for its actions. • Scrutinising and possibly amending legislation. • Ensuring that the grievances of citizens are expressed to government and forcing government ministers and officials to listen to them. <p>Granting authority and approval to government to allow it to govern legitimately.</p>	
AO1 (5 Marks)	Knowledge and understanding
<p>1 mark for each function accurately identified. An additional mark available for a developed description of the functions identified.</p>	

1(b)	With reference to the source, and your own knowledge, explain why government needs an effective Parliament.
Indicative content (<i>This is not an exhaustive account of relevant information.</i>)	
<p>The source refers to the fact that government needs the approval of Parliament in order to give it authority (and therefore legitimacy). In order for popular consent to be granted there must be opportunities to examine, scrutinise and pass legislative proposals. In addition to these source based needs could be added :</p> <ul style="list-style-type: none"> • It needs Parliament as a representative body so that the views of different sections of society can be expressed by MPs and peers. • The scrutinising function of Parliament can improve the quality of legislation by identifying problems, lack of clarity and possible improvements. • It needs parliamentary opposition and scrutiny in order to justify publicly its actions and decisions. • It needs Parliament as the official forum where it can introduce proposals into the public arena. • The government needs Parliament as a recruiting ground for new ministers. 	
AO1 (7 Marks)	Knowledge and understanding
<ul style="list-style-type: none"> • The reasons why government needs an effective Parliament. • The aspects referred to in the passage and shown in the indicative content above. Up to 3 marks available for this. • Up to 4 marks available, either for up to four additional aspects identified and outlined, or for two or three aspects identified and described more fully. 	
Level 1 (1-2 Marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
Level 2 (3-5 Marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
Level 3 (6-7 Marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.

AO2 (3 Marks)	<ul style="list-style-type: none"> • Ability to analyse and explain the nature of legitimacy and consent • Ability to identify and explain the reasons why government needs Parliament rather than merely seeing Parliament as a check on its power.
Level 1 (1 Mark)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 2 (2 Marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 3 (3 Marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.

1(c)	Analyse the main factors that limit the effectiveness of Parliament.
Indicative content (The following does not exhaust relevant points or appropriate knowledge.)	
<p>The following factors limit the effectiveness of Parliament:</p> <ul style="list-style-type: none"> • The discipline exercised by the whips and party leaders prevents MPs and peers operating independently (the 'lobby fodder' issue). Divisions and standing committees are usually strictly whipped. • MPs and peers do not have sufficient time, expertise, knowledge and research back-up to be able effectively to examine legislation and government policy. • The Commons may be said to lack legitimacy because of its distorted representation (the electoral system), while the Lords is unelected. • Collective responsibility, the anonymity of officials and traditional secrecy of government make it difficult for MPs, peers and select committees to obtain information and examine policy effectively. 	
AO1 (8 Marks)	<p>Key knowledge and understanding in this question includes:</p> <ul style="list-style-type: none"> • The meaning of 'effectiveness' in this context. • Most, if not all, of the issues shown in indicative content above. • Full explanations of those weaknesses.
Level 1 (0-2 Marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
Level 2 (3-5 Marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
Level 3 (6-8 Marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
AO2 (9 Marks)	<p>Intellectual skills relevant to this question:</p> <ul style="list-style-type: none"> • Ability to analyse and explain the reasons why the aspects described represent lack of effectiveness. • Ability to identify the fundamental causes of the weaknesses of Parliament.
Level 1 (0-3 Marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 2 (4-5 Marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 3 (6-9 Marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.

AO3 (8 Marks)	Appropriate vocabulary in this question may include: <ul style="list-style-type: none"> • Legitimacy • Authority • Collective responsibility • Government whips
Level 1 (0-2 Marks)	Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.
Level 2 (3-5 Marks)	Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.
Level 3 (6-8 Marks)	Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.

2 (a)	With reference to the source, outline the reasons Gordon Brown gives for proposing that prime ministerial powers be surrendered or limited.
Indicative content (<i>The following does not exhaust relevant points or appropriate knowledge.</i>)	
<ul style="list-style-type: none"> • The people have not been consulted about the exercise of these powers. • The nature of these [prerogative] powers has no place in a 'modern democracy'. • This would make for a more 'open' democracy. 	
AO1 (5 Marks)	Knowledge and understanding
<ul style="list-style-type: none"> • 1 mark for each of the three reasons shown in the indicative content above. • An additional mark available in each case for a brief, effective explanation of up to two of the points. 	

Question Number	
2 (b)	With reference to the source, and your own knowledge, explain the ways in which Prime Ministers are able to control Parliament.
Indicative content (<i>This is not an exhaustive account of relevant information.</i>)	
<p>The material in the source is describing prerogative powers. These are powers exercised on behalf of the Monarch by the prime minister and the executive. They do not require the sanction of Parliament and therefore, by implication, the consent of the people. Such prerogative powers have existed over a long period of time and are therefore traditional in nature.</p> <p>Additional knowledge includes:</p> <ul style="list-style-type: none"> • Prime Ministers are leaders of the majority party normally and so can rely on party loyalty and the discipline of the whips. The Prime Minister also has a 'payroll vote' among over one hundred ministers. • The power of patronage is a key element of control. • Since prime ministers are chief policy makers and control Cabinet they exercise great control over parliamentary business. <p>Prime ministers can command a certain degree of popular authority to justify dominance of Parliament.</p>	
AO1 (7 Marks)	<p>Knowledge and understanding</p> <p>Key knowledge and understanding in this question includes:</p> <ul style="list-style-type: none"> • The nature and meaning of most or all of the devices described above. • Understanding of the reasons why these factors are converted into control.
Level 1 (0-2 Marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
Level 2 (3-4 Marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
Level 3 (5-7 Marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
AO2 (3 Marks)	<p>Intellectual skills</p> <p>Intellectual skills relevant to this question:</p> <ul style="list-style-type: none"> • Ability to analyse and explain the nature of control and relevant relationships. • Ability to explain the nature of prime ministerial authority and power.
Level 1 (1 Mark)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 2 (2 Marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 3 (3 Marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.

2 (c)	To what extent has prime ministerial power grown in recent years?
Indicative content (The following does not exhaust relevant points or appropriate knowledge.)	
<p>Ways in which power has grown include :</p> <ul style="list-style-type: none"> • The growth of the Downing Street ‘machine’ and other sources of independent advice to the Prime Minister. • The growing importance of foreign policy issues which are under the direct control of the Prime Minister. • The growing tendency of the media to treat the P.M. as government spokesperson. • ‘Spatial leadership’ has become more prominent. • The experience of dominant figures such as Thatcher and Blair. • The decline in the importance of the Cabinet. <p>However, there are features which suggest a counter-argument:</p> <ul style="list-style-type: none"> • Prime Ministers may ultimately be removed and/or weakened if they lose the support of Parliament and/or Cabinet - this was the experience of Thatcher, Major and Brown. • It may be that there is an increase in the ‘appearance’ of power, but this may be merely style without much substance. • The power of the PM ebbs and flows according to political factors such as the size of the parliamentary majority, personal popularity, the unity or otherwise of the party and Cabinet. 	
AO1 (8 Marks)	<p>Knowledge and understanding</p> <p>Key knowledge and understanding in this question includes:</p> <ul style="list-style-type: none"> • The meaning and nature of prime ministerial power and the limitations upon it. • The arguments in favour of suggesting that prime ministerial power has grown. • The arguments for suggesting prime ministerial power may not have grown permanently or temporarily. • Ability to use examples to illustrate arguments.
Level 1 (0-2 Marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
Level 2 (3-5 Marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.
Level 3 (6-8 Marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.

AO2 (9 Marks)	Intellectual skills Intellectual skills relevant to this question: <ul style="list-style-type: none"> • Ability to analyse and explain prime ministerial power and its limitations. • Ability to evaluate the extent to which such power has grown. • Ability to identify parallels/connections/similarities and differences between the experiences of different prime ministers from recent times.
Level 1 (0-3 Marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 2 (4-5 Marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 3 (6-9 Marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
AO3 (8 Marks)	Communication and coherence Appropriate vocabulary in this question may include: <ul style="list-style-type: none"> • Power • Authority • Presidentialism
Level 1 (0-2 Marks)	Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.
Level 2 (3-5 Marks)	Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.
Level 3 (6-8 Marks)	Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary

3	How effectively can the judiciary control executive and legislative power in the UK?
Indicative content (The following does not exhaust relevant points or appropriate knowledge.)	
<p>The main examples of effective controls are:</p> <ul style="list-style-type: none"> • The practice of judicial review to examine government decisions and actions. • Other than with Westminster parliamentary legislation, judges can set aside actions by public bodies which contravene the European Convention on Human Rights or which contravene EU law. • Opinions expressed about legislation which may be considered to be in contradiction of rights and freedoms under common law or the Human Rights Act. • <i>Ultra vires</i> cases prevent ministers and public bodies exceeding their legitimate powers. • The judiciary upholds the principles of the rule of law. • Today, more than ever, senior judges have become involved in debates on law and order/justice policy both in and out of Parliament. <p>Limitations on such control include:</p> <ul style="list-style-type: none"> • The fact that judges cannot overturn UK parliamentary legislation as Parliament retains sovereignty. • Where decisions by ministers and public bodies are set aside by the courts, government may pass primary legislation which allows such policies and decisions (e.g. the Belmarsh case or the Davis case ruling, allowing anonymous witness testimony). • Judges cannot be pro-active - they must wait for appeals to be brought before them. <p>Despite recent examples of judges becoming involved in public debate, they are expected to maintain a low public profile and maintain political neutrality.</p>	

AO1 (20 Marks)	Knowledge and understanding Key knowledge and understanding in this question includes: <ul style="list-style-type: none"> • The meaning and nature of the judicial review. • The arguments in favour of suggesting that the judiciary can exercise effective control over both government and Parliament. • The arguments suggesting there are important limitations on the judiciary. • Ability to use appropriate illustrations and examples.
Level 1 (1-6 Marks)	A narrow range of criticisms identified with little or no analysis of why the criticisms have been made.
Level 2 (7-13 Marks)	Some criticisms will be omitted, but others will be correctly explained. There will be some weaknesses in analysis of why the criticisms have been made.
Level 3 (14-20 Marks)	A wide range of criticisms is accurately identified and well described. Not only will criticisms be identified, but the reasons why the criticisms are made will be well explained.
AO2 (12 Marks)	Intellectual skills Intellectual skills relevant to this question: <ul style="list-style-type: none"> • Ability to analyse and explain the nature of judicial control. • Ability to analyse and explain the limitations of judicial control. • Ability to evaluate the degree to which judicial control is effective.
Level 1 (1-4 Marks)	A narrow range of criticisms identified with little or no analysis of why the criticisms have been made.
Level 2 (5-8 Marks)	Some criticisms will be omitted, but others will be correctly explained. There will be some weaknesses in analysis of why the criticisms have been made.
Level 3 (9-12 Marks)	A wide range of criticisms is accurately identified and well described. Not only will criticisms be identified, but the reasons why the criticisms are made will be well explained.

AO3 (8 Marks)	Communication and coherence Appropriate vocabulary in this question may include: Judicial review Rule of law Parliamentary sovereignty Human Rights Act
Level 1 (1-3 Marks)	A narrow range of criticisms identified with little or no analysis of why the criticisms have been made.
Level 2 (4-5 Marks)	Some criticisms will be omitted, but others will be correctly explained. There will be some weaknesses in analysis of why the criticisms have been made.
Level 3 (6-8 Marks)	A wide range of criticisms is accurately identified and well described. Not only will criticisms be identified, but the reasons why the criticisms are made will be well explained.

4

'Constitutional reform since 1997 has not gone far enough.' Discuss.

Indicative content (The following does not exhaust relevant points or appropriate knowledge.)

The main examples of post 1997 reforms have been :

- Devolution
- The Human Rights Act
- House of Lords Reform
- Freedom of Information
- Elected mayors and local government cabinets
- Electoral reform in devolved systems
- Reform of the Judiciary
- Wider use of referendum
- Use of PR electoral systems

Arguments for suggesting they have not gone far enough include:

- They have not gone far enough - the Lords reform is incomplete, the Human Rights Act does not bind the UK Parliament, Freedom of Information is too weak, electoral reform is limited and does not include the Westminster Parliament, there are very few elected mayors.
- Perceived approach to constitutional reforms.
- Not clear principles or long term goals.
- Reform does not include a codified constitution.
- Too much power still rests with the executive.
- Problem of 'elective dictatorship' not addressed.
- Unelected elements - the Lords and the Monarchy remain important but are undemocratic.
- Lack of full electoral reform means representation is distorted.

On the other hand supporters do praise some aspects:

- Reforms have generally structured checks and balance by decentralising power.
- The House of Lords has more legitimacy.
- Freedom of Information has had an impact (e.g. MPs' expenses).
- The HRA has led to many successful rights and liberties legal victories.
- The judiciary is more independent.

AO1 (20 Marks)	<p>Key knowledge and understanding in this question includes:</p> <ul style="list-style-type: none"> • A good range of reforms described • The arguments in favour of suggesting the reforms have been inadequate • The arguments for suggesting a good deal of progress has been made in reform. • Knowledge of which political movements present arguments on either side of the case.
Level 1 (1-6 Marks)	A narrow range of criticisms identified with little or no analysis of why the criticisms have been made.
Level 2 (7-13 Marks)	Some criticisms will be omitted, but others will be correctly explained. There will be some weaknesses in analysis of why the criticisms have been made.
Level 3 (14-20 Marks)	A wide range of criticisms is accurately identified and well described. Not only will criticisms be identified, but the reasons why the criticisms are made will be well explained.

AO2 (12 Marks)	<p>Intellectual skills Intellectual skills relevant to this question:</p> <ul style="list-style-type: none"> • Ability to analyse and explain the nature of reform and the degree to which it is perceived to have succeeded. • Ability to analyse the arguments suggesting reform has not gone far enough. • Ability to evaluate the extent to which the reforms have not gone far enough.
Level 1 (1-4 Marks)	A narrow range of criticisms identified with little or no analysis of why the criticisms have been made.
Level 2 (5-8 Marks)	Some criticisms will be omitted, but others will be correctly explained. There will be some weaknesses in analysis of why the criticisms have been made.
Level 3 (9-12 Marks)	A wide range of criticisms is accurately identified and well described. Not only will criticisms be identified, but the reasons why the criticisms are made will be well explained.

AO3 (8 Marks)	Communication and coherence Appropriate vocabulary in this question may include: <ul style="list-style-type: none"> • Codified constitution • Devolution • Human Rights Act • Freedom of Information • Democracy • Independence of the Judiciary
Level 1 (1-3 Marks)	A narrow range of criticisms identified with little or no analysis of why the criticisms have been made.
Level 2 (4-5 Marks)	Some criticisms will be omitted, but others will be correctly explained. There will be some weaknesses in analysis of why the criticisms have been made.
Level 3 (6-8 Marks)	A wide range of criticisms is accurately identified and well described. Not only will criticisms be identified, but the reasons why the criticisms are made will be well explained.