

Examiners' Report

June 2015

GCE Government and Politics 6GP02 01

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Introduction

The collective general view of the examiners on the summer 2015 examination for 6GP02 was that it was an extremely accessible paper with a great deal of breadth and choice for candidates who had worked well and who had prepared thoroughly. It provided a very good basis for those who had revised and prepared, to do well and reach the higher level thresholds set on the paper. It was extremely pleasing for examiners to see so many well prepared candidates display a range and breadth of knowledge and understanding combined with an increased level of contemporary political awareness and a ready willingness to critically analyse the questions set.

Examiners commented strongly on a considerable improvement in essay performance and evidence of better planning for the essay questions. Q1 on the UK Constitution and sovereignty was extremely popular, attracting slightly over 80% response from candidates with Q2 on Judges and Civil Liberties attracting a little less than 20%. Q4 on the Prime Minister was by far the most popular essay question with a little under 65% of candidates opting for it. The least popular essay question was the one on Parliament, attracting a little over 35% of candidate responses. The time factor again this year did not seem to be an issue with comparatively few unanswered or partially answered questions and examiners commented on a much better gauging of the time factor by candidates, they seemed to be more in control.

The examination was set some time before the May 2015 General Election and reference to this was not a pre-requisite to gain full marks on any question or sub-section of the examination. However, for many candidates this was a bonus which they were able to exploit and advance their understanding of the subject if the opportunity arose.

Examiners were generally pleased with the improvement in performance in the essay style questions but repeat two points for the attention of centres.

- (1) The critical importance for L3 responses of the need to use contemporary and informed examples. The situation is improving but this was a crucially limiting factor on Q3, Parliament.
- (2) The need for a balanced answer when a question requires an assessment to be made. 'Discuss', 'To what extent?' 'How far?' and so on.

Question 1

Q1(a)

Examiners commented that this was a well answered question and many candidates achieved Level 3 marks. Most were able to pick out statute law, conventions, judicial decisions and treaties from the source. Better answers gave a short development of each of the three sources chosen with relevant examples and many candidates scored maximum marks. However, many candidates in a sense threw marks away by referring to 'works of authority' and 'tradition' which are accurate but which are not mentioned in the source and therefore could not be credited. Some candidates clearly did not understand what is meant by 'sources of the UK constitution' and instead referred to principles or features such as parliamentary sovereignty or the rule of law and such answers could receive no credit. Some candidates clearly understood what conventions are but provided inaccurate examples whilst better responses referred to Collective and Individual ministerial responsibility and the Salisbury Convention. Many candidates understood the EU as a source but were confused or asserted that the Human Rights Act/ECHR was part of EU law and received no credit. Stronger answers used Maastricht/Lisbon.

Q1(b)

Surprisingly, many candidates struggled with this question and most answers only reached Level 2 marks or even lower. Many answers relied heavily on the features mentioned in the source – parliament remains dominant over the monarchy, its laws outrank those of all other institutions and that no legislature can challenge the authority of parliament. These were often explained with the use of examples. To reach level 3, candidates needed to use their own knowledge; stronger answers identified that parliament's sovereignty derives from the fact that the UK has no codified constitution, and that parliament is the representative body of the UK population. In addition, no parliament can be bound by its predecessors, nor is it able to bind its successors. It is worth stressing again that developing/illustrating from the source is own knowledge.

A number of candidates picked up on the point about the Glorious Revolution and then devoted much of their answer to showing how the monarchy is now less important than Parliament. While valid, this is a relatively marginal point. Similarly candidates referred to the supremacy of the Commons over the Lords which, while true, is not strictly a feature of parliamentary sovereignty as the Lords is part of parliament. A minority here gave a response to the (c) section that was not always repeated in the correct section.

Q1(c)

This was generally a well answered question and many candidates scored well into Level 3. Parliament remains sovereign for the reasons outlined in part (b) and a good number of candidates correctly used the source to identify these reasons. However, its sovereignty has been challenged in a number of areas, notably by membership of the EU, the power of the executive, the establishment of devolved assemblies, the increased use and growing significance of referendums and the greater powers now enjoyed by senior judges. Most candidates were able to identify at least three of these factors and explain why they have limited parliamentary sovereignty. They were also, though, able to show how parliament, at least theoretically, retains sovereignty. Those managing this with some detail were likely to achieve Level 3 marks and very many did. Such factors included EU law takes precedence over UK law and Qualified Majority Voting (QMV) has also limited sovereignty; however pooled sovereignty has arguably enhanced de facto sovereignty and EU membership could be reversed (though realistically only through referendum). Devolved institutions now have legal powers and are protected through referendum giving rise to a quasi-federal UK. However, Parliament retains the most important political and economic powers and, although highly unlikely, devolution could be reversed without recourse to further referendums. Referendums give sovereignty back to the people but have only been used for a small number of issues, usually constitutional ones, and could, in theory, be ignored, though this is unlikely. Judges have achieved some sovereignty through the HRA and judicial review, but

these powers are limited, not used a great deal and could be reversed. A limited but worrying number of candidates continue to assert that the Human Rights Act/ECHR is part of EU law. Centres are reminded of the importance of teaching candidates about both and ensuring they understand what the ECHR actually is and how the Human Rights Act, by incorporating it in to UK law, has arguably eroded parliamentary sovereignty. The best answers could cite examples (The Belmarsh Case being the most obvious) but also were able to counter argue with reference to judges only being able to issue a declaration of incompatibility between UK statute law and the Convention and/or the ability of Parliament to derogate from certain Convention rights. Many answers used the issue of prisoners voting to good effect. The executive clearly remains dominant over Parliament, as a result of party loyalty, though government legislation is occasionally stopped, executive powers restricted and a vote of no confidence in the executive remains an option for Parliament, though rarely used.

Most candidates concluded that parliamentary sovereignty has indeed become somewhat restricted in recent decades.

Overall, this was a well answered question, and those achieving lower marks did so largely because they discussed a limited range of factors or repeated the same factor a number of times particularly in relation to Parliament remaining sovereign and the de jure power of statute law. There were however comparatively few Level 1 responses with weak to very limited knowledge and analysis.

This response is mid level 2. Lots of incomplete areas in the response.

Indicate your first question choice on this page.

Put a cross in the box indicating the first question that you have chosen.

If you change your mind, put a line through the box and then indicate your new question with a cross .

Chosen Question Number: **Question 1**

Question 2

(a)

These Sources which make up the UK Constitution are as follows. The Various Statutes from the EU which ~~the United~~ Parliament is a part of; entailing Statutes and Judicial decisions and Treaties. Parliamentary Sovereignty is also included in this. And finally the Rule of Law. The UK Constitution is ever changing however and to through Constant Scrutiny of legislature the unwritten Constitution changes and this is a Primary Source of which makes the Constitution.

(b)

PLAN :

- Statute Law
- No legislative challenges Parliament
- Dominance over Monarchy.

Parliamentary Sovereignty has several features.

Statute law outshines all other forms of law, such as Common and Case law. This is because it means that Parliament can pass legislation at any time if it is popular within the Commons. Examples of this would be in 2001 the law passed where suspected terrorists could be detained without trial following the tragedy of 9/11.

Additionally due to the UK Constitution being uncodified, no one can challenge Parliament's legislative power. There is rarely anything stopping Parliament from stopping not getting bills past. One could argue however that the fixed term Parliaments are entrenched and couldn't be scrapped by temporary government. The UK is unique.

You should start the answer to part (c) on page 9

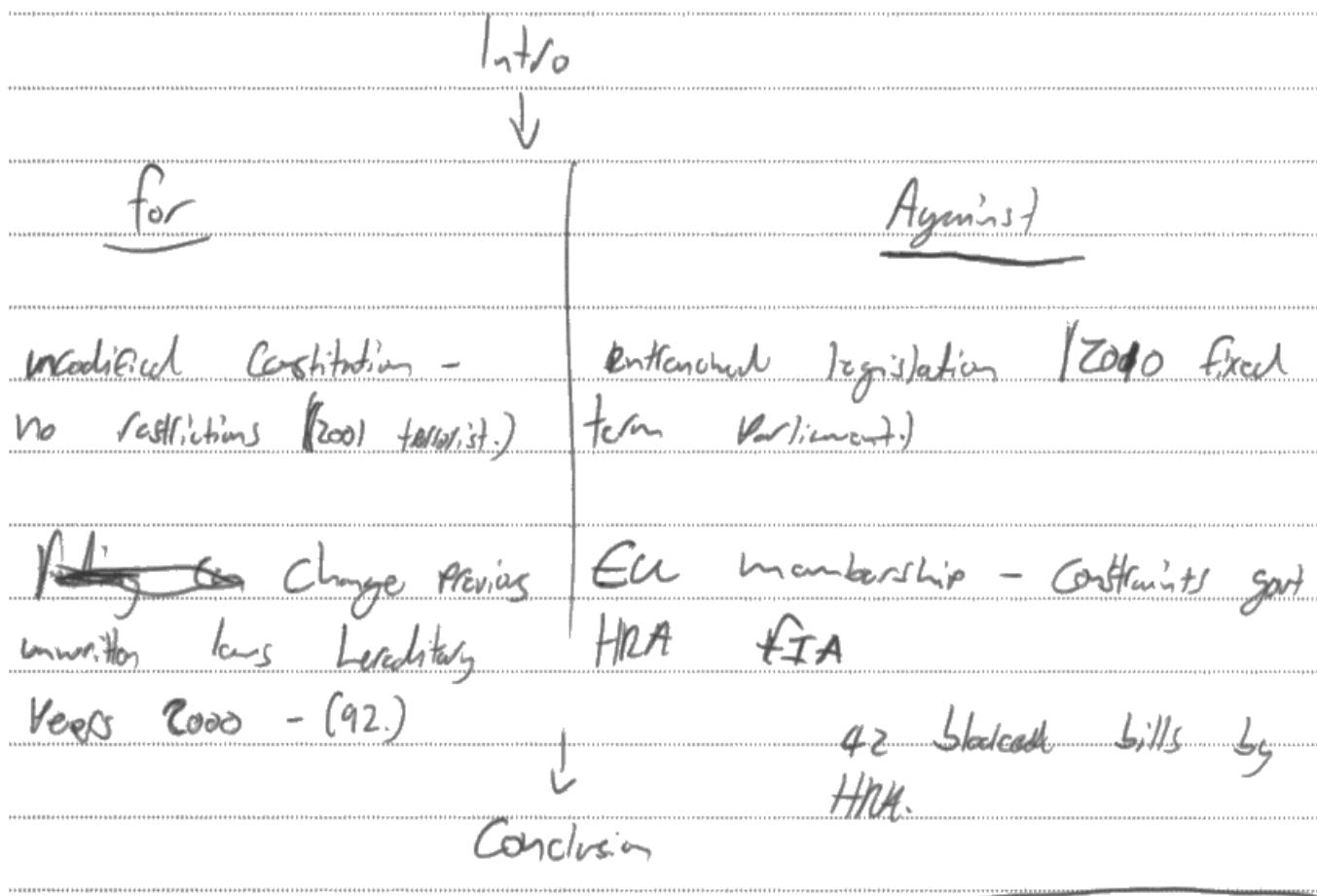
((b) continued)

In this sense as the US Government must get a 2/3 majority in Congress to pass ~~any~~ any legislature.

Finally since 1688 Parliament succeeded in establishing dominance over the monarchy further this is an example of Parliament being ultimately sovereign. However Parliamentary sovereignty is perhaps regulated by its membership of the EU; thus acts ~~of~~ the EU has passed such as the Human Rights Act of 1998 and the Freedom of Information Act of 2005 are acts Parliament must abide by and in this sense limits its sovereignty.

Parliament remain Sovereign

(c) Plan :



Parliament does remain Sovereign in some instances. However there are restrictions to the extent of Parliament's Sovereignty, as I will be arguing.

The UK has an Unwritten Constitution. This is an example of Parliament remaining Sovereign as there are no restrictions dictating what legislation Parliament can and can't pass. This makes the UK unique in the

((c) continued)

Sense that Parliament can Pass bills with ease due to the lack of restrictions placed against it. Following the 9/11 disaster, Parliament passed a bill in December 2001 whereby Suspected terrorists could be detained without trial for up to 30 days. This benefitted the US in the sense that America could not pass a bill like this due to restrictions from their existing Constitution.

However there is such legislation that is entrenched which protects it being abolished by any temporary government. Fixed term Parliaments ~~are~~ introduced in 2010 are an example of legislation being protected which questions the extent of Parliamentary Sovereignty as not always can they amend or scrap legislation.

Despite the size of bills Parliament can amend legislation if it is popular enough. An example of this would be the scrapping of hereditary peers in 2010. The House of Lords 2001. This reform was of great significance as for

You should start the answer to Section B on page 15

((c) continued)

hundreds of years the Lord was hereditary known both the amount of hereditary Peers stands ~~at~~ at 92.

Parliament is currently a ~~matter~~ of Part of the EU; Subject to change depending on the result of the Referendum in 2017 following the Conservative majority on May 7th 2015. The EU questions Parliament's Sovereignty in the sense of certain Acts it must honour regarding the Citizens of the UK. In May 2015 Prince Charles 'Black Spider' memo was released due to years of protest as it was seen as freedom of information. The forced ~~House~~ release of these bills suggests a restriction on ~~who~~ whether Parliament remains sovereign.

To conclude I believe it is false to say Parliament remains sovereign as under the House of Lords bills can be delayed up to a year and in 2014 42 bills were rejected. Additionally our EU membership restricts Parliament's ultimate sovereignty, but this

You should start the answer to Section B on page 15

((c) continued)

may be a difficult case in 2017.



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Examiner Comments

On (a) there is some confusion in the points that are raised. It cannot advance beyond 2 marks as a result of this. With regard to (b) this does cover both source and own knowledge but it is not at Level 3 the answer is to an extent superficial. Part (c) again sees a quite limited response which fails to fully answer the question.

Question 2

Q2(a)

Most answers achieved at least three marks by being able to highlight at least three civil liberties from the source at a very basic and functional level, typically free speech, free press, right to protest, freedom of religion and association. Stronger answers would then develop the examples given with fuller explanations and examples and very many of this type of answer achieved full marks. Some stronger candidates provided good examples of civil liberties to achieve fuller marks, as well as expanding explanations beyond merely repeating the source information. There were a number of candidates who included actual or inaccurate 'civil liberties' from their own knowledge, and these could not be credited due to the specific requirement to use the source. Candidates and centres are reminded once again to only use information that is in the source. There were fewer issues of misunderstanding and interpretation as in Q1 (a) and better and full marks were achieved by 'fleshing' out the three liberties accurately described.

Q2(b)

This question was answered reasonably well, with most candidates achieving at least half of the marks available. If using the source within their answer, the stronger candidates could highlight at least three key areas where civil liberties have been reduced by governments over recent years - typically anti-terror legislation, restrictions on public protest and erosion of right to trial by jury. Stronger answers then went into more detail and highlighted specific policy examples such as particular anti-terror laws, control orders, ASBOs, Internet monitoring, treatment of asylum seekers, etc. This 'how' element was therefore generally covered quite well and to a reasonable standard, although what constituted 'recent years' could be a matter of debate. Stronger candidates also came to terms with the 'why' element for AO2. Less able candidates tended to do less well here often because they appeared to lose focus of what the question was asking (and because it was effectively a question in two parts). Less able candidates also failed to make effective use or reference to the source as required. Here again there is a clear message to centres of the need to highlight to candidates that they must fully read instructions on this type of source question in order to maximise the marks available. Nevertheless, stronger answers did identify a valid number of 'why' factors including actual terror attacks at home and abroad including 7/7, public concerns over law and order, the economic crisis and cuts in the law and order budget. The very top answers were able to explain and summarise these effectively by linking them to contemporary political developments.

Q2(c)

Although this was not a particularly popular question Examiners commented that the standard of responses received this year showed a small but significant improvement over the standard received in other years on the Judiciary. This seems to be a core question to ask about the Judiciary and Examiners found the standard of response was reasonably good compared to responses to other types of questions that have appeared on this topic. This would possibly suggest that this type of question concerning Judges and the protection of civil liberties is a key contemporary debate and is one that many candidates/centres have perhaps focused on in their revision/preparation. A significant number of answers managed to achieve a fairly reasonable standard of response, with few achieving less than half marks, a significant improvement on previous years. However, many candidates did seem to be answering a similar question to the one they had prepared for - if not this exact one. Most answers tended to adopt a reasonably balanced approach, highlighting evidence for the judiciary protecting civil liberties, and also highlighting key arguments against the proposal, before offering a concluding judgement. The most recurring/popular arguments in terms of claiming judges do protect civil liberties included the increased role of the HRA since the late 1990s (stemming from the ECHR beforehand), the growth of judicial review (using figures in some cases), the increasing separation of the judiciary following the 2005 Constitutional Reform Act, as well as a general feeling that judges were more willing to 'take on' the government (often featuring some excellent references to the 'Kilmuir Convention'

about whether judges should intervene in government affairs). Common arguments that judges do not protect civil liberties in the UK included the significant power of the executive, the sovereignty of Parliament (with valid reference to the Belmarsh ruling dispute), as well as the social background of judges (citing current Supreme Court figures as examples) that suggest they tend to side with the government's interests if and when civil liberties were alleged to be threatened. Some candidates also made the earlier point (but in a different way) about judges keeping quiet on political matters and being unable to be proactive on civil liberties cases - in this case arguing that they tend to intervene less, not more. Some weaker answers lost focus on the fact the question was about the UK and went into too much detail about the US judicial system, its Supreme Court and its role which is fine as a brief comparison, but not in excessive depth.

Examiners, although noting some improvement in responses to the Judiciary question noted two points for the attention of centres.

- (1) The critical importance for Level 3 responses of the need to use contemporary and informed examples which raise marks and grades. Nowhere is this more apparent than on the Judiciary.
- (2) As indicated above the role and increased importance of the Judiciary is of fundamental importance in the UK political system, it is a regular topic which is asked each year and there is a clear message to centres that should be taken on board when considering the preparation of candidates for this section of the syllabus. A key teaching 'must' emerges here for centres. It is good practice to go over with candidates how judges actually operate. How practically can and do they protect civil liberties? How can you evaluate how well somebody does or does not do something if you do not know what their precise role is and what is their remit and scope?

This is a clear example of a Level 2 response. It drifts from the set question and is not well versed in accurate detail surrounding how civil liberties have fared in recent years.

Chosen Question Number: **Question 1**

Question 2

(a) With reference to the source it is evident that one of the the civil liberties in the UK are "Freedom of religion" this ensures that citizens can "practice" the faith they believe in and "their religious beliefs". For example in the UK there are several places of worship, such as churches, mosques and temples for citizens to exercise their faith and express their religion

Another civil liberty according to the source is "freedom of expression" this means citizens of UK are able to be opinionated on the issues brought on the country and can their own views too and express them in an appropriate form such as protests and signing petitions

Third civil liberty according to the source is "free freedom of association" which means being able to be party of society with whomever the individual chooses to. This could include pressure groups for a cause or religious groups

You should start the answer to part (b) on page 6

((a) continued) to share religious ideologies.

(b) With reference to the source it is evident that judges have restricted civil liberties in the recent years through legislation such as "anti-terrorism" which would be an infringement on the individuals' civil liberties because they are held without a trial and therefore can't even defend themselves and prove to be not guilty. Furthermore, by creating such legislation which sets precedents ^{for} future cases it is actually harming all the other cases later as circumstances may be different to the initial "anti-terrorism" legislation. An example of this is the act, ^{"Terrorism Act of 2005"} by Labour to ~~hold~~ hold suspects for 30 days. This does not entail a trial and its not even actual attack but it is ~~simply~~ simply holding those who seem to have been involved in such activity.

With reference to the source another way judges have restricted civil liberties in the ~~the~~ recent years is through "~~limitations on a right to trial~~" which "restricted the right to protest" which is certainly a restriction on civil liberties because it goes on to the fact that all citizens have freedom of speech and so they can

((b) continued) be opinionated and put their views across in the form they like ~~saw~~ whilst bearing keeping in mind their limits and boundaries.

Furthermore, if one can't express their views then they can't be said be independent and it's a ~~not~~ threat to our democracy if people are being stopped on freedom of speech.

From my knowledge I know that judges restrict civil liberties because they are unelected therefore can't represent the citizens and provide an effective and accountable system such as 2008 Maya Evans was not allowed to name the dead of Iraq War 2003 as she was outside Parliament.

Civil liberties are the basic rights a citizen has within the country they live in therefore a British citizen has rights to within Britain of speech, trial and religion.

The judges could be said to not being able to protect civil liberties but ~~they could~~ ^{it also} be argued that they do in fact protect ~~the~~ ^{civil} civil liberties. I believe that through the examples and evidence it is true that judges ~~not~~ protect ~~our~~ civil liberties

Firstly, as judges are neutral they are not allowed to join a political party or pressure group, and if they are part of one they have to leave or leave their job as a judge. This ensures that no judge is lenient or bias to a party and is able to carry out their ~~powers~~ role as a judge effectively. For example they have used their powers ~~to~~ ^{acts} to ensure government changes some of its bills such as 2012 Welfare Reform Act and they have ensured that within governments such as Thatcher they have held them accountable so they use their powers appropriately.

You should start the answer to Section B on page 15

((c) continued) However, the role of judges from the 1949 Parliamentary Act is that they can only delay a bill for 1 year and they can't pass or amend. Therefore it is arguable as to how can they protect civil liberties. They also don't have a financial role which was tried in 1909 when David Lloyd George wanted to pass "People's Budget" but couldn't as they and the judges wanted to say no but they couldn't as they don't have an economic role.

On the other hand it could be argued that through the formation of Human Rights Act 1998 judges have been able to more widely assist in protecting civil liberties for example 2011 the judges had ruled that criminals would not be deported because of their "right to family life" which suggested that even people who have committed a mistake have been able to hold ~~this~~ our liberties. Also, the fact that they ruled that prisoners should be able to vote otherwise it is an infringement on their civil liberties and as under Act of Settlement 1701 "quam dicit se bene gestare" the judges

You should start the answer to Section B on page 15

((c) continued) can't be removed for making such decisions.

However, ~~judge~~ parliament is still sovereign hence what they say goes and so if they wish for a bill to be passed they can use their means of getting it through. Furthermore there has been an increase in criticism of how the judges rule such as the 2011 ruling Theresa May straight away criticised that the Human Rights Act was not being used in the right measures. Furthermore as judges are un-elected they are not above government which is elected and therefore they have the right to question judges authority and their the rules they make.

Overall, it is evident no matter how hard judges try they can't protect civil liberties because of criticisms of government, not being elected and therefore not being sovereign as Parliament all in all is.

You should start the answer to Section B on page 15



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Examiner Comments

With (a) it covers three civil liberties accurately and gains full marks, a good start. However in (b) we are presented with a clear problem as essentially, it does not answer the question as it makes reference to judges as opposed to government - with the latter being the demand for the question. Finally on to (c) this is a L2 response. There are elements of confusion in that the judiciary and House of Lords are not accurately depicted.



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Examiner Tip

Look at the core message in the report for how to secure success in both teaching and responding to this section of the specification

This response is clearly a 'step up' on the other presented. It may at times be brief but it is accurate.

Indicate your first question choice on this page.

Put a cross in the box indicating the first question that you have chosen.

If you change your mind, put a line through the box and then indicate your new question with a cross .

Chosen Question Number: **Question 1** **Question 2**

- (a) In the UK judges protect civil liberties which range from the freedom of speech meaning that you have the right to say what you want without the fear of being persecuted or punished for your words. Another civil liberty is a right to a free press meaning that is not controlled by the state and so what you see in the media is free from censorship or control of the government, therefore not bias. Lastly another civil liberty is the freedom of religion meaning that a person can follow any religion or religious beliefs that they wish to without being persecuted by the state and you will be protected if you are allowed or targeted for believing in a specific religion by the state because the government and judges protect civil liberties.

(b) Governments have introduced new anti-terror legislation to protect and ensure the national security of the country. However the anti-terror legislation restricts civil liberties as it allows for harsher treatment of terror suspects and although citizens say this should not happen as they are vulnerable as their civil liberties are limited, the government have to ensure national security. An example is that new anti-terror laws were quickly implemented after the 9/11 terrorist attacks and the London bombings so to ensure that all citizens were protected.

The introduction of public order legislation, although restricts the civil liberty of the right to protest, it protects citizens as often pressure groups are using illegal action to gain publicity such as unorganised and protests which endanger citizens as these can turn violent and unsafe. Therefore the government's restriction of this civil liberty is to protect the people and to control the protests so that they do not become out of hand as in the past years people are more involved in protests an example is one against the rise in tuition fees which turned violent. And although the 2003 Stop the war campaign did not turn to violence the 1 million people offered the opportunity for the situation to become out of hand.

Another reason for the restrictions on civil liberties is that the government want to be able to control the situations an example of which is with the civil liberty of freedom of association because the government want to be able to control the rise of extremist groups which can form and be protected by this civil liberty however You should start the answer to part (c) on page 9

((b) continued) the formation of extremist groups will threaten national security which the government want to safeguard.

(c) In the UK because of the 2005 Constitutional Reform Act, the judiciary is more separate from the government as well as the creation of the Supreme Court. Judges focus on protecting the civil liberties of the citizens whereas the government can sometimes jeopardise civil liberties for the sake of national security. Therefore Judges work hard to ensure that the citizen's civil liberties are not breached or abused.

Judges in the UK have judicial independence meaning that any decisions made are not affected by the outside world. They have the security of tenure and follow the principle of subsjudice meaning that they are not afraid to go against the government's decisions if they believe that the government are abusing civil liberties of a person. An example of this is in 2010 when the government froze the arrests of suspected terrorists however the judiciary fought to have this decision overturned as it was a violation of their civil liberties. Furthermore the Constitutional Reform Act set the creation of the Judicial Appointments Committee meaning that Judges are appointed independently with their main focus being to protect civil liberties as they are not being influenced on their decisions by the government.

Judges are supposedly judicially neutral and so their decisions refrain them from bias and they cannot publicly comment on politics. This means that they are not whipped nor politically pushed to vote in a certain way as the details of cases are not published to the media during the case so that the

((c) continued) judges can make a decision that is not biased. This means that Parliament cannot interfere with the Judge's decisions to contest a decision. Furthermore judicial review has increased in the recent years as it is allowed when there is any cause of conflict of civil liberties. The increase of the number of judicial review cases shows that judges are effectively protecting the civil liberties of the people despite it causing arguments ~~out~~ between the judiciary and the government ~~the ECHR.~~

The judiciary has to enforce the Human Rights Act and so sometimes the HRA can intervene with the government's decision such as the Belmarsh Case 2004 when the judges proved that it was a breach of the person's civil liberties to detain them before trial. Furthermore the Abu Qatada Case 2008 directly went against the government showing that the judiciary will protect the civil liberties of citizens at all costs as they will enforce the Human Rights Act.

However judges do not effectively protect civil liberties as they are not necessarily judicially neutral and as more recently information regarding cases have been leaked to the press and although the judges will attempt not to be affected by the media attention, the opinion of the public can affect the Judge's decisions and this can mean that a decision can be made or they won't contest the government on a decision that they've made due to public pressure which can threaten the protection of civil liberties as the judges can succumb to media.

You should start the answer to Section B on page 15

((c) continued) pressure rather than think about protecting the citizen civil liberties.

Furthermore Parliament ultimately remains sovereign and so Parliament have the final say, power and authority. Judge cannot change laws but rather pass changes or amendments, therefore the government can still pass legislation that restricts, limit or threatens civil liberties and the judges will not be able to stop these laws from being passed as they do not have the power. And this shows that judges cannot effectively protect civil liberties in the UK.

* Often the European Convention of Human Rights will go against the government's decisions because it protects human rights and civil liberties rather than national security, however as judges have to enforce it, it means that they can effectively protect civil liberties in the UK.

Therefore the Human Rights Act 1998 has given the judiciary more power and in doing so the Judges are able to protect civil liberties more effectively as they can overrule government decisions such as the Mental Health Care Act 2008 or the Quatafa care 2008, in order to protect civil liberties.



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Examiner Comments

On (a) we see full marks. It is brief but does meet the criteria. On to (b) this falls short of L3 for AO1 but achieves this for AO2. Finally on (c) the response attains L3 for all AOs. It is focussed and considers both sides of the debate.

Question 3

This question proved to be by far the least popular of the essay questions with a 35% response rate; nor was it answered as well as Q4. Most answers were able to identify that both Houses have a number of shortcomings and could benefit from a number of reforms – stronger scrutiny powers and committees, improved debating procedures, elections for the Lords, an improved electoral system and recall elections for the Commons, mechanisms to improve social representation, boundary reforms and changes in size amongst a number of others. Many candidates considered which House needed the greatest reform; however, many answers did not go further than this and thus tended to remain in Level 2. A number of answers also remained in L2 and below because they dealt solely with the issue of representation (often in great detail), making the case to introduce PR for the Commons and to at least partly elect the Lords. Unless the candidate then widened their analysis to look at how effectively scrutiny of the executive is carried out by both Houses and/or the ability of MPs or peers to influence the legislative process it was unlikely they could reach Level 3. Those that proceeded to indicate that both Houses enjoy a number of strengths, for instance, improved select committees, expertise and experience in the Lords, and debates linked to e-petitions, or who were able to point out the procedural and institutional difficulties of having an elected Lords competing with the Commons were likely to enter and proceed quite high into Level 3 territory. Such answers indicated that both Houses had areas that did not need reform. However these answers were a distinct minority.

This was clearly a less popular choice partly because it called for candidates to think and plan in advance and to harness together a combination of skills to look at both Houses from a variety of different aspects. It was accessible at a variety of different levels and it was well argued by many. The main weakness was that many candidates were much better informed about reform in the Lords than the Commons and this often produced imbalanced responses with the Commons tending to receive superficial coverage. Fewer candidates scored Level 3 responses because they did not seem to be able to identify what was required, frequently producing disjointed responses. Fewer candidates could hold all the information together and form a lucid conclusion. Knowledge of and speculation about proposed and future reform was not good. Nevertheless the very best candidates examined the range of responses identified in the mark scheme examining why the Commons needs reform more than the Lords and vice versa and the view that the Lords is in greater need of reform and those who reject this view. The most able candidates could put all this into perspective displaying a good knowledge of further reform proposals and being able to speculate as to the future of both houses.

Without exception all Examiners commented on the unpopularity of and weaknesses in the responses to this question. There is perhaps a message to centres that they might wish to examine ways of preparing candidates for ‘non-standard’ essay questions requiring candidates to reflect and marshal what they know a little more whilst under exam conditions.

Once again a clear example of one way in which to approach a question and enter Level 3 terrain for marks

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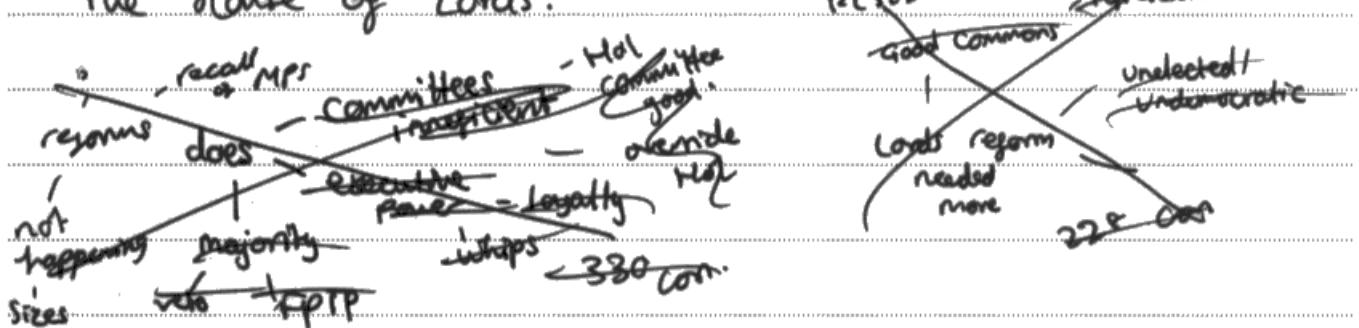
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If you change your mind, put a line through the box and then indicate your new question with a cross .

Chosen Question Number: Question 3

Question 4

The House of Commons is in greater need of reform than the House of Lords.



To some extent, the House of Commons is in greater need of reform than the House of Lords. This can be seen in the suspected power of the executive dominating and weakening Parliament, the arguably inefficient Committees and the lack of accepted reform. However, it can be seen that the House of Lords is in greater need of reform, due to lack of legislation powers and the unelected state of the junior House.

The House of Commons is in need of reform in a number of ways. Firstly, the executive power manifests itself in the tight control of the governing party's MPs. It is convention that Cabinet and party members are to back their party proposals regardless of private opinion, showing the lack of

independent thought allowed. Also, party loyalty is strong in the UK, and this can be seen in the towing of the party line. Senior MPs for government and opposition are appointed as Party whips to remind MPs where their loyalty lies. The executive also has the support of its majority of MPs who will vote in favour of their proposals and legislation. The Conservative's 330 MP majority from May's 2015 election shows how this majority can bolster the party's power when in the Commons. ~~However~~, This is helped by the simple plurality first-past-the-post system. However, the Commons are not totally in need of reform - They can call government to account at PMQ's, they strongly represent local constituency issues such as my local MP ~~Chris Heaton-Harris~~ Chris Heaton-Harris trying to block wind farm building in our local area. They are also able to call government and ministers to account, which is very important since this happens publicly.

There is also the problem of inefficient Committees. The Departmental Select committee, which looks at government departments and can call question ministers, advisers and civil servants and call for official papers can be whipped into line and is far only somewhat influential. The Public Accounts Committee which is Chaired by an Opposition backbencher is more influential and critical when looking at government finance, and this is a reason to say

reform isn't needed. Whilst the DPC are not too independent and influential, the PAC and Legislative Committees of both Houses, which scrutinise legislation and propose amendments, can be seen as a good reason not to reform committee areas.

Reforms in the Commons can be seen as unnecessary since there have been attempts made. One success was the fixed-term parliaments, and recall of MPs, but the shrinking by 10% the House of Commons and resizing Constituencies boundaries have been abandoned. Also, the NOC electoral system of FPTP was preferred over the AV system proposed in 2011's referendum. Whether this is a sign that reform is unwanted or whether the Executive are abandoning reforms they don't like is unclear.

It can be said that Lord's reform is needed more. Left-wing Socialists would argue it should be abolished, whilst others see an all-appointed, or all-elected or perhaps a bit of both as desirable. Reform is unlikely with the 2015 Conservative government, and the junior House was already reformed in 1999, abolishing all but 92 hereditary peers and their voting ~~right~~ powers. The unaccountable and unelected Lords can be seen to be an aspect of desirable reform, since it would be more democratic. However, electing the Lords could cause voter apathy. Some do not like its ability to delay legislation, seeing that ~~unselected~~ they are unelected and not accountal

like the executive, but their powers are limited.

The Salisbury 1949 convention does not allow them to reject legislation made by the government if it is in the government's most recent manifesto, and they can only delay legislation for one year. They can however,

scrutinise and propose amendments. Another point is that

there may be need for reform, since there are many

peers in the House now. Although no one party has

a majority of peers and many independent crossbenchers

sit in the House, there are currently 228 Conservative

peers, the most in the Lords, and this can be seen as

a bad thing since the party dominates the Commons with

330 MPs. It can be seen that areas of reform are

needed in the Lords, perhaps more so than the

Commons. Since the Commons is more accountable and

representative. Representation socially is better in the Commons

than the Lords, with 2015 seeing the most female MPs

in the Commons. However, the Lords is dominated by

knowledgeable people with expertise in certain areas of

legislation, which is more than the Commons who generally

do not have a whole lot of time to debate or scrutinise

legislation.

In Conclusion,

there are many reasons why the House of Commons

is in greater need of reform than the House of Lords.

Executive power can be seen to weaken Parliament, with

~~Chair~~, party loyalty and whips preventing independent thinking. There is also the fact that some Committees are more independent and stronger than others, such as the 15-40 member Commons Legislative Committee and the opposition-backbencher-chaired Public Accounts Committee. There is also the issue that proposed coalition reforms have not come to light apart from fixed-term parliaments which means that the government cannot call an election at a time good for them, and the MP recall powers being given to Constituencies this year to allow them to vote if an MP has abused their position. However, there are many reasons ~~not to reform the Commons, such as to~~ to say that the Lords is in greater need of reform. Of the two it has always been ~~the~~ more contentious ~~issue~~ in terms of whether reform should take place. Its lack of accountability and the old-fashioned, undemocratic, unelected state of the House can be seen in contrast to the elected Commons as a ~~great~~ House in greater need of reform. Overall, ~~there are many reasons to suggest that the House of Commons is in more need of reform than the Lords,~~ but there is definitely a case for the reform of both for my stated reasons, and perhaps one is not ^{more} in need of reform more than the other - both are equally needing reform in different areas.



ResultsPlus

Examiner Comments

This addresses reform of both Houses - it does so in a manner which keeps in view the core demands of the question



ResultsPlus

Examiner Tip

Parliament is now such an accessible topic with a range of up to date resources available. It is good to look at a range of these to inform responses with sharp accurate information and detail.

Question 4

A highly popular question which generally resulted in a large number of good quality responses which often reached well into the top marks within Level 3. There were also relatively few borderline Level 1 to 2 responses. It was a relatively straightforward question and it was clear to Examiners that many candidates had prepared well. It was a question that had obvious appeal to many candidates, offering a debate that many would be familiar with, but the key challenge was to move beyond the standard analysis of the powers and weaknesses of a UK Prime Minister. Weaker answers did merely present a list of rather basic arguments about how strong or weak the British Prime Minister was, without really grasping or developing the key concept of 'presidentialism'. There was little reference to leadership style or any understanding of the nature of a parliamentary system as opposed to a presidential one. This would reflect the fact that many candidates will have prepared for a specific question about prime ministerial powers which was similar but not the same as the one that came up in the exam. Stronger candidates successfully identified and addressed the 'presidential' element throughout the response, and there were some impressive references to academic theories such as Michael Foley's model of 'spatial leadership' and the 'Elastic Theory' as promoted by George Jones. The integration of such arguments was usually although not always the sign of a strong and on occasion a sophisticated answer, and the effective use of examples was also a feature of stronger answers, with Blair and Thatcher generally cited as the two best examples of 'presidential' leaders over recent times in the UK. This was linked to their often dominant personalities, and contrasts were often drawn with the less personally dominant figures of Major and Brown, who most agreed were not presidential. The existence of a small majority was often cited as a factor in determining how 'presidential' a Prime Minister is likely to be, although this can be seen as a speculative argument, with the example of David Cameron as head of a coalition government being used as an example where his powers were certainly perceived to be somewhat restricted and limited as a result. Frequent references were made to the Prime Minister's role in foreign affairs and the importance, good and bad of media image. References were frequently made illustrating the different viewpoints and importance of and size of cabinet including 'sofa' politics and 'quad' government.

Comparison to the USA was a recurring theme due to that country's presidential structure, and some valid comparisons were made between the UK Prime Minister and the US President. The very best candidates highlighted the constitutional differences between the two positions including the role of Head of State, the greater separation of powers in the USA, and the limitation of terms that can be served by a US President. The uncodified and less flexible UK Constitution was also cited in stronger answers as a factor in allowing the UK Prime Minister to wield powers in excess of the more restrained US President, kept in greater check by that country's codified system. Stronger answers acknowledged the clear constitutional differences between the two political systems that prevents the UK government becoming presidential in a structural sense, although there was an acknowledgement that in style terms it could certainly be already moving in that direction. The role of the media was also highlighted as a factor in pushing this presidential image in the UK, with stronger candidates again linking this point to the leadership debates of the 2015 general election. This aspect was also linked to the increased use of special advisors within British politics, which some stronger candidates likened to the presidential image of the 'West Wing'.

This response fails to really develop and address the question. The topic of presidentialism as noted in the report is a distinct topic area and not simply assessing the power of the Prime Minister.

Chosen Question Number: **Question 3**

Question 4

Many charismatic and strong leaders such as Margaret Thatcher and Tony Blair can be seen as more presidential than prime ministerial as they have been individually larger than their parties seemingly making all major decisions like an American president would.

Due to the UK's uncodified constitution prime ministers can interpret their role differently some controlling and doing what they want like Blair and others going seemingly unnoticed like John Major. However with some prime minister like Blair being strong and assertive they become larger than the party and people do not see Labour as Blair. With the media becoming more influential in politics many leaders feature on television and form a personal relationship with voters and other members of the party are forgotten and they are seen as a leader better person above the

party leader than than "a leader among equals".

Furthermore due to an uncodified constitution and set of rules the Prime Minister does not have to listen to their cabinet and can make solo decision or with a smaller select group as a president would do. A prime minister can shorten the length of cabinet meeting like Tony Blair did ~~set~~ to only 30 minutes per week and also set the agenda for every meeting talking about what they want. So they are acting more individually like a president would do as an elected head of state.

However modern Prime Ministers cannot always act individually and presidential because in reality the cabinet can control them and if they do not behave correctly and are seen as taking advantage of the system can be ousted by a vote of no confidence by the cabinet. This rarely happens but it makes some Prime Ministers do not act alone and introduce unpopular legislation such as Thatcher did with Poll tax and was removed by her own party as well as Tony Blair after getting involved in

scandalous wars. So Prime Ministers cannot be fully independent as they need the support of their cabinet to survive and stay leader.

Also a president is seen as the head of state of a country however technically speaking a Prime Minister could never answer this as in Britain the Queen is the head of the country although it is mainly traditional now the Queen must give her royal assent allowing any government to form and must give Royal assent to any legislation and without it the legislation could not be enforced. Therefore the a prime minister is not the head of state as cannot do anything by law.

In conclusion I do not believe modern prime ministers are at all like presidents in all but more as they do not hold the same powers though they may seem to be head of state in the media they do not compare as a Prime Minister has to rely on the support of others.



ResultsPlus

Examiner Comments

This is clearly a L2 response. It lacks detail and precision. There is little contemporary material and a narrow range of examples.



ResultsPlus

Examiner Tip

The topic on Prime Minister and Cabinet is always a popular choice - and ever more so in an essay choice. Once again as with all other aspects of the examination - the citation of clear examples surrounding the fluctuating nature of PM power serves to demonstrate both AO1 and AO2. Added to this is the ability to reference several Prime Ministers and give a broad scope in responses.

Indicate your second question choice on this page.

Put a cross in the box indicating the second question that you have chosen.

If you change your mind, put a line through the box and then indicate your new question with a cross .

Chosen Question Number: Question 3

Question 4

Presidentialism is a term that has been used recently to describe UK Prime ministers. It refers to the PM as becoming increasingly isolated from his/her party, almost like a president in the USA as there is a clear separation of powers.

Firstly, modern PMs are becoming more like PMs due to the increase in spatial leadership and personalisation. PMs are increasingly eclipsing other ministers and MPs and developing their own "character" to the public. For instance, Blair was associated with his radical reform of the Labour party's name to New Labour in 1997 and Cameron has been associated with his highly controversial policies such as ~~same~~ ~~advice~~ the advocacy of same sex marriage in 2013. Due to their personal qualities that are being increasingly portrayed to the public, PMs can be said to act more like presidents as they are developing their own personal policies and ideas. However, this is only true to a certain extent. ~~PMs who do have as drastic~~ differences in policies would not necessarily ~~be~~ ~~more~~ act like presidents as there will not be an increase in spatial leadership. For instance, Major was depicted as boring and mundane and was not very popular amongst the

The previous response was in Level 2 - this solid answer hits Level 3 with ease.

public. He did not have many personal policies to put forward that he felt very strongly about. Thus, his inability to create a "personality" for himself shows that presidentialism is not necessarily true in the UK. Although PMs may act more like presidents due to their increase and involvement in policy formulation, they are not presidents.

In addition, the increase in the media's focus on PMs instead of the party suggests that there may be an increase in presidentialism in the UK. Modern PMs have a stronger link to the public due to the growth of the internet and media culture. For instance, political debates that have been broadcasted often focus on the leader of the party (PMs) such as those in PMQs. ~~Public polls and popularity of a party is often directly associated with the public standing of the PM.~~ The increase in focus on the PM with the media has decreased the focus on the overall party and its policies, rather than ~~it~~. Instead, more focus is given on the PM's personal qualities and opinions, such as those of a president. However, this is only true to a certain extent. The media can act as a double edged sword as bad media on some MPs ~~could~~ could directly take a toll on the entire popularity and public standing of a party, including the PM. For instance, the expenses scandal 2009 by the Telegraph exposed the abnormal expenditure of certain MPs such as Douglas Hogg and his "duck island." This immediately

reflected Brown and his Labour party in a bad light and his party got associated with sleaze and scandal by the public, reducing the popularity of the Party. This shows that there ~~is~~ ^{is} presidentialism is not increasing with UK PMs as ~~they~~ the direct actions of their MPs ~~are~~ directly affects their popularity. This shows that there is no increase in isolation between the PM and his party.

However, there are many factors that suggests that ~~the~~ modern PMs are not Presidents. Firstly, ultimately, the PM can be removed from office due to dissent arising from his own party. For instance, the increase in ideological difference between Thatcher's view on EU ultimately led to her downfall due to some rebellious MPs such as Geoffrey Howe in 1990. Blair's ^{support} involvement for the Iraq invasion 2003 also caused a lot of unpopularity within the Labour party, and the pressure for him to resign led to Brown taking over as PM. This shows that PMs are not like presidents as they can be removed from office by their MPs of their own parties. However, if there is strong party unity ~~with~~ due to CER, the PM can enjoy significant amounts of power and this could potentially lead to an increase in presidentialism as there will be more focus on a PM that has a secure position that is highly unlikely to be removed. Thus, even though a secure PM may seem like a president, there is a possibility

of rebellions and dissent within his/her party that could lead to their removal. Hence, they are ~~not like~~ presidents in that sense.

In addition, a motion of no confidence could be triggered by parliament that could lead to the removal of the PM and his/her governing party. The last time this occurred was in 1979 with Callaghan's party as they failed to gather enough support for his ~~long~~ policies, which led to a vote of no confidence. The fact that PMs can be removed by parliament by a vote against his policy of $\frac{2}{3}$ of the Commons show that he/she is in fact, not a president.

Hence, motion of no confidences ~~do not occur~~ rarely occur and if a governing party has a great majority (such as Blair's government in 2001 where ~~they~~ he needed 1 more MP to reach the $\frac{2}{3}$ majority threshold) it is difficult to trigger this, especially if there is strong party unity. Hence, although motion of no confidence rarely occurs and PMs are usually secure, the constant threat of the possibility of their removal proves to show that ~~these~~ modern PMs are not Presidents.

Moreover, there is still a distinct fusion of powers ~~as~~ with the executive and the legislature. Hence, although there may be executive dominance, the executive is still part of the legislature, showing that

It is impossible that PMs are Presidents. Presidents have to be elected separately and there is a clear separation of power. With PMs, their party is elected ~~to~~ together and given the mandate to govern and the PM is simply the leader of the winning party. They are not directly elected. Thus, this shows that ~~the~~ modern PMs are not Presidents as they are not separate from the legislature.

In conclusion, due to the increase in focus on party leaders and the growth in media and social media, a prime minister may appear to act like a president due to the increase in spatial leadership ~~and~~ personalisation and public outreach. However, the PM still has many constraints that a president doesn't, such as their removal from office from party disunity and a vote of no confidence from parliament. Moreover, it is certain that the PM is not a president as there is still a fusion of powers that exists that ~~the~~ proves that the PM is not an entirely separate entity from their party. Thus, it only appears that PMs presidentialism is increasing but in reality, PMs are not presidents.



ResultsPlus

Examiner Comments

A really good example of how to approach this topic. Concise and sharply focused on the set question. A good base of evaluation. Exceptionally well written.



ResultsPlus

Examiner Tip

This response is not extensive - nor is it exhaustive - more could be noted. However it sticks so rigidly to the set question and is well planned and delivered. Getting level 3 is not about quantity it is built on quality.

Paper Summary

Based on their performance on this paper, candidates are offered the following advice:

- Candidates often did not quote evidence that was clearly in the sources and it is the collective view of a number of examiners that candidates seem to be looking for problems that are simply not there. Centres should continue to take this on board in their preparation for and assessment of the sourced based questions.
- Candidates should be reminded that the source material is always of value to part (b) responses and often to part (c) as was clearly evident this year in Q1.
- Candidates should be aware that each question requires information from the source and their own knowledge. Candidates frequently do not quote information which is clearly in the source nor do they develop points from their own knowledge or develop the points made in the source as own knowledge and therefore move into Level 3.
- The role and increased importance of the Judiciary is of fundamental importance in the UK political system, it is a regular topic which is asked each year and there is a clear message to centres to help prepare candidates for this section of the syllabus. It is good practice to go over with candidates how judges actually operate. How practically can and do they protect civil liberties? How can you evaluate how well somebody does or does not do something if you do not know what their precise role is and what is their remit and scope?
- Examiners commented that there was more evidence this year that candidates had planned their responses in advance and this could in part be a factor in the improvement in essay performance. Examiners believe that a few minutes thought prior to the essay to marshal ideas together is one of the keys to success.
- Higher quality responses do tend to use more contemporary and informed examples which clearly lift the overall mark and therefore grade in all questions. Examiners commented on a better use of examples this year but it remains an important area for development for all candidates and centres.

Grade Boundaries

Grade boundaries for this, and all other papers, can be found on the website on this link:

<http://www.edexcel.com/iwantto/Pages/grade-boundaries.aspx>

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