

# Mark Scheme (Results)

January 2012

GCE Government & Politics (6GP02) Paper 01  
GOVERNING THE UK

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January 2012

Publications Code US030544

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No. 1 (a)	With reference to the source, why are legislative committees needed ?
AO1	Knowledge and understanding
Key knowledge and understanding	
<ul style="list-style-type: none"> <li>• They are needed to scrutinise proposed legislation. The legislation must be looked at in detail. This may imply checking that it is clear, fair and takes account of the interests of different groups.</li> <li>• MPs may be able to improve the legislation from its original draft.</li> </ul>	
<p>Responses which identify, explicitly or implicitly, the two main purposes of legislative committees attract at least three marks. Where there is detail added (from the source or own knowledge)) an additional two marks are available.</p> <p>5 marks – At least two reasons identified and successfully explained  4 marks – At least two reasons identified with limited explanation  3 marks – Either two reasons identified with no explanation or one reason with fuller explanation  2 marks – One reason identified with limited explanation  1 mark – One reason identified with no explanation</p>	

No. 1 (b)	With reference to the source and your own knowledge, explain the ways in which backbench MPs can call government to account.
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>From the source, MPs can call government to account in these ways :</p> <ul style="list-style-type: none"> <li>• By examining critically proposed legislation (legislative committees).</li> <li>• By examining the work of government departments (select committees). These will take evidence from witnesses such as civil servants and ministers and may call for official papers. They report back to parliament, possibly being critical and proposing reforms.</li> </ul> <p>From general knowledge :</p> <ul style="list-style-type: none"> <li>• Through questions to ministers and the prime minister, MPs highlight areas of policy and specific decisions which need to be explained and justified and which may be criticised.</li> <li>• In debates, general and on bills, MPs may force government to explain and justify policies.</li> <li>• There are also opportunities for backbench MPs to call government to account on the floor of the house, for example in adjournment debates, 10 minute rule and on supply days now controlled by the backbench business committee.</li> </ul> <p>Threshold guidance:</p> <p>We require a minimum of three points well explained to attain level 3.</p> <p>We require a minimum of two points well explained to attain level 2.</p>	

<i>Level 3</i> 5-7 Marks	Good to excellent knowledge and understanding of ways in which MPs can call government to account, both from the passage and from the candidate's own knowledge. At least three methods well explained including at least one example from the source and one example from own knowledge.
<i>Level 2</i> 3-4 Marks	At least two methods identified with explanations varying from limited to sound.
<i>Level 1</i> 0-2 Marks	Very poor to weak with less than two methods identified, with explanations ranging from inaccurate to weak or two methods.
AO2	Intellectual skills
Intellectual skills relevant to this question	
It is clear that the candidate understands the meaning of the term 'calling government to account' and makes links between this explanation and the methods identified in the answer.	
<i>Level 3</i> 3 Marks	Good to excellent ability to explain calling government to account and linking this to the methods described.
<i>Level 2</i> 2 Marks	Limited to sound ability to explain calling government to account and linking this to the methods described.
<i>Level 1</i> 1 Mark	Very poor to weak ability to explain calling government to account and linking this to the methods described.

No. 1 (c)	To what extent has the formation of a coalition altered the relationship between parliament and government ?
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The nature of a coalition will be explained, either explicitly or implicitly.  The following key issues are likely to be raised :</p> <ul style="list-style-type: none"> <li>• Collective responsibility has been weakened and so there are more opportunities for parliament to examine and exploit conflicts within government. Government have more problems passing controversial legislation as party discipline is weaker. This was demonstrated, for example, in the vote on the raising of university tuition fees.</li> <li>• In a number of policy areas coalition means that MPs from either coalition partner are allowed to vote how they wish, in other words, whipping is used less so the Commons is more independent than it used to be.</li> <li>• The House of Lords has become more assertive partly because the governments mandate has become unclear.</li> <li>• Some can argue that there has been no fundamental change in the relationship between the Commons and the government.</li> <li>• It is also true that the government has not lost any of its legislation in the Commons and the way in which committees and scrutiny operate have not changed fundamentally.</li> </ul> <p>Threshold guidance:  We require at least two examples of evidence on one side of the argument and at least one on the other, i.e. a total of three points to enter level 3.  We require at least two examples of evidence on either side to enter level 2.</p>	

<i>Level 3</i> 6-8 Marks	Good to excellent knowledge and understanding of the ways in which coalition government has or has not affected relations between government and parliament, with use made of appropriate examples and illustrations.
<i>Level 2</i> 3-5 Marks	Limited to sound knowledge and understanding of the ways in which coalition government has affected relations between government and parliament, with some, more limited, use made of appropriate examples and illustrations.
<i>Level 1</i> 0-2 Marks	Very poor to weak knowledge and understanding of the ways in which coalition government has affected relations between government and parliament, with little or no use made of appropriate examples and illustrations.
AO2	Intellectual skills
Intellectual skills relevant to this question	
Ability to analyse the reasons why the development of the coalition has or has not affected the relationship between government and parliament. It is not sufficient to explain <i>what</i> has happened, but also <i>why</i> the relationship may have changed.	
<i>Level 3</i> 6-9 Marks	Good to excellent ability to analyse the links between the nature of coalition government and the resultant changes in the relationship between government and parliament.
<i>Level 2</i> 4-5 Marks	Limited to sound ability to analyse the links between the nature of coalition government and the resultant changes in the relationship between government and parliament.
<i>Level 1</i> 0-3 Marks	Very poor to weak ability to analyse the links between the nature of coalition government and the resultant changes in the relationship between government and parliament.

AO3	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.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate analysis, making some use of appropriate vocabulary. Reasonably well structured response.
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 absent structure.

No. 2 (a)	With reference to the source, what is the rule of law ?
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The key features are :</p> <ul style="list-style-type: none"> <li>• All behaviour in society should conform to law. This also therefore applies to government.</li> <li>• Everybody should be treated equally under the law.</li> <li>• Punishment must be reserved for those who have been convicted of crimes. In other words there must be no arbitrary punishments.</li> </ul>	
<p>5 marks – At least two features identified and successfully explained  4 marks – At least two features identified with limited explanation  3 marks – Either two features identified with no explanation or one feature with fuller explanation  2 marks – One feature identified with limited explanation  1 mark – One feature identified with no explanation</p>	



No. 2 (b)	With reference to the source and your own knowledge, explain how the independence of the judiciary is guaranteed.
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The nature of judicial independence should be explained, either explicitly or implicitly. This will refer to independence from influence from government, parliament, political associations, media etc.</p> <p>The aspects of independence from the source are :</p> <ul style="list-style-type: none"> <li>• The independent role of the Lord Chancellor is now guaranteed.</li> <li>• The improved separation of powers with the establishment of the Supreme Court.</li> <li>• The judicial appointments system is now virtually independent of political interference.</li> </ul> <p>The guarantees of judicial independence, not in the source, include:</p> <ul style="list-style-type: none"> <li>• the barring of judges from overt political activity</li> <li>• the security of tenure of judges</li> <li>• the guarantees of their future income</li> <li>• the rules of contempt which prevent parliament or ministers from influencing cases in progress.</li> </ul> <p>Threshold guidance:</p> <p>We require a minimum of three points well explained to attain level 3.</p> <p>We require a minimum of two points with at least one of them well explained to attain level 2.</p>	
Level 3 5-7 Marks	Full and developed knowledge and understanding of ways in which the judicial independence is guaranteed, both from the passage and from the candidate's own knowledge. At least three methods well explained including at least one example from the source and one example from own knowledge.
Level 2 3-4 Marks	At least two ways identified with explanations varying from limited to sound.
Level 1 0-2 Marks	Less than two ways are identified with little or no explanation.

AO2	Intellectual skills
Intellectual skills relevant to this question	
<p>Analytical skill involves the ability to make connections successfully between the measures used to guarantee independence and the reasons why these measures should guarantee independence. For example, analysis of the role of the Lord Chancellor, or the significance of separating the Supreme Court, or why security of judges' tenure helps to ensure independence.</p>	
<i>Level 3</i> 3 Marks	Good to excellent ability to analyse the reasons why the various measures are likely to guarantee independence.
<i>Level 2</i> 2 Marks	Limited to sound ability to analyse the reasons why the various measures are likely to guarantee independence.
<i>Level 1</i> 1 Mark	Very poor to weak ability to analyse the reasons why the various measures are likely to guarantee independence.

No. 2 (c)	To what extent can judges check the power of the executive and the legislature ?
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The ways in which judges can check the power of the executive and the legislature include :</p> <ul style="list-style-type: none"> <li>• The courts are guardians of the rule of law.</li> <li>• Judicial review can prevent the exercise of arbitrary power, ultra vires issues and the unequal or unfair treatment of citizens.</li> <li>• The Human Rights Act enables the judiciary to strike down executive acts which offend human rights.</li> <li>• Though the courts cannot strike down primary parliamentary legislation, they can declare incompatibility of some legislation with the ECHR and so weaken the authority of parliament.</li> </ul> <p>The limits of judicial power include :</p> <ul style="list-style-type: none"> <li>• The judiciary cannot set aside primary legislation passed by Westminster so ministers can circumvent the ECHR.</li> <li>• The judiciary cannot be proactive but must wait until cases are brought before it. They also have no pre-legislative function.</li> <li>• Judges may strike down executive action, but cannot prevent government from asking parliament to legislate to overcome judicial objections.</li> </ul> <p>Threshold guidance:</p> <p>We require at least two examples of evidence on one side of the argument and at least one on the other, i.e. a total of three points to enter level 3.</p> <p>We require at least two examples of the argument on either side to enter level 2.</p>	

<i>Level 3</i> 6-8 Marks	Full and developed knowledge and understanding of the ways in which the judiciary can exercise control over executive and legislative power, as well as the limitations of those powers. Examples and illustrations will be effectively deployed
<i>Level 2</i> 3-5 Marks	Sound but more limited knowledge and understanding of the ways in which the judiciary can exercise control over executive and legislative power, as well as the limitations of those powers. Examples and illustrations will be used but not extensively.
<i>Level 1</i> 0-2 Marks	Weak and very limited knowledge and understanding of the ways in which the judiciary can exercise control over executive and legislative power, as well as the limitations of those powers. Examples and illustrations are likely to be absent.
AO2	Intellectual skills
Intellectual skills relevant to this question	
These include the ability to analyse the powers and limitations of judicial power as well as a good, balanced evaluation of that power. Balance does not have to be even, but if there is an imbalance between powers and limitations, this should be justified by the evidence.	
<i>Level 3</i> 6-9 Marks	Good or better ability to evaluate and analyse the strengths and weaknesses of the judiciary with regard to the executive and the legislature
<i>Level 2</i> 4-5 Marks	Limited to sound ability to evaluate and analyse the strengths and weaknesses of the judiciary with regard to the executive and the legislature
<i>Level 1</i> 0-3 Marks	Very poor to weak ability to evaluate and analyse the strengths and weaknesses of the judiciary with regard to the executive and the legislature
AO3	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent arguments and evaluations, making good use of appropriate vocabulary.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent arguments and evaluations, making some use of appropriate vocabulary
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent arguments and evaluations, making little or no use of appropriate vocabulary

No. 3	To what extent have constitutional reforms since 1997 changed the way in which the UK government operates ?
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The constitutional reforms referred to are likely to include some, though not necessarily all, of the following :</p> <ul style="list-style-type: none"> <li>• Devolution</li> <li>• The Human Rights Act</li> <li>• The Freedom of Information Act</li> <li>• The introduction of elected mayors in London and elsewhere</li> <li>• The partial reform of the House of Lords</li> <li>• The Constitutional Reform Act of 2005</li> <li>• The introduction of fixed term parliaments</li> <li>• Any other changes which have occurred by the time of the exam</li> <li>• The 'convention' or requirement that referendums be used for constitutional issues</li> </ul> <p>The reforms have changed the operation of government in these ways :</p> <ul style="list-style-type: none"> <li>• Power has been significantly decentralised through devolution so the scope of central government activity is narrowed (examples would be welcome) .</li> <li>• The protection of human rights has been increased by the HRA and the FOIA. Thus government must take rights and openness into account when making decisions and policy.</li> <li>• Government is more open as a result of the FOIA.</li> <li>• The House of Lords has become more assertive and therefore challenges government more robustly. Government must take this into account when drafting legislation.</li> <li>• Elected mayors has revitalised some aspects of local government in London and a few other locations. Again this presents central government with rival centres of power.</li> <li>• The Constitutional Reform Act has made the judiciary more independent and it is now more independent in its control of government power. Governments must take the increased possibility of judicial reviews and other challenges into account.</li> <li>• Government, even a coalition, is more secure as a result of fixed terms.</li> </ul>	

On the other hand, some fundamentals have not been changed :

- The balance between government and parliament has not fundamentally changed.
- Despite devolution, government remains centralised and local government is relatively weak.
- Parliament retains sovereignty so the constitution remains unitary.
- Government can still set aside individual rights if it can pass the necessary legislation.

Threshold guidance:

We require at least three examples of constitutional reform, provided they are well explored, to enter level 3.

We also require good balance concerning the extent of impacts on government power to enter level 3.

We require at least two examples of constitutional reform with some discussion to enter level 2.

<i>Level 3</i> 14-20 Marks	Good to excellent knowledge and understanding of constitutional reforms as well as the ways in which these have or have not changed the powers of government.
<i>Level 2</i> 7-13 Marks	Limited to sound knowledge and understanding of constitutional reforms as well as the ways in which these have or have not changed the powers of government.
<i>Level 1</i> 0-6 Marks	Very poor to weak knowledge and understanding of constitutional reforms as well as the ways in which these have or have not changed the powers of government.

AO2	Intellectual skills
Intellectual skills relevant to this question	
Ability to explain and analyse the links between the various reforms described and changes in the powers of government. In addition there should be evaluation of the extent to which the powers of government have or have not been changed by the reforms.	
<i>Level 3</i> 8-12 Marks	Good to excellent ability to analyse and evaluate the ways in which the reforms have, or have not, altered the powers of government.
<i>Level 2</i> 4-7 Marks	Limited to sound ability to analyse and evaluate the ways in which the reforms have, or have not, altered the powers of government.
<i>Level 1</i> 0-3 Marks	Very poor to weak ability to analyse and evaluate the ways in which the reforms have, or have not, altered the powers of government.
AO3	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary. A well structured answer with balance and conclusions supported by evidence.
Level 2 3-5 Marks	Limited to sound but more limited ability to construct and communicate coherent arguments, making some use of appropriate vocabulary. Answers will have some structure, though the connections between conclusions and evidence may be tenuous
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent arguments, with little or no use of appropriate vocabulary. Answers will lack structure and balance.

No. 4	Are British prime ministers as powerful as is sometimes claimed ?
AO1	Knowledge and understanding
Key knowledge and understanding	
<p>The conventional view of prime ministerial power includes the following issues :</p> <ul style="list-style-type: none"> <li>• They enjoy multiple sources of authority, including their party, the electorate, prerogative powers and parliament.</li> <li>• They dominate the political agenda of the government.</li> <li>• They dominate cabinet government.</li> <li>• They are able to take advantage of extensive prerogative powers, notably in foreign policy terms.</li> <li>• They have extensive patronage.</li> <li>• They are treated as spokespeople for government by the media.</li> <li>• They often have developed a presidential 'style'.</li> </ul> <p>The experience of prime ministers is likely to include illustrations from the premierships of Thatcher, Major, Blair, Brown and Cameron.</p> <p>The evidence from past premierships that the prime minister may not be as powerful as is commonly believed, may include the following :</p> <ul style="list-style-type: none"> <li>• Power may depend on the size and security of their parliamentary majority (Major, Cameron).</li> <li>• Events are a key element in prime ministerial authority, and therefore power (Blair and Iraq, Brown and the financial crisis).</li> <li>• The prime minister may not enjoy a dominant personality and/or may lose the confidence of the media and the electorate (Brown, Major).</li> <li>• Coalition means the prime minister must share some power with the coalition partner (Cameron).</li> <li>• All prime ministers may be removed from office by their party or by parliament (Thatcher, Blair).</li> <li>• Prime ministers must carry cabinet with them and may not be able to do so (Thatcher – poll tax - Major).</li> </ul>	



<p>Threshold guidance:</p> <p>We require at least three examples of prime ministerial powers, provided they are well explored, to enter level 3.</p> <p>We also require good balance between knowledge of powers and limitations to enter level 3.</p> <p>We require at least two examples of prime ministerial powers with some discussion to enter level 2.</p>	
<i>Level 3</i> 14-20 Marks	Good to excellent knowledge and understanding of both the accepted powers of the prime minister as well as the limitations to that power. Good use will be made of illustrations from prime ministers' experiences.
<i>Level 2</i> 7-13 Marks	Limited to sound knowledge and understanding of both the accepted powers of the prime minister as well as the limitations to that power. Some use will be made of illustrations from prime ministers' experiences.
<i>Level 1</i> 0-6 Marks	Very poor to weak knowledge and understanding of both the accepted powers of the prime minister as well as the limitations to that power. Little or no use will be made of illustrations from prime ministers' experiences.
AO2	Intellectual skills
Intellectual skills relevant to this question	
Ability to analyse prime ministerial powers and its limitations. Evaluation of the conventional views of prime ministerial power set against the experiences of recent prime ministers' , analysing the causes of the weaknesses.	
<i>Level 3</i> 8-12 Marks	Good to excellent ability to analyse and evaluate political information, arguments and explanations with good or better use of conceptual material. Strong and balanced evaluation is demonstrated
<i>Level 2</i> 4-7 Marks	Limited to sound ability to analyse and evaluate political information, arguments and explanations with some effective use of conceptual material. Some balanced evaluation is demonstrated
<i>Level 1</i> 0-3 Marks	Very poor to weak ability to analyse and evaluate political information, arguments and explanations with little or no use of conceptual material. A balanced evaluation will be absent or weak.

AO3	Communication and coherence
Level 3 6-8 Marks	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary. A well developed structure and a response with a good introduction and conclusion. Conclusions will be well supported by evidence.
Level 2 3-5 Marks	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary. There will be some discernible structure with some balance in the evidence.
Level 1 0-2 Marks	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary. Structure is likely to be absent or incoherent.

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Order Code US030544 January 2012

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