

Examiners' Report
June 2012

GCE Government & Politics 6GP02 01

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Introduction

On the whole, candidates coped well with the paper and there seemed to be no special problems with the rubric or understanding the demands of the questions. Great positive progress has been made by candidates, generally, in the structure of answers. Most show logical development of explanation, analysis and evaluation. This was especially true in Section B answers.

In stimulus questions candidates also made better use of source material than in previous years. There are some continuing weaknesses which are also addressed in the summary below. These included a lack of up-to-date examples and a tendency to stray beyond the time-frames to which the question referred.

Question 1

1(a) Most candidates were able to identify successfully at least two implications of coalition government for cabinet formation. As long as candidates were able to offer some explanation of these factors, they could achieve full marks relatively easily, as many did. However, many also achieved only three marks for identifying two issues, without offering any explanation other than, perhaps, a direct quotation from the source.

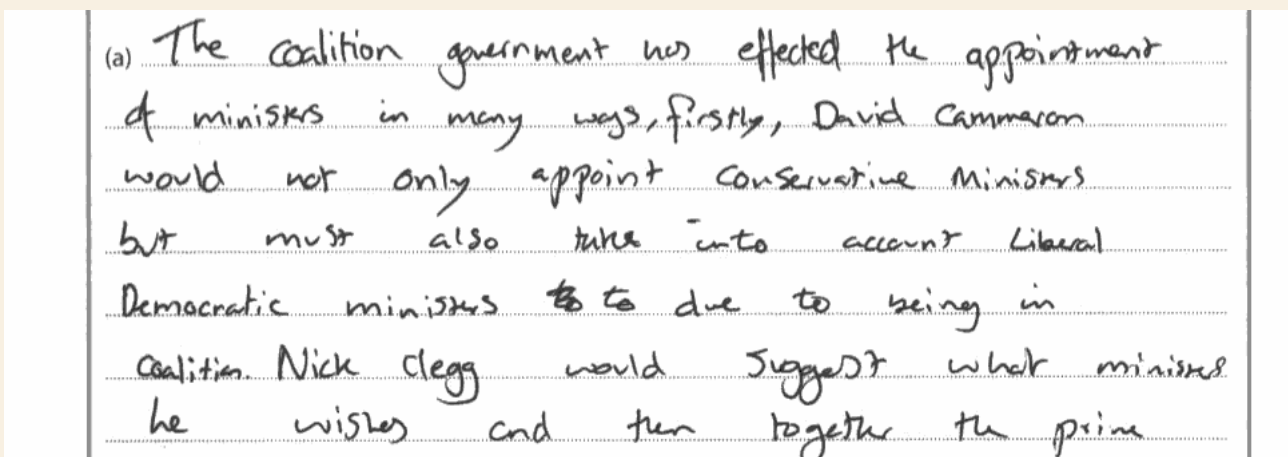
1(b) Generally, candidates were well-prepared for questions about collective responsibility. Many were able to describe and even evaluate aspects of the doctrine not contained in the source. The main factor that differentiated answers was the extent to which candidates addressed the issue of why it is such an important doctrine. Weaker responses tended to describe the working of the doctrine, whilst paying too little attention to its importance. A few also made the mistake of discussing the extent to which it operates effectively. Its effectiveness was certainly relevant to the question, but an evaluation of that effectiveness was not required.

There was one common failing when responding to (b) part questions in Section A of the exam. The source referred to cabinet confidentiality or privacy and that collective responsibility underpins that privacy. Many candidates identified this aspect correctly to achieve marks under Assessment Objective 1, but then failed to explain the link, which would have received marks under Assessment Objective 2. This is partly what is meant by *the candidate's own knowledge*.

1(c) Rather too many candidates treated this question as if it were an analysis of the relationship between the prime minister and the cabinet. This was, of course, an important aspect of the question, but those who concentrated purely on the relationship between prime minister and cabinet were very unlikely to achieve a mark above level 2. This was because they were limiting the scope of the analysis and evaluation too much.

At the other end of the spectrum, there were many excellent examples of candidates who explored the changed role of cabinet under coalition government. It was not necessary to refer to coalition to obtain a high mark, but such a perspective certainly helped many candidates to achieve more marks, especially under Assessment Objectives 1 and 2. Indeed, a common strength of good answers was analysis of the changing role, and therefore, importance of cabinet at different times, depending on the prevailing political landscape. For example, how cabinet may become more important when the government exhibits ideological splits, or what is the effect of the different prime ministerial 'styles'. 'Static' and 'textbook' analyses of cabinet's role tended to lack sophisticated, time-sensitive analysis.

Here is an example of a solid answer to question 1(a).



(a) The coalition government has effected the appointment of ministers in many ways, firstly, David Cameron would not only appoint Conservative Ministers but must also take into account Liberal Democratic ministers to do so due to being in coalition. Nick Clegg would suggest what ministers he wishes and then together the prime

Minister and the ~~date~~ ~~depot~~ Prime Minister will allocate positions, the places would also be allocated in proportion to the votes as the source states therefore the percentage of votes Conservatives had will be replicated once compared to Liberal Democrats the seats in Cabinet to make it fair.



ResultsPlus

Examiner Comments

The candidate has successfully identified the relevant parts of the source and has been able to expand a little on them using their own words. It is very clearly expressed, with no unnecessary comments or analysis.



ResultsPlus

Examiner Tip

When answering part (a) questions in the stimulus section, identify issues **only** from the source, but try to put them in your own words and, if possible, add a little of your own explanation.

Here is a typical example of a level 2 answer to Question 1(c).

(c) The cabinet is the collection of ministers chosen by the Prime Minister (PM) to assist him in governing the UK. The cabinet can be seen as an important part of UK politics but can also be seen as not being very important. The first reason why the cabinet can be seen as important is that by having a collection of ~~PM~~ ministers who run different departments is that the cabinet has a

variety of different expertise within it. This will help with decision making as ministers can help to make more effective policies which are linked to their departments.

Another reason why the cabinet can be seen as an important feature of UK government is that having a cabinet that supports the PM makes government run easier and more effective. When a cabinet starts to disagree with their PM the government starts to crumble. For example, John Major's cabinet turned against him on the subject of Europe when a group of Euro-skeptics known as "The Betsteds" by Major disregarded a collective responsibility

(c) continued) and tried to end Major's tenure. Another example is that by the end of her final term Margaret Thatcher's cabinet turned against her, cabinet minister Michael Heseltine challenged her for the leader of the conservative party.

However, a PM can choose to ignore or dominate their cabinet. Margaret Thatcher used to dominate cabinet meetings and did not rely on cabinet approval. Tony Blair was frequently accused of not using his cabinet as they would often only meet once a week for sometimes as little as 30 minutes.

In conclusion, the cabinet is a very important feature of UK government as it is essential for a Prime Minister to use and receive support from their cabinet in order to remain in office and govern effectively.



ResultsPlus Examiner Comments

This answer is nicely constructed with an introduction, relevant content and a conclusion. The reason it lies in level 2 is that it lacks content - there simply are not enough issues raised - and the analysis of each point is rather superficial. So, it is accurate and relevant, but lacks depth and development.



ResultsPlus Examiner Tip

Make sure you have a very thorough knowledge of evidence in preparation for analysis of key institutions, such as cabinet, as in this case, or the other main institutions. This answer is a little thin on relevant material.

This candidate has written a very clear answer but has only referred to two reasons why collective responsibility is important.

(b) Collective Cabinet responsibility is when ministers must support all government decisions and if they fail to do so ought to resign. For example, Adam Holloway resigned as a ~~junior~~^{know} minister after he ~~dis~~ disagreed with the government's discussion not to hold a referendum about the EU. Collective responsibility is an important aspect of the UK government as all ministers must be in agreement about government policies in order to make sure that they get passed ~~as bills~~ and gain full public support as it looks bad if the government aren't in agreement.

For the coalition government it is especially important as cabinet agreement is crucial for the survival of the conservative led government. It allows ~~them~~ the Conservatives and Liberal Democrats to work together with very little conflict, for example, Lord Cookson resigned from the Cabinet as he couldn't handle working alongside Conservative politicians. and this minimised future party conflict for the coalition government.



ResultsPlus Examiner Comments

Two reasons are quite well-explained and examples are used effectively. However, there is insufficient material. If one other reason for collective responsibility - perhaps relating to privacy - had been explained it would have been in level 3. As it is, it remains only in level 2.



ResultsPlus Examiner Tip

For part (b) stimulus questions, it is always worth referring to all relevant issues given in the stimulus, as well as using one's own knowledge.

This answer is in level 3 for Assessment Objective 1, but does not achieve full marks for Assessment Objective 2.

(b) Collective responsibility is an important ~~part~~ aspect of the UK government. Collective responsibility is important because ~~it~~ ~~pres~~ of the image of cabinet and government it presents to the public and the media. Because all policies ~~are agreed~~ must be publically supported by cabinet members, ~~#~~ it makes the government look competent and decisive. Collective responsibility also unites the cabinet and allows ministers to ~~have~~ be kept ~~in~~ ~~form~~ informed by the Prime minister and vice versa. The existence of collective

responsibility allows means that ministers have a greater form of influence over the Prime Minister and can voice their ideas to him or her. This ~~prevents~~ reduces the chance of the cabinet becoming divided and factioned. It also means there is a dispersal of power and prevents the possibility of ~~presidential~~ presidentialism.

Collective responsibility is also important within the UK government because it prevents the opposition from splitting the government. If cabinet are united it is hard for the opposing party to cause ~~an~~ internal conflict in government. The fact that advice in cabinet is kept private again protects the image of the government and makes cabinet more effective. Collective responsibility can also silence rebels within the party, making government stronger as a whole. Under the coalition government, collective responsibility has become particularly

((b) continued) important as ~~is~~ there now exists a wide range of political views and ideologies within cabinet.



ResultsPlus Examiner Comments

This answer has plenty of information gleaned from the source and adds a good deal of information from the candidate's own knowledge. Therefore, it achieves level 3 for Assessment Objective 1. It does not achieve full marks because its understanding of the relationship between collective responsibility and the role of the prime minister is lacking.

Similarly, the candidate's analysis of the importance of the doctrine for prime ministerial dominance is unclear.



ResultsPlus Examiner Tip

Information from your own knowledge should be added as much as possible. This includes explanations that go beyond the information contained in the source. This is a good illustration of that tip.

Question 2

2(a) Nearly all candidates were able to identify two reforms proposed by Miliband, thus gaining at least three marks. Too many simply quoted a few words from the blog and so obtained no more. A brief explanation of the issues raised was sufficient to obtain one or two additional marks.

2(b) The question asked candidates to 'explain' the reasons why a codified constitution might be beneficial. Some candidates chose to evaluate the arguments, which was not required. This did not lose any marks, of course, but meant that too much material was not relevant and so could not be credited.

Candidates should be careful to obey the key command words in a question and not make their own choices. Thus such commands as 'explain', 'assess', 'evaluate' or 'to what extent', must be carefully identified and followed. That said, there were many good answers to a question for which most seemed well-prepared.

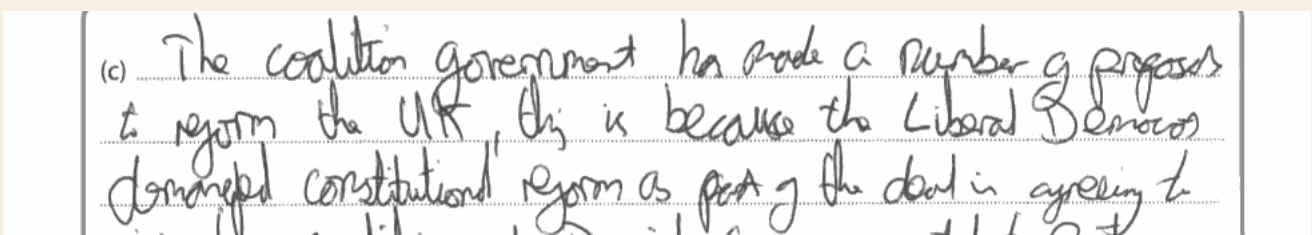
Nearly all candidates could identify at least two arguments from the source and many added their own. Where there were weaknesses, they tended to be in a failure to 'explain' the arguments, rather than merely describing them. For example, large numbers of candidates said codification would help to limit excessive executive power, but failed to explain the mechanism by which this would occur. The same kind of omission tended to occur when civil liberties were being discussed.

2(c) Two serious errors were made by a substantial minority of candidates. One was to suggest that NHS reforms or Welfare reforms were examples of constitutional reform. This may have been a mis-reading of the question or lack of understanding of the word *constitutional*.

The other was to suggest that the idea of codifying the constitution is a coalition proposal. It is, of course, no more than an aspiration held by Liberal Democrats and some Labour politicians. Perhaps the fact that it was mentioned in the source material confused some candidates. It should be emphasised that the (c) questions in Section A are on the same topic as the other question parts and the source, but should not be seen as 'source-based'.

The issue of controversy tended to be handled in one of two ways. Some candidates referred to 'constitutional reform' *in general* and discussed why this is controversial between, and even within, parties. This could be a successful approach as long as specific reform proposals were used, as examples. The other, often successful, approach was to look at *specific* reforms in turn. Here though, too few candidates differentiated between the more and the less controversial issues, instead merely describing the nature of the controversies, often superficially. The best answers tended, for example, to explain that the *principle* of Lords reform is not especially controversial between the parties, but that the detail certainly is problematic, especially within the Conservative Party - or perhaps stating that fixed-term parliaments proved relatively uncontroversial, whilst electoral reform certainly was. Some suggested that further devolution was somehow a coalition proposal and so were discussing an irrelevant aspect.

A good example of an answer that achieves level 3 marks, although not quite at the top.



(c) The coalition government has made a number of proposals to reform the UK, this is because the Liberal Democrats demanded constitutional reform as part of the deal in agreeing to

join the coalition, and David Cameron wanted to portray himself as a modern prime minister, on the liberal side of the conservative party. The proposed reforms can be seen to be controversial as they are a dramatic change on the way our political system works, which has remained fundamentally unchanged, but due to the change in policies of the party. I do believe such reforms proposed reforms have been highly controversial.

One of the coalition government's proposed to reform the UK constitution which is highly controversial is the redrawing of constituency boundaries, ~~and reducing the number of MPs by 10%.~~ By doing this, the coalition government are also planning to reduce the number of MPs by 10%. This is highly controversial as ~~the~~ ~~as~~ ~~the~~ ~~year~~ MPs will have to be representing larger constituencies, with many fearing that they will then not be able to effectively fulfil their duty of representing individual constituents, therefore not effectively carrying out the wishes of governors of individual constituents. It is also a dramatic change of our political system, with many arguing that it does not need to be changed and that it is a pillar of our tradition, as constituencies have been in their present form for over 100 years, it is therefore highly

((c) continued) controversial for this reason.

Another proposal by the coalition government to reform the constitution which has been controversial is the idea of giving more large cities to have elected mayors, as it is the hope that this will bring politics closer to the people and raise individual city's rights. However, many argue that this would

then turning a federal style government where powers are also in the hands of local regions, and therefore threaten the unitary nature of the United Kingdom, which is highly controversial. The government also held recent ~~elections~~ local referendums in the regions where they hoped to elect these local mayors, however the vast majority of the people voted 'no', this highlights the fact that many are against this proposed reform of the UK constitution, it is therefore highly controversial.

Another proposed reform to the constitution by the coalition government which is controversial is the proposed House of Lords reform proposal. ~~The government are either~~ willing to. There are three options in which the government will choose from, each one being controversial. One would be introducing a fully elected second chamber, which it will therefore be more democratic. However, this is controversial as many argue that it will then be

(c) continued to influential and greatly restricted government. Another option they are proposing is having the chamber fully appointed, this is controversial as peers may feel less ~~power~~ ~~pressure~~ in order to get appointed. Overall, any reform of the House of Lords is controversial as it is part of Britain's political tradition, and has stood the test of time. Other also argue that the bicameral nature that the House of Lords bring about, is a positive element of our constitution, and therefore should not be removed.

However, some people prefer a electoral reform by the

coalition government as 'not that controversial', such as the recall of MPs, where constituents would be asked to remove their representative if they do not believe they are as good as they should be, this will make them more accountable, this is therefore more democratic, which is not controversial at all.

In conclusion, I believe that the proposed reforms by the coalition government are controversial, however, I believe that the majority of all proposals would be controversial, as we are fundamentally changing our constitution. People also have many different views on how our country should be governed, and therefore it would

((c) continued) would be almost impossible to make reforms which are not controversial. Government proposals such as reform of the House of Lords and reducing of constituency sizes speak concerning as they are a dramatic change to our political system.



ResultsPlus Examiner Comments

First, a comment on handwriting. This is quite poor, but it can all be read and therefore there is no penalty. As long as meanings are clear and readable, the marking will be positive. Nevertheless, poor handwriting will be a problem if some parts cannot be read.

This answer has several virtues. First, it raises four issues, representing a good range. Second, it does answer the question by explaining the main controversies surrounding them. Third, it does evaluate controversy, differentiating between the more and the less controversial issues. This is an evaluative question so some evaluation must be undertaken. Fourth, it has a good, logical structure. It does not achieve full marks because there is not quite a full enough understanding shown. The analysis is not deep enough and some meanings are not totally clear. Nevertheless, a very solid answer.



ResultsPlus Examiner Tip

Note that section (c) questions are nearly always evaluative. It is therefore vital that some evaluation is included, even if it is only brief and simple. Better to include some evaluation than none at all. In this case, the evaluation is good enough for a level 3 mark for Assessment Objective 2.

Here is an example of a short, straightforward, but well-explained, answer to Question 2(a), which achieves full mark with no wastage of effort by the candidate.

One constitutional reform which ~~the~~ Miliband supports and suggests is the 'Support for AV in the Commons'. This is regarding to the poll referendum on whether the Westminster Union should be AV. Over 60% said 'No'. However this extract is from 2010. He wanted to change our current system of (Single Plurality (First past the Post.) to AV. Alternative idea, which he believes, would be more democratic.

Another is the idea to convert our ~~current~~ Uncodified Constitution to a 'Codified Constitution' as he believes it will make our current political system more open & plural. This is the idea to convert our Constitution into one single written Constitution such as India's or USA's.



ResultsPlus
Examiner Comments

The candidate correctly identifies two proposals and offers some brief, but relevant explanation of each. This is important for achieving full marks in section (a) questions.



ResultsPlus
Examiner Tip

Do not engage in any unnecessary activity in section (a) answers. All that is needed is correct identification of relevant points, together with some explanation of each that goes a little beyond the source itself.

Here is an excellent answer to Question 2(b).

(b) According to the source the advantage of a codified constitution ~~would be~~ is that it would limit the government's power by ~~eaching party~~ ~~by~~ and provide a solution to the ~~parliamentary~~ elective dictatorship or a government control of the Commons. Since

in a uncodified constitution there is a parliamentary sovereignty, meaning that parliament has the ultimate legislative power, the government can easily get their way when ~~it~~ majority of MPs ~~are~~ from in the Commons are from government party. This also means that governments in effect, has ~~a~~ the ~~total~~ ability to change the constitution however it wants. If there would be a codified constitution, "higher law" would restrain the government from ~~exercising~~ exercising inappropriate powers or making any ~~changes~~ and changing constitution in that case would be harder anyway, because the constitution would be rigid.

Another advantage of a codified constitution is that a written document which outlines clearly the rights of the citizens,

((b) continued) the rules of the government and the UK ~~the~~ political system as a whole, would make the ~~a~~ society aware of the politics in the UK and there would be no confusion in what rights the citizens have and in what rights the ministers and MPs in the government have. For instance, ~~now~~ now when UK has a ~~codified~~ uncodified constitution, there is a confusion about collective ministerial ~~responsibility~~ responsibility. We don't know whether they have to resign

only if they make mistakes or also when their civil servants do.

Moreover, codified constitution would provide a protection for human rights. ~~as the~~

If they are clearly written/codified and entrenched, the court will ~~also~~ more easily be able to defend those rights and make ~~that~~ verdicts based on these written rights.

Lastly, the judges seen as neutral and independent would make sure the governing institutions don't go against constitution. ~~and~~



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Examiner Comments

This is, in some ways, an example of a candidate making absolutely sure of all the marks. Indeed he/she goes further than necessary by raising five different points. It is very well-explained and shows clearly what is taken from the source as opposed to from the candidate's own knowledge. Each point is clearly made, fully explained and with some material going beyond the source. It analyses the arguments for a codified constitution, explaining their importance, but resists the temptation to evaluate them as the question does not require it.



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Examiner Tip

As this candidate does, it is worth stating clearly what is from the source and what comes from your own knowledge.

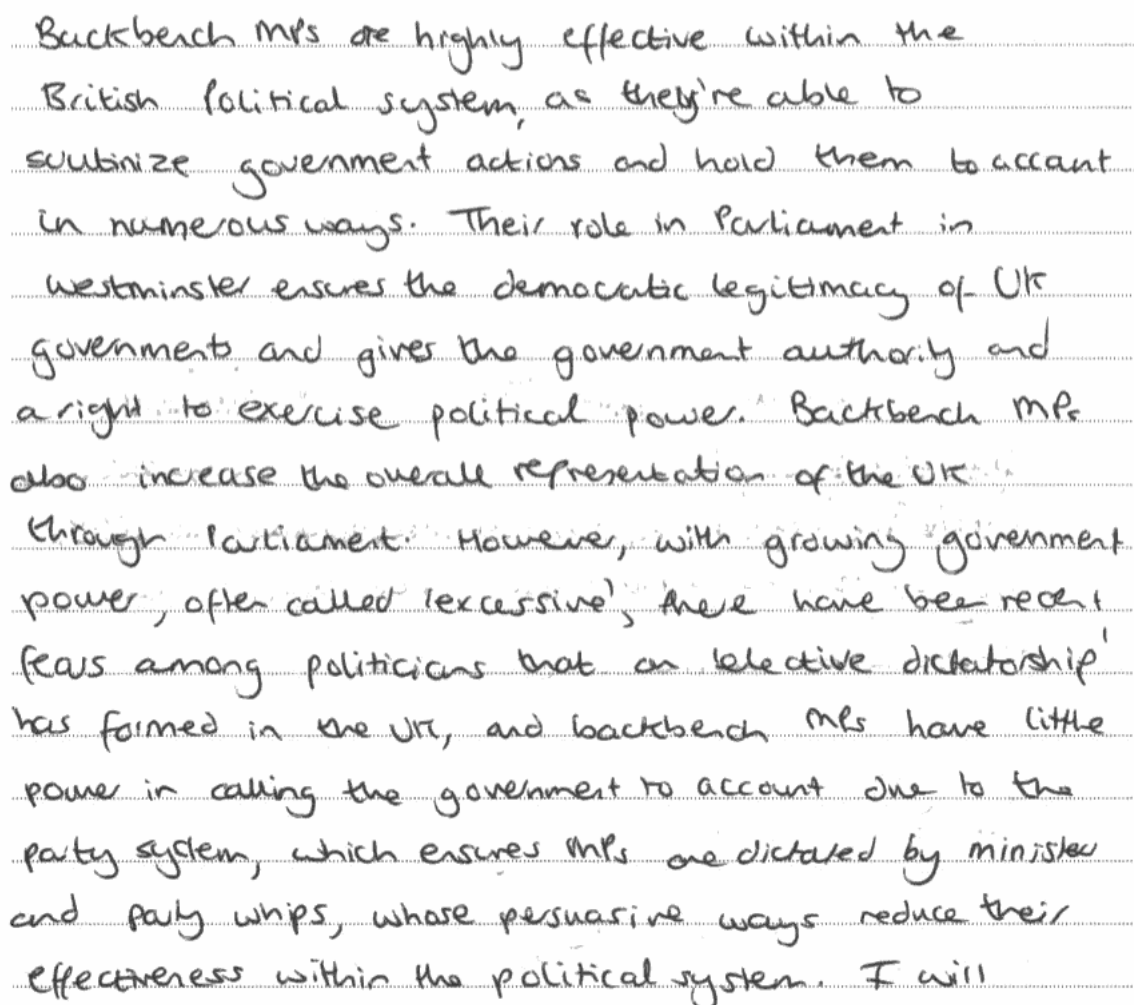
Question 3

It was encouraging to see that the vast majority of candidates did attempt an evaluation of MP's work, rather than merely describing it. Naturally, the quality and depth of evaluation varied, but most candidates did approach the question correctly. It was also remarkable that most candidates recognised the different and varying roles of MPs. Many did ignore constituency work, although referring to that aspect was not a prerequisite for a high mark.

Many good responses differentiated between effective constituency work by MPs and ineffective work on, for example, legislative scrutiny. A widespread failing, however, was good evaluation of the growing importance of departmental select committees and there was especially a lack of examples. For example, the work of members of the Culture, Media and Sport select committee *apropos* the behaviour of the press was rarely referred to. Nearly all, however, understood the importance of the power of the whips, patronage and party loyalty.

The majority of answers were also well-constructed, with useful introductions and conclusions. The coherence of the writing, especially the evaluative passages, varied greatly. The very best responses tended to explore the question *what does effectiveness actually mean?* - making their evaluations much more successful than the average. For example, those who remarked that MPs, especially of the governing party(ies), are there to provide legitimacy, not just to check executive power, gave a more textured evaluation than most.

An example of a very solid answer, with especially strong introduction and conclusion.



Backbench MPs are highly effective within the British political system, as they're able to subvert government actions and hold them to account in numerous ways. Their role in Parliament in Westminster ensures the democratic legitimacy of UK governments and gives the government authority and a right to exercise political power. Backbench MPs also increase the overall representation of the UK through Parliament. However, with growing government power, often called 'excessive', there have been recent fears among politicians that an 'elective dictatorship' has formed in the UK, and backbench MPs have little power in calling the government to account due to the party system, which ensures MPs are dictated by ministers and party whips, whose persuasive ways reduce their effectiveness within the political system. I will

therefore outline the arguments both for and against how effective backbench MPs are in British politics today.

Firstly, backbench MPs are key in calling the government of today to account, making them

answerable for their actions and policies. This is achieved through questions to the Prime Minister and Questions to Ministers. Through Prime Minister's questions which takes place weekly for half an hour, backbench MPs from ^{the} governing party and the opposition are able to scrutinise the weekly actions of the government. Backbench MPs also use this system to increase ^{the} representative function of Parliament, through raising specific issues of their constituents from each of the 650 constituencies in the UK. This ensures the geographical representation of Parliament, and calls the government to account, as an inability to answer ^{these} causes embarrassment to both the Prime Minister and the executive as a whole.

However, many argue that questions to ministers from backbench MPs do not allow them to carry out effectively their function of calling the executive to account within the legislature. This is because Prime Minister's questions only takes place weekly, therefore backbench MPs are unlikely to be able to fully scrutinize government actions within half an hour. Also, Prime Minister's regularly use this televised event to 'political point score' as opposed to explain their actions fully, often evading important

questions. It could also be argued that MPs do not

use enough force when questioning ministers, and therefore they are not held under sufficient pressure to explain their actions, reducing the legitimacy and authority of the government. Also, it is often stated that backbench MPs do not allow Parliament to act representatively on behalf of the nation, with only 22% of MPs being women, a much smaller percentage than other western European Parliaments. As well as this, 90% of MPs are in the top two social classes of Britain and 35% of them ^{were} ~~are~~ privately educated, despite only 7% of the population of Britain attending fee paying schools. Therefore, this predominantly middle class arrangement of Backbench MPs suggests that they are not effective in carrying out a representative function in Parliament.

It is also suggested that Backbench MPs are highly effective in scrutinising government legislation, identifying errors within it and suggesting improvements, improving the quality of executive legislation in the UK. This is specifically relevant due to the reforms of the Wright's Committee under Brown, in which departmental select committees were reformed in order for Backbench MPs to select the chairperson of select committees, as opposed to appointment by party whips. This ensured

that Back Bench MPs gained more power to effectively carry out scrutiny of government actions

and legislation. These departmental select committees have found many errors in government action in the past and allow Backbench MPs to shadow and check individual government departments. Legislation, mentioned earlier, is often scrutinized by Backbench MPs through the use of Public Bill committees, which identify weaknesses in legislation.

However, many agree that MP involvement in Public Bill committees is limited, as most proposed legislation is presented to the legislature, practically complete, by the executive. This results in Backbench MPs making little amendments to bills, with a record of only 1% of those amendments to legislation being successful. This suggests that ^{backbench} MPs are not effective in scrutinising proposed legislation. Also, backbench MPs are arguably not effective through departmental select committees, which are often denied information from the executive and lack credibility, rarely being debated in Parliament.

Backbench MPs are arguably incredibly effective in making the executive accountable through the use

of parliamentary debates, often held on contemporary issues in Westminster, which allow these MPs to probe government action. Organised opposition days in Parliament, in which the agenda is cleared for the opposition to choose debates, ensure backbench MPs of the opposition party are able to force the

executive to justify its actions to the ~~general~~ Parliament

However, many disagree with how effective Backbench MPs are in Parliamentary Debates. This is due to the fact that the debating process is viewed as archaic, and MPs lack the time, resources, and numbers in Parliament to effectively check the executive. This may be viewed by the fact that low turnouts often result in parliamentary debates being 'guillotined' by the executive, suggesting Backbench MPs aren't fully effective.

Backbench MPs are extremely effective in order to be representative of the UK through their representation of a wide range of political parties, roughly presenting the spectrum of political views in the UK. ~~However~~, This can be viewed through the example of the Green Party, who often suffer low voter numbers as they specify environmental policies, winning their first seat in UK Parliament

in the 2010 General Election. Backbench MPs, representing a wide range of political views, also ~~have~~ hold the key function of effectively removing the government of the day through a vote of no confidence. This can be seen through Callaghan's government, which fell in 1979, when a vote of no confidence was passed in Parliament, with Backbench MPs playing a key role in passing this vote.

However, the infrequency of its use in the British Political System suggests that ~~in order~~ for a vote of no confidence to ~~be~~ ^{is not} effective, a ^{clear} majority is ~~needed~~. Therefore, the rare occurrences of this vote suggest Back Bench MPs hold little power in remaining the government. Also, the electoral system of first past the post for elections to Westminster usually ensure a majority government of single-party. It also distorts party representation, with smaller parties such as UKIP rarely winning seats as the system only ensures success if party support is geographically concentrated. Therefore, the under-representation of ~~to~~ small parties suggest Back Bench MPs are not effective in ensuring representation within Parliament.

On the whole, due to a majority usually existing within the UK executive and a lack of representation, it seems apparent that Back Bench MPs are not effective within the British Political System. However, with the recent formation of the 2010 Coalition, certain reforms predict Back Bench MPs becoming more effective. This can be viewed through the 'House Business Committee' predicted to be opened within 2013 from the Coalition, in which Back Bench MPs will have further control over the agenda in the House of Commons. It is also more apparent the power of Back Bench MPs are growing under the Coalition, in which the party system appears weaker and party whips less powerful, shown in the recent statement of a Conservative

Backbench MP, claiming David Cameron was 'a pathboy' who 'doesn't know the price of milk'.

This proves that backbench MPs are becoming much more effective in carrying out a key function of calling the government to account under the Coalition.



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Examiner Comments

This is a very good piece of work. It did lose some marks under Assessment Objective 3 because the writing is not always very clear and there was quite a lot of repetition of style. However, it scored well on Assessment Objectives 1 and 2.

Especially noteworthy are the introduction and conclusion, which are very full and set out the evaluation extremely well. Note that there is assessment on both sides of the question as to how effective backbench MPs are.



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Examiner Tip

Longer introductions like this one can actually double up as an essay plan. If the key points are all mentioned in the introduction you can check that everything has been covered in the main body of the answer.

Question 4

This judiciary question proved more popular than the topic is normally. Whether this was because it was seen as especially accessible, or whether it was that candidates and teachers are at last getting used to this subject, it is not possible to say. Perhaps the publicity surrounding the Leveson Inquiry and the related issues of freedom of the press and personal privacy were connected with it.

It was also encouraging to see much less confusion than in the past over the origin of the European Convention on Human Rights (Council of Europe), as opposed to EU law. In addition, a large proportion of the candidates displayed some knowledge of the limitations of the judiciary, often referring to parliamentary sovereignty and the limitations of judicial review.

Also on a positive note, there was a marked increase in the successful use of examples.

However, there was one common weakness which has occurred before. This was a tendency to treat the question as though it were basically about the independence and neutrality of the judiciary. In other words, many candidates tried to 'adapt' their prepared material on independence and neutrality to this question. Of course, some credit could be given within this approach, but largely under Assessment Objective 2 rather than 1. Certainly the degree to which the judiciary is independent and neutral affects the extent to which it can protect liberty effectively, but too many candidates suggested that these two qualities were actually *methods* by which rights and freedoms are protected. They therefore tended to neglect the key devices of judicial review, applying the ECHR, imposing the rule of law, declaring common law etc.

Here is an example of a very good answer. It has a very logical structure, with short and simple introduction and conclusion. It puts clearly the case on one side of the evaluation and then on the other. There are not too many examples or 'frills' but it is very clearly and authoritatively written.

In the UK, judges in the appellate courts and above are responsible for making sure the rights and freedoms of UK citizens are protected. However, it is debatable as to what extent they are successful in doing so.

On the one hand, the power of judicial review gives judges in the UK the power to look back at government decisions and decide whether or not the government has acted 'ultra vires'.

meaning beyond its power. If the House of Lords (now the Supreme Court since 2009) decide that the government has acted beyond its ~~power~~ legal power to do so, it can make a ruling that will at least force the government

to reconsider its policy in a certain area. The power of judicial review has been most effective in recent times in cases where human rights have been called into question. For example, in a heavily publicised case in 2004, the House of Lords voted by an 8 to 1 majority that the government's indefinite detention of suspected terrorists without trial in Belmarsh prison ~~was~~ contradicted the European Convention of Human Rights and the government was compelled to re-assess its policy.

Furthermore, the creation of the Supreme Court in 2009 has meant that there is a greater sense of the highest appellate court, though still really the House of Lords still, projecting

individual freedoms. Steps taken in 2005 as part of constitutional reform to remove the Lord Chancellor's

role as chief justice and transfer this role to a new Lord Chief Justice who is independent of the legislative chambers have also helped to give a sense that the judiciary is doing more to become more professional and help protect rights and freedoms more.

However, on the other hand, it can be said that judges don't protect our rights and freedoms to a great extent as they cannot be 'pro-active'. In other words, they must wait for cases to come to them and cannot seek cases which they wish to hear simply because they feel they should do so. This links to the convention that judges should remain neutral and not speak politically in public or when casting judgements in court. These restraints on judicial power represent a significant

blow to judicial attempts to protect our rights and freedoms.

Moreover, the fact that parliament is sovereign (all-powerful) means that ~~judicial~~ the judiciary's judgements are not binding on the government, and consequently do not have to take into consideration the points raised by judges (though in practice it is unlikely they would ignore points made). Likewise, the judiciary is powerless to physically remove legislation passed by the UK ~~of~~ parliament, and this too represents a significant block on judges' power to protect rights and freedoms.

Lastly, the fact that EU law takes precedent over UK law means that a judge's decision can be undermined by the European Union, though actually

this only really serves to strengthen our rights and freedoms as the European Court of Human Rights seeks mainly

to uphold the European
Convention on Human Rights.

Overall, it is probably fair to say that restraints on judicial power mean that judges are unable to protect our rights and freedoms as well as they would like to.



ResultsPlus

Examiner Comments

It is weaker, although still a high mark was awarded, on Assessment Objective 1, because there is too little use of examples and relevant legal cases. However, it does better on Assessment Objective 2 in view of the evaluation. It is very clearly written, but does not receive full marks because the introduction and conclusions were not quite developed enough.



ResultsPlus

Examiner Tip

With questions on the judiciary it is important to use examples, mainly key legal cases. When preparing for the examination, try to learn the main facts about some key cases and understand how they can be used as evidence on various issues.

Here is an example of a very good conclusion to a strong answer.

To conclude, there has evidently been a rise in the ability of judges to uphold the freedoms and rights of UK citizens, and this has clearly stemmed from the passage of the HRA and the Constitutional Reform Act 2005. Yet despite this there are clearly still some failings of the ~~the~~ Judiciary, mostly due to the fact that ~~part~~ Parliament in the UK is sovereign. Thus this leads us to the conclusion that

there has been a vast improvement in the way that
our civil liberties are upheld, but that there could
still be greater improvement.



ResultsPlus

Examiner Comments

The conclusion draws together the evaluation, pointing out both sides of the argument and emphasises the point that judicial importance has grown. In general, knowledge of change in all topics is useful for analysis and evaluation.



ResultsPlus

Examiner Tip

Conclusions should have some firm statements in them. In this case, the firm statement is the idea that judicial importance and activism has been growing.

Paper Summary

The following common problems should be addressed.

- It is still the case that not enough examples are used to illustrate key points and as evidence for arguments. For each topic, a good number of important illustrations should be learned, including the context in which they can be used.
- Though relevant examples from the quite distant past (for example the Thatcher years) can be used, it is generally better to use up-to-date examples. For example, illustrations from the premierships of Blair and Brown are better to use than those of Thatcher and Major.
- There remains some confusion (although less than before) over the jurisdiction of the European Union, as opposed to the Council of Europe. Candidates should be instructed carefully, and should learn the distinction between the two jurisdictions.
- Although there was generally good knowledge shown of coalition politics this year, candidates should always be prepared to demonstrate how coalition politics have affected such areas as constitutional reform, the operation of cabinet, the position of the prime minister, as well as parliamentary politics.
- Care must be taken to answer questions within the time frame included in the question. For example, does the question refer to post 2010 ? or post 1997 ? etc. There was, for instance, some confusion over which constitutional reforms have been proposed since 2010 and those that pre-date the coalition. In this regard, the time context of devolution developments should be well known.
- It is worth emphasising yet again, here, that the independence and neutrality of the judiciary are **not** ways in which it can protect rights or check the power of government. They **are** part of the *evaluation* of the effectiveness of the judiciary and they may be the subject of specific questions, but they do not protect our rights or impose the rule of law *per se*. Candidates need to read judiciary questions more carefully before attempting their response.

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