



Examiners' Report

Principal Examiner Feedback

Summer 2022

Pearson Edexcel GCE

In Politics (8PL0)

Paper 2: UK Government and Non-core Political  
Ideas

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Summer 2022

Publications Code 8PLO\_02\_2206\_ER

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## **Introduction**

This cohort had been awarded GCSE grades using contingency arrangements prior to engaging in the programme of study for this unit and the overall standard of responses in 8PLO\_02 was broadly in line with expectations. Many candidates used up-to-date examples to illustrate their points, showing excellent levels of knowledge and understanding, and analytical and evaluative skills.

However, there were some examples of candidates misunderstanding or misinterpreting questions, or not addressing the specific question set, and some cases of candidates using outdated examples. A small minority of candidates opted not to answer all the questions required, and this should be strongly discouraged. Therefore, an important discriminator was the extent to which candidates focused on the specific question set. It remains good advice to candidates preparing for exams to spend sufficient time in the exam thinking about the questions they intend to answer, identifying the key words or terms and, for essays, making a short plan before starting to answer the question.

## **Question 1a**

This was the most popular of the two questions in this section. Some candidates took the approach of describing the various powers of the Scottish Parliament, one by one, and some took the approach of describing legislative, administrative, and financial devolution. Both approaches were rewarded. A significant number of candidates used outdated information on examples such as the tax varying powers of the Scottish Parliament.

## **Two ERA scripts:**

Indicate which question you are answering by marking a cross . 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(a)

Question 1(b)

Sec A

9

Under the 1998 Scotland Act, the parliament at Holyrood was created to help with local affairs.

One of the main powers accorded to Holyrood is transportation. Normally an issue for the Westminster Department for Transport, Holyrood was eventually given the power to oversee transport - a key example is Scotland. Initially, Holyrood only had the powers to set requirements for services, set standard licensing, and even banned the naming of trains, but on 1st April 2022, the railways passed into full public ownership (nationalisation).

Another main power is education. Under Blair, tuition fees for university were introduced in England and Wales, but Scotland continued to have free education. Scotland also has a separate Year System, and does not use the GCSE

Centralisation, instead having its own exam system.

Another power afforded to Scotland is healthcare. Whilst the NHS is usually divided by regions and operated by trusts, the Scottish government controls Scotland's health system. This sees minute differences such as the colour of ambulances (white vs yellow), difference in waiting times, etc, to the larger scale examples such as the handling of the pandemic. Whilst Westminster was keen to open up England's economy, Holywood kept Scotland ~~that~~ under lock and key much longer, showcasing their power over healthcare.

### Examiner comment

This response covers three key areas, (transport, education and health), with relevant illustration of each. This achieved a high Level 3 mark.



Involves tax varying powers and the choice of investment into different public spheres. Indeed, Scotland are now able to make these financial decisions which they had not been able to make before. This allows for further independence for Scotland who seem to push more and more towards to leave the UK and join the EU again. Despite the 2014 Scottish independence referendum not going ~~that~~<sup>this</sup> way, we may see ~~another~~<sup>this</sup> another referendum like ~~this~~<sup>this</sup> in the future.

### Examiner comment

This answer takes a different approach, outlining the legislative, administrative and financial powers devolved to Scotland. Although it loses some focus at the end it also achieved a high Level 3 mark.

### Question 1b

Although less popular than Q1a, around a third of candidates answered this question. Many candidates were able to describe several key features of statute law, with some exemplification. A few candidates were less clear, e.g., suggesting that statute law is entrenched, or not being clear about what distinguishes statute law from, for example, common law or conventions.

### Two ERA scripts:

Indicate which question you are answering by marking a cross in the box . 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(a)

Question 1(b)

Sec A

10

Statute law is the superior source of the UK constitution, as it is the legislation passed by Parliament (which is legally sovereign) that determines the governing institutions' powers, roles, and relationship with citizens, like the Human Rights Act 1998.

~~It can not be top~~: It can not be overturned by any external body, such as the Supreme Court, as its democratic legitimacy is conferred from the elected Parliament, and is henceforth ~~sover~~ sovereign, for example, the Terrorist Assets-freezing Act (2010) that was ~~to~~ passed through Parliament, overruling the 'HM Treasury v Mohammed Ahmed' ~~&~~ ruling of the previous illegality in freezing terrorist assets.

Also, it must be agreed upon by both ~~members of the~~ Houses of Parliament (the Lords and Commons) who debate, ratify, and suggest amendments.



to the legislation through a series of processes, ~~the~~ ~~Bill~~ ~~Committees~~, the 'Committee Stage', for example - where Bill committees scrutinise, line-by-line the ~~the~~ bills' content; a 'Royal Assent' makes the Bill into ~~statute~~, an Act of Parliament (aka. statute law), for example, the recent Elections Act 2022 that includes the provision of voter ID requirements at ~~the~~ elections.

Statute law ~~is~~ ~~fundamental~~ binds everybody to its provision equally; under the 'rule of law', every person is equally subject to statute; for example, statutes regarding 2020/21 lockdown rules, were broken by the Prime Minister, ~~resulted~~ ~~in~~ resulting in his fixed-penalty notice punishments for opposing such law (equally applied to non-senior governmental figures).

### Examiner comment

Three key areas are covered in this response: that statute law is superior; that it cannot be overruled by any other body; and then describing the parliamentary process bills go through before becoming statutes. This achieved a high Level 3 mark.

Indicate which question you are answering by marking a cross in the box . 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(a)

Question 1(b)

Sec A

B

One feature of statute law is that it is law created or passed directly by parliament. It has gone through the appropriate legislative process (1<sup>st</sup> reading, 2<sup>nd</sup> reading, committee stage etc.) in both the Commons and Lords. An example of this is the Human Rights Act 1998.

Another feature of statute law is that it is the main source of the constitution. The laws which are passed by parliament are what mainly guide the constitution and despite other sources such as convention or common law, statute law is primarily what dictates how the government is to run, its powers, and the rights of the citizen. For example, the Freedom of Information Act 2000 asserted that the public had the right to access government documents.

A third feature of statute law is that only parliament can repeal it. ~~For example~~ Other institutions can read and interpret statute law, and pass judgement on whether or not it needs amending, however they do not possess the power to repeal statute law themselves. For example, the supreme court can only interpret whether or not laws are constitutional, but cannot force the government/parliament to change it if it found to be unconstitutional.

### **Examiner comment**

This response also describes three features of statute law: that it is passed by parliament; that it is the main source of our constitution; and that it cannot be repealed by any other bodies but parliament. This also achieved a high Level 3 mark.

### **Question 2**

Most candidates were able to use the source to explain the significance of parliamentary privilege. Stronger responses were able to directly address its importance to the work of parliament, and some gave relevant examples from their own knowledge to improve their answers. A minority of candidates provided information from outside the source that was not linked to the source, which could not be credited, or drew mistaken conclusions from the source. Candidates do not receive any credit for evaluation on this question as they can only be awarded for Assessment Objectives 1 and 2.

### **ERA script:**

One way in which Parliamentary Privilege is significant is that it provides 'legal immunity... for words spoken.' This means that MPs are able to say what they like without fear of being taken to court. This is very significant for the work of Parliament as MPs have to be able to talk about important and pressing issues that have a significant impact on a lot of people without fearing how a select few may feel about it. This was utilised by a Liberal Democrat MP this year in 2022, who used her Parliamentary privilege to name a long list of Russian Oligarchs residing in Britain in an attempt to encourage sanctions following Russia's war in Ukraine. ~~For this reason~~ Parliamentary Privilege allowed her to name all of the Oligarchs for the benefit of the population without fear of being taken to court and for this reason it is clear to see that Parliamentary Privilege is extremely significant for the work of Parliament.

Another way in which Parliamentary Privilege is significant is ~~the~~ the fact that it protects democracy, as stated by Vince Cable that Parliament is 'proving its worth' and 'showing' democracy at work. This is an essential and core value of British Parliament and democracy will always be a priority to uphold in Westminster. The source goes on to ~~mention~~ mention that Green believed Lord Hain was 'abusing Parliamentary Privilege' by naming him and informing the public of his allegations, however this statement is categorically false, and undermines the principle of Parliamentary Privilege in the first place which is to allow the population to stay in the loop of important events without having to fear being sued by the few who are affected by the policy, so for this reason it is clear that Parliamentary privilege is essential in the work of Parliament.

A further reason displaying the importance of Parliamentary Privilege is the pointing out of scandals that may have been covered up, evident in the source where Philip Green had coerced many staff into signing non-disclosure agreements and had covered up a newspaper investigation into the allegations from the Telegraph. This is extremely important when considering protection of the public. By naming these names such as Philip Green, it allows staff of companies like Topshop to be aware of what's going on to keep themselves safe. There are also many scandals that have been high lighted using Parliamentary Privilege, such as the George Osborne cocaine scandal where Dennis Skinner member for Bolton stated the only things he cared about were 'the lines of coke on Roy George's table'. This is important for ~~showing~~ making the public aware and showing the public who they are able to trust and proves distinctively the significance of Parliamentary Privilege.

### Examiner comment

This response uses the source very effectively and refers back to the question. Each paragraph addresses a relevant point with explanation and illustration. The example of the Liberal Democrat MP reading out a list of Russian oligarchs in Parliament is relevant, but it is not needed to achieve the high Level 3 mark that this response was awarded.

### Question 3

It was pleasing to see that the majority of candidates appeared to be well prepared to address similarities as well as differences between the two sources. Most candidates were able to identify key areas where the sources were shown to agree or disagree and to base their argument on these. Stronger answers made mini evaluations as they went along and had a clear conclusion, based on the sources, which addressed the question. A very few candidates ignored the sources altogether or did not attempt any overall evaluation of whether or not the cabinet is the most important decision-making body.

## ERA script

Initially, both sources agree that the Cabinet is the most important 'prime forum' for decision making, suggesting both understand that most policy making decisions lie within the cabinet. However, Source 2 suggests that the Cabinet collectively makes decisions, presenting them to Parliament as a united front. This implies that every member of the cabinet plays a key role in the decision making process, with the prime minister merely acting as a mediator and a first amongst equals. This implies it is the cabinet as a whole is key to making almost all important decisions. Whereas Source 3 has a differing view, implying the Cabinet 'Rubber Stamps' Prime Ministerial decisions. This suggests it is not the cabinet that is a key factor to making decisions, but the PM. It implies the PM has adopted special leadership, where the cabinet government has been reduced to a presidential government. Although Source 2 makes a strong argument, it can be inferred that the PM has played an increasingly important role in decision making, surpassing the importance of cabinet decision making.

Moreover, both sources agree that PM's are able and willing ~~to~~ to fire ministers. However, source 2 suggests that PMs fire ministers in order to replace them with a minister who is better equipped to lead the department and be a potential next PM. This implies that the cabinet

is a collective of the best politicians and advisers and harbours the next PM. Source 3, however, suggests the PM often may not fire an inadequate minister due to them being a good ally. This suggests that the cabinet is only still continuing to exist due to it aiding the PM in their power. The PM uses and exploits the cabinet to protect their position. This source seems the stronger of the two arguments as it implies the cabinet is orchestrated to increase the power of the PM than to create a strong cabinet.

Overall Source 3 is stronger, implying cabinet power has migrated to the PM, meaning, collectively, it is no longer the most important decision making body.

### Examiner comment

This response addresses *both* similarities and differences between the two sources. There is also a clear line of argument running through the response, leading the candidate to conclude that the cabinet is not the most important decision-making body. This response achieved a high Level 3 mark.

### Question 4a

This was the more popular of the two questions in this section. Stronger responses directly addressed the 'since 2010' part of the question, explaining the importance of the Wright Reforms with regard to select committees and the Backbench Business Committee. Stronger responses tended to use mini evaluations as they went along, leading to a clear and reasoned conclusion at the end of their answers. Stronger responses also referred to the Lords as well as the Commons. A significant majority of answers included at least one synoptic point, as required by the question rubric. However, a significant number of candidates conflated a parliamentary vote of no confidence in the government with the Conservative parliamentary party's vote of no confidence in their leader.

### ERA script:

Indicate which question you are answering by marking a cross in the box . If you change your mind, put a line through the box  and then indicate your new question with a cross .

Chosen question number:

Question 4(a)

Question 4(b)

004b 23

Parliament has many different ways to hold the Executive accountable, and has benefitted from changes made in the 2010s such as the creation of the Backbench Business Committee and overall empowerment of select committees, the digital age and media, as well as the fact that the majorities held by governments since 2010 have been small. However, there is scope to question the extent to which Parliament has improved, with some of these reforms providing minimal value so some might say the Parliament of 2010-15 was no better at holding the Executive accountable than that of 2001-2005. Despite this however, I will argue that the evolution of Parliament and how it operated in the 2010s and onwards shows that it could better scrutinise the Executive than previously before 2010.

(please see next page)



An argument which could support the case that Parliament can better hold the executive to account is that, since 2010, there have been less strong majorities. The 2010 coalition government and 2015 government with a small majority are examples of this, with the 2017 minority government of Theresa May illustrating this. When the government does not have a majority or only has a small majority, they are much more susceptible to government defeats. Although the First-Past-the-Post system is often credited with delivering strong majorities, the fact that there have been a coalition and minority government in the 2010s may support the idea that the electorally electoral system is no longer fit for purpose.

Since the government is more susceptible to defeats, individual ministers and backbenchers have more power if they threaten to rebel, and the opposition consists of a larger pool of MPs.

This can allow for greater scrutiny of the executive, and they can be ~~effectively~~ ~~effectively~~ held to account, effectively held to

account in debates or motions of no confidence. ✎

However, this view can be countered by the fact that in 2019, the Conservative Party won a majority of 80 seats, suggesting that this temporary drop in governments having majorities may not last, meaning that Parliament is now no better at scrutinising the executive than previously.

However, despite this, I believe that the 9 years without a large majority from 2010-2019 suggest Parliament is better at scrutinising the Executive.

On the contrary  
However, an argument against the view is that, despite the various issues and problems faced since 2010, the Conservative domination since then shows that the Opposition and Parliament as a whole have been unable to effectively hold the government to account, not influencing voting behaviour sufficiently. ✎ The 2010-15 Parliament ~~could~~ had lots of scope to criticise the government, as it was a coalition

So no single party held an overall majority and there were issues such as the UK's involvement in Libya and the tuition fees scandal which caused large scale public upset. Despite this, due to the perceived weak opposition at the time, the Conservatives went on to win 2 more elections after 2015, even whilst contending with issues such as ~~Be~~ Brexit, which was very divisive. In contrast, the 2001-05 Parliament, with Tony Blair in charge, managed to significantly call Blair to account regarding the UK's entry into the Iraq War<sup>2003</sup>, resulting in a reduced majority in 2005, and lost elections in 2010, 2015, 2017 and 2019. It is clear that the Parliament of 2001-05 dealt with the scrutiny of important issues more effectively than that of 2010-15 and even that of ~~2010~~ 2017-19 due to the massive Conservative majority won after.

On the other hand, Parliament has benefited by the ~~an~~ increase in digital media and the increase in power of select

committees. Over the course of the 2010s, social media has risen in popularity with platforms like Twitter offering a chance for many in the younger demographic to engage in political discussion online. Through this, MPs from the opposition can use these platforms to publicly criticise the government and draw support, demonstrating that the media can have a clear influence on voting behaviour. This is also supported by the increase in the use of Prime Minister's Questions as a ~~political~~ 'media event' to persuade voters and damage the government's reputation. However, the impact of these forms of media on voting behaviour ~~can be~~ media as true ways to hold the government accountable can be questioned, as many do not rely on social media to form opinions, rather to reinforce them. This is because existing supporters of the party in opposition would read their posts online anyway as they would follow related accounts. In this way, social media acts as

an echo chamber. Additionally, PMQs is often criticised as being theatrical and a media event.

To further support the idea that Parliament is better at holding the government accountable, we can look at reforms to select committees. The 2010-15 coalition government introduced the Backbench Business Committee, allowing for one day a week to be devoted to topics not chosen by the government chosen by them, so they can hold the government accountable. Additionally, the chairs of select committees were changed to being elected by secret ballot, reducing the influence of the Executive on them. However, it is worth noting that in reality, select committees hold no real power over the government and much of the public are ignorant of their activities.

In conclusion, I believe that Parliament is better able to hold the Executive to account than previously. This is due to the lack of decisive majorities in recent years, as well as the increase in the use of digital media for scrutiny and the increased power of select committees from 2010 onwards. Despite the fact that the ~~2010-15~~ 2010-15 Parliament ~~struggled~~ struggled to hold the executive ~~more~~ meaningfully to account when compared to the 2001-05 Parliament, with the Conservatives winning multiple elections after 2010, I agree with the statement (Total for Question 4 = 30 marks)  
in ~~question~~ ~~the~~ question due to the aforementioned reasons.

TOTAL FOR SECTION C = 30 MARKS Total 23  
TOTAL FOR PAPER = 60 MARKS

### Examiner comment

This response addresses the question, including the 2010 aspect, and refers to a number of mechanisms, such as select committees (which is covered in some detail), PMQs and the Backbench Business Committee. There is a clear line of argument throughout the answer. The response has synoptic links, FPTP and social media, although there is more coverage of social media than required. The Lords is

not covered in the response, and the second chamber should be included in answers on the effectiveness of Parliament. Overall, this response achieved a high Level 4 mark.

#### **Question 4b**

Although less popular than the other question in this section, nearly a third of candidates attempted this. Stronger responses had a clear focus on the question and provided a balanced discussion around a range of relevant areas. A significant majority of answers included at least one synoptic point, as required by the question rubric. A common misconception was to conflate the European Convention on Human Rights with the European Union, and the European Court of Human Rights with the European Court of Justice. A few responses lost focus on question and considered a general discussion on the arguments for and against membership of the European Union. Stronger responses tended to use mini evaluations as they went along, leading to a clear and reasoned conclusion at the end of their answers.

**ERA script:**

Indicate which question you are answering by marking a cross in the box . If you change your mind, put a line through the box  and then indicate your new question with a cross .

Chosen question number:

Question 4(a)

Question 4(b)

004b

24

The UK joined the EU (then the EEC) in 1973, in order to help with trade links. As the EU developed over time, it had a greater and greater impact on the UK ~~political~~ political system.

One way in which our membership of the EU had a considerable impact on our political system was over our legal system. ~~that~~ Any court cases that conflicted with EU law could be referred to the European Court of Justice (ECJ) and they could apply EU law to advise on a ruling (they don't make a ruling, they state what should happen and the Supreme Court will then apply this). An example of this was in a case called *MacCarthy's v Smith*. The case was regarding a UK law that conflicted with EU law. In the UK, her case was lost, however when referred to the ECJ, her case was won. This demonstrates that our membership in the EU had a considerable impact on our political system, as it (in a way) introduced another court to the hierarchy, therefore changing our legal system.

However, this impact wasn't hugely significant, as cases were rarely referred to the ECJ. This was because it was largely time consuming and ~~was~~ very expensive to do. ~~Also~~ Furthermore, cases could only be referred if UK law clashed with EU law, which wasn't a very common occurrence. Therefore, it could be argued that ~~the~~ our EU membership didn't hugely impact our political system, in terms of our legal system. However, the significance of a higher court than the UK Supreme Court is a considerable impact that does affect the entire legal system, regardless of how often it is utilized, therefore our EU membership has had a sig. considerable impact on our legal system.

~~Another~~ ~~impact of our EU membership that affected the UK political system is~~ ~~it~~ another area of our political system that ~~has~~ had been affected by our EU membership was parliament and the legislative process. When we joined the EU, we agreed to adopt all past and present EU law. This majority affected the legislative process of parliament, as we had to both implement EU law,



and ensure that our laws complied with EU law, otherwise they could be overruled. An example of when this happened was in the case of *Factortame*, where UK fishing law conflicted with EU fishing laws, which eventually led to the introduction of the common fisheries policy. Furthermore, the EU's introduction of workers rights was brought into UK law by Tony Blair under the Social Chapter. Both of these factors show that EU law in parliament had a significant impact on parliament, as laws had to be amended and the law-making process had to accommodate checking that our law didn't conflict with EU law.

It could be argued that this impact is exaggerated, as we could still keep UK laws that conflicted, however they couldn't be enforced. Also, it didn't affect the proceedings of parliament, in that all roles stayed the same and everyone still held the same powers. For example, the PM still remained party and parliamentary leader, as well as chair of the cabinet. Therefore, it could be argued that our EU membership didn't massively affect our political system, as all the actual

proceedings in UK politics still remained the same. Although this argument has some sense validity, ~~the present presence of~~ EU law that was introduced majority affected UK ~~law~~ legislation, as we had to comply with things like directives. ~~The~~ and decisions. Therefore, our membership in the EU did ~~massively~~ have a considerable impact on the UK political system.

one final impact of our political system as a result of our EU membership was on our constitution. When we joined the EU, the UK lost some of its sovereignty (mainly legal sovereignty). This impacted our political system as the UK was no longer ~~fully in charge~~ ~~of making policy that affected~~ had full power over the UK; some of this was transferred to the EU. This was a huge impact, as we were transferring power to another body, meaning they could implement policy that we would have to follow. Therefore, our EU membership had a huge impact on where sovereignty lies in the UK/EU and thus a huge impact on our uncodified constitution.

~~Although~~ Although sovereignty was considerably impacted as a result of our membership, there was always the chance to leave the EU and return sovereignty, by triggering Article 50 of the Treaty of Lisbon. This allows any member state to leave the EU. However, although this was a possibility, it would be highly undemocratic to exercise this political sovereignty without a referendum/consent from the public, since they voted to join the EU. Therefore, although you could argue we could have had the opportunity to trigger Article 50 whenever, it couldn't be done democratically (without a ref), therefore we can agree that as we ~~down~~ gave away power, our EU membership had a considerable impact on our political system.

All in all, our EU membership indefinitely had a huge impact on all major aspects of our political system. EU laws and proceedings that were supreme to ours, and therefore we had to adopt, hugely affected our legal system, laws

and removed some aspects of UK  
Sovereignty

### **Examiner comment**

This response attempts to directly answer the question and discusses three key areas, with some balance and mini evaluations at the end of each section, leading to an overall reasoned conclusion. There is some reference, in passing and not fully accurately, to a referendum, which links with Component 1. There is overlap between the points made on legal sovereignty, although the candidate does make distinct points, with different degrees of development, on the supremacy of EU law, the work of parliament and that EU membership had an impact on our constitution. Overall, this response achieved a high Level 4 mark.

## Paper Summary

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

- Time themselves carefully on each question to avoid having to rush any answers or miss out answering a question altogether.
- Ensure that answers remain focused on the *specific question* that has been set. For instance, candidates would benefit from reading the question carefully, before starting their answers.
- Avoid analysis or evaluation when answering the Section A questions, as this is not required and cannot be rewarded.
- When answering question 2, ensure that they only use points from the source to answer the question. On the other hand, candidates should avoid simply copying out or paraphrasing parts of the source.
- Ensure that they compare and contrast similarities as well as differences in question 3 and that they analyse and evaluate the competing points, leading to an overall conclusion.
- In general, candidates should be encouraged to evaluate *throughout* their question 3 answers, rather than only at the conclusion.
- Ensure that they follow the rubric in Section C, including the requirement to draw on relevant knowledge and understanding of study from Component 1: UK Politics. This is a synoptic assessment, requiring candidates to work across different parts of the qualification.
- In general candidates should be encouraged to evaluate throughout their Section C answers, rather than only at the conclusion.
- Where candidates' answers are longer than the space provided, they should ensure that they use additional answer sheets and clearly signpost this for examiners.