

Version 1.0



**General Certificate of Education  
June 2010**

**Citizenship Studies**

**CIST3**

**Power and Justice**

**Unit 3**

***Mark Scheme***

Mark schemes are prepared by the Principal Examiner and considered, together with the relevant questions, by a panel of subject teachers. This mark scheme includes any amendments made at the standardisation meeting attended by all examiners and is the scheme which was used by them in this examination. The standardisation meeting ensures that the mark scheme covers the candidates' responses to questions and that every examiner understands and applies it in the same correct way. As preparation for the standardisation meeting each examiner analyses a number of candidates' scripts: alternative answers not already covered by the mark scheme are discussed at the meeting and legislated for. If, after this meeting, examiners encounter unusual answers which have not been discussed at the meeting they are required to refer these to the Principal Examiner.

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Set and published by the Assessment and Qualifications Alliance.

**GENERIC MARK SCHEME**

for questions 

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 and 

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Level	AO1 Knowledge and Understanding	AO2 Analysis and Evaluation	AO3 Communication and Action	AO4 Synthesis
3	<b>(3–4 marks)</b> Answers are extensive, demonstrating wide ranging citizenship knowledge and an excellent understanding of a range of relevant citizenship concepts and theories. A range of real and topical examples are used to relate and interconnect knowledge and understanding to citizenship issues.	<b>(5–6 marks)</b> The response contains explicit and detailed analysis and evaluation of issues, problems or events in relation to the citizenship concepts and topics studied. Evaluation of information, views, opinions, ideas and arguments is clear and detailed and there is a detailed assessment of their validity.	<b>(2 marks)</b> A range of information is selected and organised, from which arguments are developed. The response makes good use of appropriate citizenship terminology. Where appropriate the response indicates a good ability to discuss a wide range of key elements relating to citizenship participation. The response should be legible but there may be occasional errors of spelling punctuation and grammar.	<b>(3 marks)</b> Answers demonstrate an excellent ability to synthesise knowledge, ideas and concepts from different areas of the subject in order to generalise, organise and construct an argument or propose alternative solutions.
2	<b>(2 marks)</b> Answers are characterised by a good level of citizenship knowledge and a clear understanding of a range of relevant citizenship concepts and theories. Examples are used to relate knowledge and understanding to citizenship issues and indicate linkages.	<b>(3–4 marks)</b> The response contains good evidence of the skills of analysis and evaluation of issues, problems or events in relation to the citizenship concepts and topics studied. Information, views, opinions, ideas and arguments are evaluated and validity is assessed.		<b>(2 marks)</b> Answers demonstrate a good ability to synthesise knowledge, ideas and concepts from different areas of the subject in order to generalise, organise and construct an argument or propose alternative solutions.
1	<b>(1 mark)</b> Answers are characterised by basic citizenship knowledge understanding of relevant concepts and theories. Candidates may make a basic attempt to use examples to relate knowledge and understanding to citizenship issues and identify connections.	<b>(1–2 marks)</b> The response contains little or no evidence of the skills of analysis or evaluation of issues, problems or events in relation to the citizenship concepts and topics studied. Any assessment of the validity of information, views, opinions, ideas and arguments is implied rather than stated.	<b>(1 mark)</b> There is a basic attempt to select and organise information and construct arguments. The response makes limited use of appropriate citizenship terminology. The response indicates only a basic ability to discuss basic elements of citizenship participation. Errors in spelling punctuation and grammar may be intrusive and the response may not be legible.	<b>(1 mark)</b> Answers demonstrate a basic ability to synthesise knowledge, ideas and concepts from different areas of the subject in order to generalise, organise and construct an argument or propose alternative solutions.
	<b>0 marks</b> No relevant response.	<b>0 marks</b> No relevant response.	<b>0 marks</b> No relevant response.	<b>0 marks</b> No relevant response.

**GENERIC MARK SCHEME**

for questions 

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 and 

1	2
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Level	AO1 Knowledge and Understanding	AO2 Analysis and Evaluation	AO3 Communication and Action	AO4 Synthesis
3	<p><b>(4–5 marks)</b> Answers are extensive, demonstrating wide ranging citizenship knowledge and an excellent understanding of a range of relevant citizenship concepts and theories. A range of real and topical examples are used to relate and interconnect knowledge and understanding to citizenship issues.</p>	<p><b>(6–8 marks)</b> The response contains explicit and detailed analysis and evaluation of issues, problems or events in relation to the citizenship concepts and topics studied. Evaluation of information, views, opinions, ideas and arguments is clear and detailed and there is a detailed assessment of their validity.</p>	<p><b>(3–4 marks)</b> The response is developed from an extensive range of evidence which is selected and organised to form the basis of the arguments being presented. Appropriate citizenship terminology is used extensively. Where appropriate the response indicates an outstanding ability to recognise and draw upon the candidate's own experiences in relation to citizenship participation. The response should be legible with few, if any, errors of spelling punctuation and grammar.</p>	<p><b>(6–8 marks)</b> Answers demonstrate an excellent ability to synthesise knowledge, ideas and concepts from different areas of the subject in order to generalise, organise and construct an argument or propose alternative solutions.</p>
2	<p><b>(2–3 marks)</b> Answers are characterised by a good level of citizenship knowledge and a clear understanding of a range of relevant citizenship concepts and theories. Examples are used to relate knowledge and understanding to citizenship issues and indicate linkages.</p>	<p><b>(3–5 marks)</b> The response contains good evidence of the skills of analysis and evaluation of issues, problems or events in relation to the citizenship concepts and topics studied. Information, views, opinions, ideas and arguments are evaluated and validity is assessed.</p>	<p><b>(2 marks)</b> A range of information is selected and organised, from which arguments are developed. The response makes good use of appropriate citizenship terminology. Where appropriate the response indicates a good ability to discuss a wide range of key elements relating to citizenship participation. The response should be legible but there may be occasional errors of spelling punctuation and grammar.</p>	<p><b>(3–5 marks)</b> Answers demonstrate a good ability to synthesise knowledge, ideas and concepts from different areas of the subject in order to generalise, organise and construct an argument or propose alternative solutions.</p>

**GENERIC MARK SCHEME**

for questions **0 2** , **0 4** , **0 6** , **0 8** , **1 0** and **1 2** (continued)

<b>Level</b>	<b>AO1 Knowledge and Understanding</b>	<b>AO2 Analysis and Evaluation</b>	<b>AO3 Communication and Action</b>	<b>AO4 Synthesis</b>
1	<p><b>(1 mark)</b> Answers are characterised by basic citizenship knowledge understanding of relevant concepts and theories. Candidates may make a basic attempt to use examples to relate knowledge and understanding to citizenship issues and identify connections.</p>	<p><b>(1–2 marks)</b> The response contains little or no evidence of the skills of analysis or evaluation of issues, problems or events in relation to the citizenship concepts and topics studied. Any assessment of the validity of information, views, opinions, ideas and arguments is implied rather than stated.</p>	<p><b>(1 mark)</b> There is a basic attempt to select and organise information and construct arguments. The response makes limited use of appropriate citizenship terminology. The response indicates only a basic ability to discuss basic elements of citizenship participation. Errors in spelling punctuation and grammar may be intrusive and the response may not be legible.</p>	<p><b>(1–2 marks)</b> Answers demonstrate a basic ability to synthesise knowledge, ideas and concepts from different areas of the subject in order to generalise, organise and construct an argument or propose alternative solutions.</p>
	<p><b>0 marks</b> No relevant response.</p>	<p><b>0 marks</b> No relevant response.</p>	<p><b>0 marks</b> No relevant response.</p>	<p><b>0 marks</b> No relevant response.</p>

The following indicative content is to be used in conjunction with the Generic Mark Bands. The points identified are those expected to be found in responses worthy of the top end of Level 3. Responses judged to be characterised by lower levels are likely to include progressively fewer relevant points.

In addition to the indicative content detailed here, all relevant responses will be given credit.

## SECTION A

### EITHER

0	1
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 Examine the purpose of pre-trial hearings in criminal cases. (15 marks)

#### AO1

Candidates will explain that pre-trial hearings will determine, *inter alia*:

- the granting of legal aid
- bail
- disclosure
- areas of agreement

#### Note:

1. not all of these are necessary for full marks
2. the above are given only as examples
3. other relevant and accurate issues raised at pre-trial hearings will be credited.

#### AO2

Candidates will develop the explanation of the issues raised in AO1 by discussing the relevance of the matters dealt with at the pre-trial hearings to the whole trial procedure – for example how they speed up the trial and/or help to achieve a just and fair outcome

#### AO3

Candidates will use language appropriate to the issue of criminal proceedings

#### AO4

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

### AND

0	2
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 Judges are still predominately elderly, white, Oxbridge educated men.’ Assess the view that citizens should be concerned about the composition of the judiciary. (25 marks)

#### AO1

Candidates will explain that The Constitutional Reform Act changed the way in which judges were appointed and did away with the secrecy surrounding the previous system.

(Candidates may explain how the old system worked and will be given credit for doing so, but such an explanation is not necessary for full marks.) Candidates will, however, demonstrate an awareness of the criticism often made about the restricted social, racial and sexual group from which the senior judiciary was traditionally drawn and how the creation of the Judicial Appointments Commission was expected to widen the background from which all judges were appointed. Candidates will explain how judges are currently appointed.

#### AO2

Candidates will discuss the changes made by the Constitutional Reform Act and whether or not the changes it was intended to promote have in fact been achieved. They are likely to consider the relative success or failure of any changes, the desirability of drawing the judiciary, including the senior judiciary, from a diverse social, racial and sexual background and credit will be given for developing the discussion to consider how a failure to do so could undermine confidence in the judiciary generally, although full marks could be achieved without considering this aspect of the question.

Candidates will reach a sound evaluative conclusion, based on the evidence adduced in their answer.

**AO3**

Candidates will use language appropriate to the issue of the appointment of judges

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

**OR**

**0 | 3**

Explain how people charged with a criminal offence can be legally represented in court, even if they are unable to pay their lawyers' fees. *(15 marks)*

**AO1**

Candidates will explain the various schemes for providing state funded representation for people accused of criminal offences. This might include an explanation of: -

- duty solicitors in court
- the Criminal Defence Service
- criminal defenders

**Note:**

1. not all of these are necessary for full marks
2. the above are given only as examples
3. other relevant and accurate sources of legal representation and/or advice will be credited

**AO2**

Candidates will discuss the services provided by the various sources of representation and/or advice that they have identified and the differences between them.

**AO3**

Candidates will use language appropriate to the issue of criminal proceedings, legal aid and legal representation.

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

**AND**

**0 | 4**

When sentencing young people, courts should consider options where punishment is the only objective. Discuss. *(25 marks)*

**AO1**

Candidates will identify and explain some of the theories of sentencing relevant to children and young offenders – for example they may consider issues such as reform and retribution and relate these to the question.

**AO2**

Candidates will consider the different approaches that can be taken to dealing with young offenders and discuss the issues that the different approaches raise for sentencers. For example they may consider the view that young people offend because they have not been taught that offending is wrong and that the appropriate sentence should seek to re-educate them and bring them to a more appropriate understanding of acceptable behaviour or that they offend because they are inherently 'bad' and so need to be punished for their conduct. Candidates will relate this approach to the type of sentence that is available to the courts.

Candidates should produce a balanced answer that considers more than one approach to sentencing and weight up the advantages and disadvantages of the approaches that they consider.



This is a wide question and there are a number of approaches that candidates may take and it is not possible or desirable to be prescriptive. All appropriate and well informed discussion will be credited.

Candidates will reach a sound evaluative conclusion, based on the evidence adduced in their answer.

**AO3**

Candidates will use language appropriate to the issue of sentencing.

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

**OR**

<b>0</b>	<b>5</b>
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 Examine the role of the Criminal Division of the Court of Appeal. *(15 marks)*
**AO1**

Candidates will explain that the Criminal Division of the Court of Appeal hears appeals against sentence, or conviction, or both from the Crown Court.. They will explain that in relation to appeals against conviction it reviews the proceedings at the trial in the Crown Court and if it considers that the conviction is safe it will dismiss the appeal, but that if the conviction is seen to be unsafe it will either quash the conviction or order a retrial. On appeals against sentence it will consider the appropriateness of the sentence and if the sentence is seen to be excessive it will reduce it, otherwise it will dismiss the appeal. Candidates may consider the role of the Court of Appeal in hearing cases referred to it by the Attorney-General, but it is not necessary to do so for full marks.

**AO2**

Candidates will discuss the way in which the Court of Appeal approaches the task of sentencing and its role in fixing appropriate sentences for a range of offences and the way this has changed in recent years as a result of the increased role of the Sentencing Guidelines Council.

**AO3**

Candidates will use language appropriate to a discussion of the role of the Court of Appeal and its place in the criminal justice system.

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

**AND**

<b>0</b>	<b>6</b>
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 The police now have too many powers to arrest suspects.' Assess this view. *(25 marks)*
**AO1**

Candidates will explain the powers of arrest given to the police under the provisions of SCOPA and the appropriate codes of practice. They will explain (in terms) that the police have power to arrest any person if they have reasonable grounds to believe that: -

- an offence have been committed
- the person being arrested has committed the offence
- the arrest is necessary to facilitate the investigation of the offence, or to prevent the suspect from disappearing.

Candidates will be given credit for explaining how these powers differ from those under the Police and Criminal Evidence Act 1984, but it is not necessary to do so for full marks.

**AO2**

Candidates will discuss the extent of the powers granted and show how these are very wide and can be used to cover a range of situations where the police may not need the power of arrest and the very wide discretion that these powers give to the police. Candidates will

weigh up the reasons for giving the police these very wide powers and the problems that these powers create for the police and for the civil liberties lobby.

Candidates will reach a sound evaluative conclusion, based on the evidence adduced in their answer.

**AO3**

Candidates will use language appropriate to a discussion of police powers and the protection of civil liberties.

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

## SECTION B

### EITHER

<b>0</b>	<b>7</b>	Examine <b>two</b> ways in which MPs can be held to account for their actions. (15 marks)
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#### AO1

Candidates will explain how an MP can be held to account by two bodies such as: -

- the courts
- his or her party
- his or her constituency.

#### Note:

1. the above are given only as examples
2. other relevant and accurate ways of holding an MP to account will be credited

Candidates who explain only one way of holding an MP to account (by a body other than Parliament) cannot receive marks in a band higher than level 2

#### AO2

Candidates will discuss how bodies that they have identified proceed to hold an MP to account and the effectiveness of proceedings by such bodies.

#### AO3

Candidates will use language appropriate to a discussion of proceedings relating to the conduct of MPs.

#### AO4

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

### AND

<b>0</b>	<b>8</b>	'There are no ideological differences between the major UK political parties.' Assess this view. (25 marks)
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#### AO1

Candidates will explain, using appropriate examples, what is meant by the term 'ideology'

#### AO2

Candidates will discuss, using examples, the role of ideology in creating policy. They will make clear the difference between policy and ideology and between part and ideology.

They will consider, using examples, the way in which ideology could influence policy and the extent to which it does, or could do.

Candidates will reach a sound evaluative conclusion, based on the evidence adduced in their answer.

**AO3**

Candidates will use language appropriate to a discussion about the nature and role of parliament.

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

**OR**

<b>0</b>	<b>9</b>	Examine the role of the UK in <b>two</b> international organisations other than the European Union. <span style="float: right;"><i>(15 marks)</i></span>
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**AO1**

Candidates will identify two international bodies (other than the EU) of which the UK is a member or in which the UK plays a role – for example:

- The United Nations
- NATO
- G8
- G20

**Note:**

1. the above are given only as examples
2. other relevant and accurate bodies will be credited.

Candidates will explain the role of the UK in the bodies that they have identified.

Candidates who explain the role of the UK in only one international organisation (other than the EU) cannot receive marks in a band higher than level 2.

**AO2**

Candidates will develop their examination by a discussion of the role that the UK plays in the bodies that they have identified. This might be by reference to examples or brief reference to case studies

**AO3**

Candidates will use language appropriate to an explanation and discussion of international organisations and the ‘global village’.

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

**AND**

<b>1</b>	<b>0</b>	‘Parliament is undemocratic because of the First Past The Post electoral system used at general elections.’ Assess this view. <span style="float: right;"><i>(25 marks)</i></span>
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**AO1**

Candidates will explain that the “first past the post” system used for parliamentary and local elections in the UK does not mean that the successful candidates have received the majority of the votes cast. Candidates will explain (in simple terms) how one of the systems of proportional representation works and show how it differs from the present system. and that the claims made of a system of proportional representation might

**AO2**

Candidates will discuss the advantages that might result from adopting a system of proportional representation. These might include:

- better representation of the wishes of the voters' as expressed at the ballot box.
- more parties might field candidates
- smaller parties might be better represented in parliament
- voters might have a wider choice of candidates

These are given only as examples and all other credit-worthy points will be credited.

Candidates will reach a sound evaluative conclusion, based on the evidence adduced in their answer.

**AO3**

Candidates will use language appropriate to the issue of parliamentary representation and elections

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

**OR**

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Consider some of the ways in which a citizen can participate effectively in the political system without becoming an MP or a local councillor. (15 marks)

**AO1**

Candidates will identify at least two ways in which a person can advance his or her views without being elected as an MP or as a local councillor – for example:

- the internet
- membership of a pressure group
- local council forums

**Note:**

1. not all of these are necessary for full marks
2. the above are give only as examples
3. all other accurate and relevant examples will be credited
4. candidates who deal with only one other way in which a citizen have make his or her opinions known cannot receive marks higher than those available in band 2.

Candidates will explain the methods that they have identified

**AO2**

Candidates will develop their answer by a discussion of the methods they have identified and offer some evaluation of the effectiveness of their suggestions

**AO3**

Candidates will use language appropriate to the issue of participation in public affairs

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

**AND**

1	2
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‘The Executive does not dominate Parliament.’ Discuss this view. (25 marks)

**AO1**

Candidates will explain that the UK has a cabinet government and that the Cabinet has no official standing in itself. It collectively proposes legislation which is then discussed and (usually) passed into law by Parliament.

**AO2**

Candidates will discuss whether the theory represents reality. In modern Parliaments the very tight party controls ensure that usually government legislation is passed without a problem, but that sometimes this breaks down and governments fail to get legislation passed by the Commons. Candidates may discuss this from a range of perspectives (for example some may argue that parliament is dominated by party rather than by the executive, or by the Prime Minister, or by a section of the government rather than the whole cabinet) and



credit will be given for all relevant and well informed comment that is supported by examples and is well presented and convincingly argued.

Candidates will reach a sound evaluative conclusion, based on the evidence adduced in their answer.

**AO3**

Candidates will use language appropriate to the issue of whether the Executive does or does not dominate Parliament.

**AO4**

Candidates will draw concepts and examples from a range of citizenship sources and will construct an answer that responds to the issues raised in the question

**ASSESSMENT OBJECTIVE GRID**

<b>A2 Assessment Objective</b>	<b>Section A</b>		<b>Section B</b>		<b>Total Marks by Assessment Objective</b>
	<b>Marks allocated by Assessment Objective questions 01, 03 and 05</b>	<b>Marks allocated by Assessment Objective questions 02, 04 and 06</b>	<b>Marks allocated by Assessment Objective questions 07, 09 and 11</b>	<b>Marks allocated by Assessment Objective questions 08, 10 and 12</b>	
<b>AO1</b>	4	5	4	5	18
<b>AO2</b>	6	8	6	8	28
<b>AO3</b>	2	4	2	4	12
<b>AO4</b>	3	8	3	8	22
<b>Total</b>	<b>15</b>	<b>25</b>	<b>15</b>	<b>25</b>	<b>80</b>