



**General Certificate of Education**

**Citizenship Studies 2101**

**Unit 3 (CIST3) Power and Justice**

**Report on the Examination**

*2011 examination - January series*

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## **Unit 3 (CIST3): Power and Justice**

### ***General Comments***

It was pleasing to note the increase in entries for this paper and candidates appeared to be better prepared for the examination than last year. Stronger candidates really got to grips with discussion of the issues raised by the questions and used pertinent and up-to-date examples to illustrate their answers. Most candidates referred to the issue of student tuition fees and EMA allowance, but a few chose to use their responses to air their anti-government views in strong terms, which was inappropriate.

Very few candidates infringed the rubric of the paper by answering only from Section A or by not answering pairs of questions. Weaker candidates showed a lack of knowledge and understanding of key concepts and failed to quote legislation or use appropriate case law in their answers, particularly in Section A. Centres must, when teaching this course, ensure that candidates have a clear understanding of the key concepts, without which they cannot develop their knowledge or create a valid argument. Candidates must also be encouraged to consider both sides of an argument before reaching a reasoned conclusion.

It was disappointing that even some strong candidates could not spell some terms such as 'parliament' correctly and candidates should be prepared to learn key terminology correctly.

On the whole, candidates seemed to manage their time efficiently and there was little evidence that any were unable to finish the paper because of shortage of time. Some candidates wasted time by writing out the question which is never necessary.

### **Section A – Crime, Justice and Punishment**

#### **Question 01**

Whilst this was the most popular question (linked with Question 02) in this section, it was disappointing that many candidates failed to refer to the appropriate legislation, namely the Police and Criminal Evidence Act 1984 (as amended by Section 110 of The Serious Organised Crime and Police Act 2005). However, candidates showed an awareness of police powers to arrest on reasonable grounds of suspicion, and many referred to stop and search powers, some commenting on the police stereotyping and showing a preference for stopping ethnic minorities. It would have been useful for candidates to give examples of arrests under Section 24 of PACE when police have reasonable grounds to suspect that a crime is about to be committed, is being committed or has been committed.

Some candidates concentrated on police powers of detention, listing the rights of the detainee whilst in police custody, but unfortunately this was not covered by the scope of the question or indeed in the mark scheme. Teachers should advise candidates to concentrate their efforts solely on the question asked rather than giving information on police powers generally.

## **Question 02**

This question produced many excellent answers as candidates demonstrated good knowledge and understanding of the aims of sentencing, powers of the court and aggravating and mitigating factors affecting sentencing. Stronger candidates were able to discuss the balance between punishment and rehabilitation with the need to protect society and also achieve fairness in sentencing.

However, weaker candidates failed to refer to sentencing aims and powers of the court and based their responses solely on the moral question of whether a criminal should be sentenced on the crime alone. Some referred to the crime of murder without an awareness of the mandatory life sentence. Such candidates failed to gain high marks for assessment objective AO1 as they showed little knowledge or understanding of the subject.

## **Question 03**

Answers to this question were not as well developed as might have been hoped. Candidates seemed to be struggling to know how to answer it with few being aware of the judge's role in a criminal trial. Many candidates relied solely on problems with impartiality due to judges being mainly 'white middle-aged men' from a widely different socio-economic background from the defendants. Some candidates seemed to think that the judge gave a verdict rather than the jury, whereas some thought that the jury pronounced the sentence. It appeared that some candidates answered the question as if it related to unfair trials.

Stronger candidates were able to outline the role of a judge in achieving a fair trial and included the necessity for both sides of the case to be heard, although the rules of natural justice were not specifically referred to and there was little reference to the Human Rights Act 1998.

## **Question 04**

This question was well answered with most candidates responding to all three aspects of the question. Some candidates were able to quote statistics and give reasoned arguments for why crime rates are higher for young males and ethnic minority groups, giving specific examples. Weaker candidates tended to generalise or discuss stereotyping of young 'hoodies' and gang culture rather than giving reasoned arguments concerning peak ages for offending and reasons why males commit more crime than females. However, some pleasing answers included XYY theory for male offending, chivalry theory on female crime and labelling theories.

## **Question 05**

This question was popular and was mainly answered well. Many candidates, however, did not refer to the Bail Act 1976 as amended although they were strong on the assumption that bail should be granted pending trial. Some candidates seemed to confuse bail with parole, although most candidates were aware of conditions which may be placed on bail. Commenting on the conditions could have been better developed, to produce higher marks for assessment objective AO2.

Some candidates were under the impression that bail meant paying money in order to secure freedom. Some stronger candidates were able to explain circumstances when bail may be denied and the reasons why. Candidates are to be encouraged to consider why conditions are placed on bail, how successful they are and what would happen if the suspect breached the bail conditions'.

### **Question 06**

There were some excellent lengthy responses which contained reference to the Juries Act 1974 and the Criminal Justice Act 2003, and which contained case law such as R v Young and R v Ponting and R v Kronlid with explanations. Most candidates were able to give both sides of the argument as to whether a jury is or fails to be reliable and effective by citing advantages and disadvantages, although few suggested reform or a sole judge reaching a verdict. Candidates mainly cited disadvantages which render a jury ineffective as lack of legal knowledge and training of jurors, jury nobbling and high media profile, whilst the argument for effectiveness tended to be based on fairness, lack of bias and citizen involvement in the criminal justice system.

## **Section B – Politics, Power and Participation**

### **Question 07**

This was a popular question (linked with Question 08) and the better responses included examples of current MPs and present and past Prime Ministers, tracing their education and employment history. They also included MPs from different political parties, women and disabled MPs and ethnic minority MPs. Weaker candidates tended to consider only one side of the argument, asserting, in some cases, that all MPs did not reflect society as they were privately educated and went to the top universities. Candidates should be encouraged to consider both sides of an argument and, wherever possible, present examples such as in this answer by showing MPs who maybe do not reflect their constituency and those who do. Candidates should be discouraged from making sweeping statements.

Some candidates concluded that it did not matter about the MP's socio-economic background, but what really counted was whether they were a listening MP and had the welfare of their constituents at heart. This was an excellent observation and was worthily awarded.

### **Question 08**

There were some excellent responses to this question, considering both sides of the argument and generally reaching the conclusion that the powers of the Prime Minister are limited in various ways, for example, popularity with the public, vote of no confidence in Parliament, the EU, threats of Cabinet resignations. Examples were given of Prime Ministers acting in a presidential style, such as Tony Blair and Margaret Thatcher.

Weaker responses failed to outline in sufficient detail the powers of the Prime Minister or to make critical comments. Some candidates, however, pointed out the limitations of the current Prime Minister in a coalition government which was a pleasing and up-to-date response.

### **Question 09**

This was the least popular question in this section and indeed in the paper as a whole. It tended to be answered by weaker candidates or candidates who really wanted to answer Question 10 and therefore needed to respond to Question 09 as well. Most answers were under-developed and generalised, relying on information about how the EU was formed or what countries were members of the EU rather than concentrating on a case study of international participation. Most examples given related to matters internal to the EU, such as currency or fishing quotas. There was some confusion between the EU, the Council of Europe and the European Court of Human Rights.

Disappointing responses indicate that more preparation is required to answer questions concerning the EU and its role in international affairs.

### **Question 10**

This question produced a better response than Question 09 although many candidates did not refer to local politics as outlined in the question. Most candidates agreed that citizens did have a voice, referring to pressure groups, the media, e-media including Facebook and Twitter, lobbying, petitions and MPs' surgeries. Most candidates referred to the example of student voice protesting against government proposals to increase university tuition fees and cut EMA allowance, although pointing out that, despite student protests, the Government continued with its proposals. Some referred to referendums, citing the example of the proposed referendum on alternative voting, thus showing use of up-to-date information and interest in current affairs.

### **Question 11**

This, along with Question 12, was the most popular one in Section B. It was clear that some candidates did not understand the term 'relative powers' and did not sufficiently compare the powers of the House of Commons and the House of Lords. Some candidates confused the House of Lords with the Supreme Court and others attributed most power to the House of Lords. There was a tendency to give the composition of the two Houses of Parliament rather than discuss their powers.

Stronger candidates were able to refer to the ascendancy of the House of Commons, relating this to the Parliament Acts of 1911 and 1949; they also referred to the ping-pong effect and the power of one-year delay on public bills other than finance bills. They also referred to Labour's reforms of the House of Lords and possible future reforms.

### **Question 12**

This question produced some very good responses detailing the nature of pressure groups and the media, and including examples such as student protests, Countryside Alliance and fox hunting, and ASH and smoking bans.

There were some considered arguments as to how successful both pressure group and media campaigns had been, citing the Daily Telegraph reports into MPs' expenses and again using student protests regarding university tuition fees and EMA allowance.

Candidates had a tendency to consider pressure group and media influence on government rather than accountability but most were able to use examples effectively. Weaker candidates gave more generalised responses, either failing to give examples or giving examples which were not relevant to government accountability.

## **Mark Ranges and Award of Grades**

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