



## **General Certificate of Education**

# **Citizenship Studies CIST3**

## **Unit 3 – Power and Justice**

# **Mark Scheme**

**Specimen mark scheme for examinations in June 2010 onwards**  
**This mark scheme uses the [new numbering system](#)**

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*Dr Michael Cresswell*, Director General.

### GCE CITIZENSHIP STUDIES Unit 3

#### GENERIC MARK SCHEME 15-mark questions

Level	AO1 Knowledge and Understanding	AO2 Analysis and Evaluation	AO3 Communication and Action	AO4 Synthesis
3	<p><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.</p>	<p><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.</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 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 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>(3–4 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.</p>		<p><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.</p>
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 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.</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>

**GENERIC MARK SCHEME 25-mark questions**

<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>
<b>3</b>	<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>
<b>2</b>	<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>

## 25-mark questions (continued)

Level	AO1 Knowledge and Understanding	AO2 Analysis and Evaluation	AO3 Communication and Action	AO4 Synthesis
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 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 2 and 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

**0 1**

Briefly explain the role of the police and Crown Prosecution Service in the decision to prosecute an alleged offender. *(15 marks)*

Answers explain that the Crown Prosecution Service (the CPS) is an independent body created by the Prosecution of Offences Act 1995 to separate the investigation of criminal offences from the prosecution of them. Candidates are expected to show that the police investigate crime and when they have sufficient evidence to justify a prosecution they will send a file to the CPS. The final decision about whether or not to prosecute is made by the CPS and not by the police. In making this decision, the CPS considers if there is a realistic prospect of a conviction and whether or not a prosecution is in the public interest.

Answers should include comment on the desirability of having an independent prosecuting authority.

**0 2**

Critically assess the effectiveness of the punishments available to the courts in achieving their objectives. *(25 marks)*

Answers consider the various types of sentences available to the criminal courts (eg custodial sentences, community sentences, fines, etc). Candidates should discuss the extent to which, if at all, the available sentences achieve all, some, or any of the purposes of sentencing and come to a balanced and rational conclusion based on the evidence adduced in the answer. Candidates should speculate on the effectiveness of the present system and the viability of potential reforms.

Candidates should also relate these to the various theories/purposes of punishment (eg retribution, deterrence, rehabilitation, and protection of citizens) and to wider issues from studies at AS in Unit 1, such as why citizens should obey the law; the extent to which the law reflects and/or conflicts with the rights and duties of citizens; and the extent to which the law prevents prejudice and discrimination.

**OR**

**0 3**

Briefly explain the system by which judges are appointed in England and Wales.  
(15 marks)

The method of appointing judges has recently been changed by the Constitutional Reform Act 2005 which created the Judicial Appointments Commission. Answers should explain who sits on the Judicial Appointments Commission and how they are appointed, the purpose of the Commission and the changes that it has brought about since it was formed.

There is the need for a system of appointing judges that ensures: (i) their independence from the legislature and the executive; (ii) diversity; and (iii) the principles which govern how the Commission works.

**0 4**

'The principle of bringing final appeals to the House of Lords has served the legal system well for centuries. There is no need to reform it now.' Critically assess this view.  
(25 marks)

The Constitutional Reform Act 2005 contains provisions for replacing the House of Lords with a new Supreme Court, which is due to start hearing cases in 2008. Candidates should be aware of this and of the reasons for it. These are set out in detail in a consultation document *Constitutional Reform: A Supreme Court for the United Kingdom*.

Candidates do not need to speculate on why it is necessary or desirable to have a right to appeal from a decision of the Court of Appeal for full marks, but those who do are rewarded for doing so.

Candidates are expected to develop wider themes such as the doctrine of the separation of powers (and how the role of the Law Lords cannot be reconciled with this); the relationship to the European Convention and Court of Human Rights and the European Court of Justice; the role of the Courts in protecting the rights of UK citizens and in bringing about change. Candidates are expected to draw upon their studies from AS, particularly Unit 1. References to contemporary case studies will also be rewarded as well as relevant comparison and contrast with alternative methods of resolving disputes.

Candidates are expected to develop a wide ranging discussion on the issues and come to a balanced conclusion that reflects the evidence they have adduced.

**OR**

**0 5**

Briefly explain the role of the Criminal Defence Service. *(15 marks)*

Candidates are expected to explain the way in which criminal cases can be funded by the state. A detailed knowledge of the old system of legal aid prior to 2001 (when the changes affected by the Access to Justice Act 1999 came into force) is not required. Answers which draw comparisons and distinctions between the old and the new would be rewarded for doing so, but it is not necessary for full marks.

Candidates are expected to understand the role of the Legal Services Commission and explain the various levels of funding that are available and the restrictions on who can provide them. They need to be aware of the difference between franchising and public defenders.

**0 6**

Critically assess the role of the Criminal Cases Review Commission in preventing miscarriages of justice. *(25 marks)*

Candidates should demonstrate an awareness of the relevant provisions of the Criminal Appeal Act 1995. The response should consider the purpose and function of the Criminal Cases Review Commission (the CCRC), including how the CCRC is constituted. The assessment of the value of its work is likely to include: a consideration of the criteria it employs in selecting cases to bring back to the Court of Appeal; an explanation of the re-investigation process that is undertaken; and discussion of the attitude of the Court of Appeal to overturning jury verdicts. Answers are also likely to refer to the problems created by the backlog of cases waiting to be considered and to the difficulty applicants have in funding submissions to the CCRC. Not all of these are necessary for full marks.

Candidates will also be expected to develop wider perspectives and include knowledge gained during their studies at AS, such as the rights of citizens and the role of the media and pressure groups in campaigning against miscarriages of justice. The use of relevant case studies should be rewarded.

In the context of this question, candidates will not be expected to explain the procedure in the Court of Appeal nor the previous procedure for referring cases to the Court of Appeal under S17 of the Criminal Appeal Act 1968.



## SECTION B

0 7

Briefly examine the points made by those who argue that prime ministers are becoming more presidential. *(15 marks)*

The response should indicate a clear understanding of the various roles undertaken by a prime minister from party leader to head of government and the functions associated with these posts. The response may make extensive use of an understanding of who holds political power within the UK. Evidence should be used relating to contemporary prime ministers ie Thatcher, Major, Blair and Brown. The response should show good understanding of the concept of presidential government and may include contemporary examples, ie the USA or France.

The response includes comment regarding the role and influence of the media in its many formats and they way it has helped develop the growth of personality politics. Stronger responses will relate prime ministers to their contemporary political position, eg Blair large majority, Major very small, as a factor in the perception of their presidential nature. The response will also mention the power of prime ministers to bring about change.

0 8

Assess the extent to which parliament and citizens can hold government to account. *(25 marks)*

Responses at this level will include a clear understanding of the role of parliament within the political system. The power of parliament in relation to government will be outlined. A range of ways in which both parliament and citizens can hold government to account will be discussed. The role of parliament includes the role of the opposition parties as well as backbench MPs. The function of select and standing committees will discussed. The ultimate power for the citizen is the ballot box, but the relationship between constituency MPs and the role of the Parliamentary Commissioner should be mentioned. Responses may also draw upon the nature of active citizenship to impact upon bringing government to account for its actions. Terms like direct and parliamentary action may be mentioned. Stronger responses question the real power of parliament and the citizens to hold government to account. Building on their studies in Unit 2 at AS, candidates may mention the role of pressure groups to bring about change examples such as the fuel tax revolt and the e-mail road taxing campaigns may be mentioned.

**OR**

**0 9**

Briefly outline the case for retaining the 'first past the post' voting system for electing Members of Parliament. *(15 marks)*

The response will show clear understanding the nature of the electoral process in regard to the political process. The response will clearly outline the ways in which the FPTP system operates for electing members of Parliament. The case for retention will be clearly laid out: simplicity of use, ease of counting, produces majority government, historical stability, strong government, prevents growth of fringe parties and the importance of the constituency member and elector relationship. All these points should be supported with the use of contemporary examples.

**1 0**

Assess the impact upon the nature of UK politics of allowing groups of citizens to put forward issues to be decided by referendum. *(25 marks)*

The response will clearly indicate an understanding of the nature of political decision-making in the UK. The response will clearly explain what is meant by the term referendum and reference will be made to use of the referendum in the UK since 1970. The response will indicate that the point of the question is a clear departure from the current arrangement for national referendum but not for local referendum, which can be called by very few electors who decide the question to be placed upon the ballot paper. These local initiatives are a very new departure and model the system of local initiatives in the USA. Currently the outcomes of these local and any national government-sponsored referendums are not mandatory upon government. If this were to change, the whole nature of representative democracy within the UK would change. Drawing on knowledge from Unit 2, candidates will consider the likely impact on the structure of government and the relationship between the different levels of government. Would the system of government be controlled by a system of contrary citizen-based decisions? The nature of democracy will be discussed and candidates may draw upon their own active citizenship participation in regard to decision making and consultation to respond to the question.

**OR**

**1 1**

Briefly compare the powers of the UK parliament and the powers of the EU parliament. *(15 marks)*

The response will demonstrate a clear understanding of the differing levels of government that impact upon the UK political process. The response clearly relates to the powers of both although there may be some contextual comments ie UK v transnational body. The comments relating to the UK should include understanding of the term sovereignty, parliamentary powers, legislative function, scrutiny, form governments, dismiss governments, raise taxation, provide a forum for national debate, hold the government to account. The EU parliament, whilst elected, has more limited powers but in recent times these have increased. Mention will be made of terms like co-decision, and decision making. The relationship of the EU Parliament with the Commission will be discussed. The conclusion should clearly identify the differing roles of the bodies in relation to their political power.

**1 2**

Critically assess the view that there are currently no ideological differences between the major UK political parties. *(25 marks)*

The response identifies a number of UK political parties and outlines a mixture of their policies or the basis for their current ideology. Candidates will draw upon their knowledge of the contemporary political views of political parties especially those put forward at recent elections. The response discusses the parties' ideological base and a range of contemporary party policies. The response contrasts the various stands taken by parties and comes to a conclusion based upon the evidence presented. The parties discussed should be the Labour Party, the Conservative Party and the Liberal Democrats. The response should refer to the historical ideological core beliefs of these parties, as well as their current position.

The question is posed so that the response should have a clear conclusion. The points for the comment should include the drift to the centre by both the Conservative and Labour parties for electoral advantage. Points against may refer to core/historical values about the role of the state and the citizens which differed greatly

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**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 15-mark question</b>	<b>Marks allocated by Assessment Objective 25-mark question</b>	<b>Marks allocated by Assessment Objective 15-mark question</b>	<b>Marks allocated by Assessment Objective 25-mark question</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>