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Examiners' Report

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GCE Government and Politics 6GP02 01

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Question 1

It was pleasing to see that more candidates attempted the judiciary question than has been the case in the past. There was a range of responses. The most able candidates demonstrated detailed knowledge and understanding both of the process and importance of judicial review. Then in the part c they were able to offer full evaluation of the extent to which the judiciary have come in to conflict with the executive, making good use of recent cases. Weaker responses showed only hazy understanding of the role of the judiciary and/or lacked detail and breadth of argument.

(b) Judicial review is the concept that the judiciary is entitled to scrutinise and pass judgement on the work of the legislature and the executive, in accordance with the separation of parliamentary powers, to ensure no one component of parliament is above the law or has acted in a dangerous or illegal way. The source references a judicial review by the Supreme Court on the Treasury's actions of freezing the income of suspected terrorists. Another, similar case of judicial review happened when the Supreme Court ruled that the detention without charge of terrorism suspects in Belmarsh prison was unlawful, despite government legislation in its favour. Judicial review is greatly important as it ensures a fairness to the law and that no one is above the law, which is vital to the running of the UK. The action to freeze the suspected

((b) continued) terrorists accounts was not authorised by parliament, and therefore went against the constitution of the UK - that parliament is the sole legislative body, and policy must be approved by it.

In this case, judicial review is greatly important in upholding the constitution, upholding the rule of law, and ensuring that any decision that will impact upon a person's rights and freedoms is voted through and approved by a majority in an elected representative parliament. The actions of the Supreme Court are a 'check' on the power of government, designed to make decisions fairer and legal.

Judicial review is also important in controlling the actions of MPs. In the Expenses Scandal, judicial review acted as a means of ruling on who acted unlawfully. There are now MPs facing criminal charges relating to the handling of expenses, and one even in jail.

You should start the answer to part (c) on page 9

((b) continued) which shows the power of judicial review in acting as a check amongst the actions of the legislature.

By submitting a case for judicial review, the power of courts across the country and rulings of all kind can be subject to the closest scrutiny, which shows the importance of judicial review in establishing fair rulings.

Lastly, judicial review ensures that the laws the government produce are actually feasible, if not then they would be unnecessary.

(10)

You should start the answer to part (c) on page 9

(c) There is conflict between the judiciary and the executive in the UK for a number of reasons.

Firstly, the power of judicial review means that the executive has lost some of its power to legislate, provoking conflict between the now separated powers.

The executive is concerned with matters of British government, and is accountable to parliament and the people, through elections. The Supreme Court is concerned with not only

British law, but European law, in particular the European Commission for Human Rights, and therefore has a conflict of interest in its activities. It is also unelected and therefore not accountable to anyone, provoking claims of its illegitimacy.

The main conflict stems from the Human Rights Act. Last week, a rapist and convicted sex offender who was also an illegal migrant was deported from the UK despite

You should start the answer to Section B on page 15

((c) continued) winning an appeal to the Supreme Court which claimed deportation would 'breach his human rights' as he had a family in the UK. This kind of action shows how powerless the legislature is to act when the Supreme Court is effectively upholding European law, and not British law. There are calls from the right wing for a 'British Bill of Rights' to be made which would supersede the HRA and fit the UK, allowing the Supreme Court to operate in accordance with the legislature, not against it. The creation of the Supreme Court in the Constitutional Reform Act of 2005 introduced conflict between the judiciary and the executive in the UK, as the role of the Lord Chancellor became the Lord Chief Justice, meaning he is now separate to parliament. This separation of powers has led to a widening of the gap.

You should start the answer to Section B on page 15

((c) continued) between the lawmakers and those who rule the courts, and the fact that the two powers no longer meet in parliament shows a ~~weaking~~ weakening of both respective powers.

However, it could be argued that there is no conflict between the executive and the judiciary, as the separation of powers quite rightly removed a law lord from parliament and the Lord Chief Justice still remains a cabinet advisor, and therefore the separation is not too drastic. There is a democratic need for the separation of powers in a country with no codified constitution to act as a check upon the power of the executive.

There is conflict to a reasonable extent between the executive and the judiciary, especially evidenced by the Treasury and Belmarsh examples where human rights were upheld and the working of the government was

You should start the answer to Section B on page 15

((c) continued) called into question, but the ruling was fair and with reason. The executive cannot take all the power it wants, it would lead to tyranny, so it is vitally important that the judiciary acts as scrutiny and control. As far as parliamentary and governmental day-to-day work goes, the major role of the judiciary is to see that everything is legal, constitutional and fair, and this it does, especially in the cases of the recent superinjunction controversy, where Andrew Hurnings was criticised for using parliamentary privilege to name Ryan Giggs in the House of Commons when the rest of UK was bound by a gagging order. The judiciary aims to uphold the rule of law, here relating to the naming of Ryan Giggs, but other examples apply, and if that goes against the plan of the government, then conflict is bound to ensue.

((c) continued)



Part a – The majority of responses identified at least 2-3 reasons from the source why the decision to freeze the assets of suspected terrorists had been criticised. Better answers were able to elaborate, explaining what made the decision unlawful and/or why the Labour government could be said to be behaving like a police state.

Part b – There were some excellent responses to this question. Candidates who understood judicial review and who were able to use the example in the source, coupled with examples drawn from their own knowledge, to explain it, scored well for AO1. AO2 marks could be gained for clear explanations of the importance of judicial review. The most able candidates explained how it can act as a check on the power of the executive, while protecting civil liberties from state interference.

Weaker responses showed little understanding of judicial review. Some candidates confused judicial review with the appeal process or inquiries, while others saw it as a means for the judiciary to scrutinise, or even block, legislation. Such responses could not score very highly. A small minority of candidates still think the judges of the Supreme Court are active parliamentarians and one or two answers asserted that the Supreme Court and the House of Lords are one and the same. Candidates should be taught the Constitutional Reform Act of 2005 and its implications for the judiciary. They could also be taught the distinction between 'unlawful' and 'illegal' actions. Many responses lost marks by simply not referring to the source at all, despite a clear instruction to do so in the question, while others neglected to assess the importance of judicial review. Candidates must address all parts of a question if they are to gain high marks.

Part c – There was a range of responses to this part of the question. Some candidates tried to adapt what they knew about judicial independence and/or neutrality, but unless this could be used to demonstrate how it could cause conflict with the executive, it was unlikely to score beyond level 1. The most able candidates were able to explain, using appropriate examples, how the Human Rights Act has given judges increased scope to challenge government decisions, whilst at the same time stopping short of giving them powers to strike down unconstitutional legislation. Very good responses also made mention of increasing judicial activism, the growing propensity of senior judges to speak out about legal issues since the Constitutional Reform Act and/or the continuing issue of the status of EU law in the UK as 'higher law'. Many candidates still assert that the Human Rights Act was imposed on the UK by the EU. Candidates need to be taught that the Act incorporated the ECHR (which predates the EU by 6 years and was largely drafted by UK lawyers) into UK law, so meaning that UK citizens did not need to take their case to Strasbourg if they were unsuccessful in British courts.

Strong responses explored where conflict has occurred between the senior judiciary and ministers, for example over sentencing, the erosion of civil liberties by anti-terrorist laws and judicial activism. Ultimately judges only have the power to interpret the law as laid down by parliament and, as shown with the dispute over giving voting rights to prisoners in the UK, the executive is under no obligation to respond to a ruling of the ECHR. In short very good candidates applied what they knew about parliamentary sovereignty and the role of the judiciary to the question.

A minority of responses offered the stock 'how neutral/independent are judges' answer. Unless these issues were made relevant to the question, they were unlikely to score highly. Similarly candidates lost marks under AO1 for not including examples, or did so under AO2 for offering only a one-sided evaluation. As stated above, there are still candidates who have almost no understanding of the role of the judiciary. A few responses asserted that the judiciary's main function is to scrutinise legislation



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Examiner Tip

Part a makes good use of the source to explain why the decision to freeze the assets of suspected terrorists was criticized. For example the candidate clearly understands the significance of parliament not approving the measure.

Part b is a strong answer, showing clear understanding of both the process and the importance of judicial review. AO1 marks are gained through reference to the example in the source and then the Belmarsh Case from own knowledge. AO2 marks are gained through the very clear approach here to explaining the significance of judicial review. The candidate has answered this question well and in full.

Part c shows good understanding of causes of conflict between the judiciary and the executive, noting the importance of the Human Rights Act and the CRA. More examples of cases could have been given (eg votes for prisoners, the unlawfulness of stop and search and/or the DNA database) and the scope of the answer could have been broadened to consider examples of judicial activism (suggested through the reference to super injunctions and therefore 'judge-made' privacy laws) etc. However it is balanced, very well structured and clearly written, showing a grasp of the subject.

Question 2

This question was popular. The focus in the part a question on how the Coalition's proposals might encourage participation and in the part b question on how they might make government more accountable to Parliament served to sort the more from the less able candidates. Similarly candidates who were able to discuss the proposals in the Coalition Agreement for reforming Parliament in the context of criticisms of the effectiveness of parliament were able to score well in part c.

Part a identifies and explains 3 measures to improve popular participation/representation. Part b correctly identifies 3 measures to enhance government accountability to parliament and scores well on AO2 for explaining how in each case. More AO1 marks could have been gained by providing some further examples (eg PMs who used their prerogative powers to call a general election within the 5 year term of a parliament, such as Blair in 2001 and 2005). Part c offers a balanced evaluation of the likely impact of some of the proposals to reform parliament outlined in the Coalition Agreement. Once again more examples could have been included to increase AO1 marks (eg instances to prove the effectiveness of the unreformed House of Lords, such as persuading Brown to drop plans for 42 day detention of suspected terrorists), but it is clearly written and structured.

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Chosen Question Number: Question 1

Question 2

(a) The source presents three main ways in which the Coalition government intend to reform parliament by changing parliamentary representation. The government held a referendum on electoral reform recently, with the provision of introducing the Alternative Vote electoral system if the result of the referendum showed the need for electoral reform. This may have been seen as a fairer, more popular system, but the result of the referendum was a resounding 'no'. The document also mentions the 'power of recall' which is designed to encourage political participation by making MPs more accountable to their constituents in the light of the Parliamentary Expenses scandal in 2009. Also proposed is a shift towards an elected House of Lords, which is at present wholly undemocratic. This move would increase the accountability of Parliament, which may, in turn, encourage greater participation.

(b) The establishment of a "House Business Committee", whose role it would be "to consider government business", would enable Parliament to hold the government more accountable. A committee such as the one proposed by the Coalition would have more time to effectively scrutinise the work of the government. This would enable the committee to present conclusions to the House, and Parliament would have an effective source of information regarding government business, which they could scrutinise and therefore hold the government more accountable.

By promising that petitions that receive 100,000 signatures would be debated in Parliament, the Coalition government are opening themselves up to scrutiny from the people, and Parliament. If Parliament begins to listen more to the views of the people, and time is set aside for effective debate, the government could be more effectively held to account.

Fixed term parliaments may also have the effect of enabling Parliament to hold the government more effectively to account. Before this reform was proposed, elections were used tactically and governments could use the date of the election to their political advantage. However, fixed term parliaments would prevent this, and governments would have to be held accountable by Parliament rather than the electorate until the next election.

You should start the answer to part (c) on page 9

(c) Arguably, the most important of the Coalition government's reforms is their move towards establishing a fully, or partly elected upper house. One of the current faults of the Houses of Parliament is that the people are not effectively represented in either chamber. This is particularly the case for the appointed House of Lords. The Coalition are proposing that some, or all of the members of the upper house should be elected via a proportional representation electoral system. This should create important change to Parliament, especially if the upper house did not mirror the House of Commons. In this regard, the proposal to use a PR system in elections to the upper house is important because the nature of the two Houses of Parliament will remain different, creating a sort of democratic balance. However, there is a risk that the electorate will suffer from voter fatigue and political apathy with the introduction of another election, and political participation and interest may begin to fall.

Another important factor under the Coalition's proposal for a reformed upper house is that a PR election will lead to the election of smaller parties and minority groups to Parliament. This is important as the First past the post system used for the House of Commons makes it notoriously difficult for small parties to be elected. An upper chamber would improve the representation of these smaller groups. However, their representation might become out of proportion to the significance

You should start the answer to Section B on page 15

((c) continued) in society if ~~they~~ small parties held the balance of power in the upper house. This scenario is a risk of adopting an upper chamber elected under a PR electoral system.

One of the Coalition's main aims after recent Parliamentary scandals was also to re-establish trust between Members of Parliament and the electorate. Their proposal to introduce the power of recall is certainly an important reform. The MP expenses scandal, and the 'Lobbygate' scandals have identified the need for a greater level of accountability in the UK political system. By giving constituents the power to remove their representative in extreme circumstances, the Coalition is increasing the accountability of MPs, and restoring an element of trust as ~~can~~ the electorate can feel less ^{worried} concerned about ~~their~~ parliamentarians breaking the rules.

~~The~~ While the Coalition's plan may have a positive effect on reforming Parliament as far as their representative role is concerned, the introduction of a House Business Committee may be more ineffectual. In an attempt to make ~~the~~ Parliament more easily able to scrutinise the government, ~~the~~ a new committee may either be very effective, or completely negligible. In theory, a committee would include members of the ruling party, who would remain under the control of the party whips. Rather than a committee taking

You should start the answer to Section B on page 15

((c) continued) a neutral look at government business, the government itself would have too much influence for this to be an effective reform.

The Coalition's proposed reforms to Parliament are targeted at three main areas: representation of the people, accountability of the representatives, and encouraging greater participation in politics. They seem to have made proposals that will be effective in increasing the accountability of Parliament to the people, in spite of their failure to make the government more accountable to Parliament. The reform of the upper house will increase representation but it must be recognised that the proposals come with a potential risk that may damage the fragile levels of political participation in the UK.

You should start the answer to Section B on page 15

**Examiner Comments**

Part a – Most candidates correctly identified 3 proposals designed to increase participation/representation from the source and scored full marks by explaining how.

Part b – This question, perhaps more than any other, served to discriminate between candidates with good political understanding and those without. The best responses clearly understood how government could be made more accountable to parliament by some of the proposals in the Coalition Agreement and were able to use their own knowledge to go beyond the source in their explanation. One such example was when candidates could show how Thatcher and Blair used their prerogative powers to call general elections when the circumstances were favourable to them as evidence that fixed term parliaments would restrict government power.

Many candidates however did not understand the question and wrote instead about how government could be made more accountable to the people. While it is true that introducing recall, holding a referendum on electoral reform etc would do just this, that was not what the question was asking. Likewise reducing the number of constituencies is likely to increase government control over parliament as there will be no concomitant reduction in the number of ministers on the 'pay roll vote'.

Part c – Very good responses to this question set out to show both how the coalition proposals might improve the effectiveness of parliament, while also failing to address some of the current weaknesses of parliament. Some candidates offered a critique of AV vis-a-vis FPTP and more proportional systems, which was highly pertinent. Others were able to address how Lords reform might make the upper house more democratic and accountable, but equally could create problems if the crossbenchers were to disappear and the prospect of legislative gridlock between the 2 houses became more likely. Very analytical students also identified weaknesses of parliament not addressed by the Coalition Agreement.

Weaker responses offered rather generalised assessments of the possible impact of the proposed reforms, often uncritically suggesting that parliament would be very much improved. Some ignored the source altogether and wrote about the coalition in more general terms, considering their health, education and welfare policies. Such responses could not score highly if these were not linked to the question. Some candidates still seem to interpret 'parliament' as meaning 'the House of Commons' and lost marks by not addressing the proposals to reform the Lords.

Question 3

There were some excellent responses to this question. Particularly good answers were able to explain the theory of parliamentary sovereignty and use recent constitutional developments to assess it.

A strong answer, which quickly establishes the meaning of parliamentary sovereignty to provide a context for the rest of the essay. It is clear the candidate understands the distinction between legal and political sovereignty. Covering devolution and the UK's membership of the EU, the candidate explores how the political sovereignty of parliament has been eroded (with some useful examples), while demonstrating that legally parliament could still rescind devolution and/or withdraw from the EU. The answer could certainly have included more examples and addressed other examples of attacks on parliamentary sovereignty, but this deals impressively with the subject within the time limit and deserves a good deal of credit under all 3 AOs.

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Chosen Question Number: Question 3

Question 4

The most important aspect of the UK constitution is the principle of parliamentary sovereignty. This states that Parliament can legally change, make, and dispose of any law it chooses, including laws passed by previous Parliaments. This has been for many years the location of sovereignty within the UK, as the legislative role of Parliament is unmatched, as it is even able to amend the uncodified UK constitution by a single Parliamentary vote.

Our Parliamentary Government, however, deems that ~~for~~ each and every Government that is made under this system is drawn directly from Parliament, which is to say that every Government Minister is also a Member of the Parliament. As Governments are formed by a majority of ~~the~~ members from the same party sitting in the ~~the~~ House of Commons, by definition, the Government ~~is~~ also has the most seats in the House of Commons. This affects the location of sovereignty because that means

The executive can ~~be~~ legally pass any law it wants, due to the Parliamentary majority. Therefore, in theory, the location of sovereignty lies with the executive, not with the legislative branch of the Westminster Model.

The executive is not the only institution to affect ~~be~~ the location of UK sovereignty. ~~The~~ As the UK is a member of the European Union, the laws of the UK and EU may sometimes come in conflict. As demonstrated in the 1991 case of Factortame, whenever conflict of laws occur, it is the laws presented by the EU that are superior to the laws of the UK, known as EU precedent. In this way, the location of sovereignty has taken a ~~be~~ relatively recent twist away from Parliament and towards the EU.

Parliament has also devolved power to many ~~be~~ different states, including the Welsh Assembly and the Scottish Parliament. Devolution means the giving away of power from the central location of sovereignty to neighbouring states. This allows these separate states to enforce their own rules and laws, enabling them to rule their country without the constant interference from Parliament. As devolution was passed to Wales in March of 2011, following the result of a referendum, the location of sovereignty has recently, and with increased usage, been given to neighbouring states.

The number of referenda has also increased, referenda being a popular vote on a particular issue set by the government. These questions are ~~also~~ answered 'Yes' or 'No' by the public, and in most cases, the majority answer is the one that is followed by Government. Referenda allows power to be put directly into the hands of the electorate, and is

the most direct form of democracy. Therefore, during referenda, the sovereignty of a particular issues ~~is~~ which are often important ~~is~~ is placed in the hands of the electorate. Years ago, referenda were set many years apart from one another, recently however, the use of referenda have increased, ~~is~~ for example, there were two set ~~at~~ two months apart from one another. The first asking about devolution of power to Wales, and secondly was a national referendum asking to change the ~~the~~ General Election voting system to ~~the~~ Alternative Vote to First Past The Post, an incredibly important decision. ~~Sovereign~~ Sovereignty has therefore been moved slightly towards the electorate.

However, Parliament still clearly has absolute legal power, being able to make any law, any time. Parliament can even choose to ignore outcomes of referenda, though this has never happened. Also, any power that has been devolved to neighbouring states can be reclaimed back at any time, without warning. Parliament is therefore still clearly the location of sovereignty in the UK.

Overall, the location of ~~power~~ sovereignty in the UK has barely moved at all in recent years. The increased use of referenda can be ignored, and any power devolved can simply be reclaimed. The executive normally have a strong hold over Parliament, however under the coalition, ~~the~~ Parliamentary Sovereignty can still take strong effect when the Conservatives and the Lib Dems disagree on policy. The EU membership seems

to be the only ~~*check~~ check on Parliamentary Sovereignty, which is just as powerful in recent years as it ever has been.

*Partial



The very best answers offered evaluation of the impact of the UK's membership of the EU, devolution of power to the Scottish Parliament, Welsh and Northern Irish Assemblies and the executive mayor of London, the Human Rights Act, increased presidentialism of the executive and increased use of referendums. Those who explicitly or implicitly were able to distinguish between legal and political sovereignty in that evaluation were able to access very high level 3 marks. Some very good answers were able to show, for example, that the UK remains legally a unitary state, with Westminster able to revoke devolution (as happened to Northern Ireland between 2002 and 07). Politically, however, the UK is a quasi-federal state, with different laws applying in the different countries of the UK.

Weaker answers lacked either or both breadth and depth, omitting key issues or failing to evaluate them fully. For example candidates who offered generalised assertion about the supremacy of EU law over UK law without either illustration or counter-argument were unlikely to move beyond low level 2. As noted before many candidates are unable to distinguish between the ECJ and the ECHR and assert that the Human Rights Act has imposed European Union Human Rights Law on the UK. Such candidates therefore tended to overstate the implications of the Human Rights Act for parliamentary sovereignty.

Question 4

This question attracted many candidates. It is a standard question and unsurprisingly there were many very good responses. The best answers began by defining 'presidential' and then referred to a range of recent prime ministers to support their evaluation. Those candidates who could use knowledge of the US presidential system to support their analysis could score very well under AO2.

A very strong answer, which scored full marks both for AO1 and AO3.

The answer is fluently written and very well structured, dealing well with a number of factors which have served to make British prime ministers appear more presidential. Throughout examples, drawn from the experience of Thatcher, Blair, Brown and Cameron, are provided as illustration. The contrast of Brown to Blair is made clear, helping to develop the evaluation that the changes may be more of style than of substance. Although knowledge of Cameron's premiership was not essential, this candidate assesses the impact of heading a coalition on his premiership ably, making good use of the bombing of Libya to show that he can still exercise some presidentialism. The answer scored 10/12 for AO2 because, while it is balanced and analytical, it could have explored further the idea that the power of prime ministers to act presidentially can change within their premiership. Reference could have been made to the more permanent change brought by the development of the Prime Minister's Office in Downing Street as a US-style 'West Wing' or George Jones's 'elastic band theory' of prime ministerial power. However this is very impressive considering it was written in 40 minutes.

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Chosen Question Number: Question 3

Question 4

The role of the UK prime minister has changed in recent years, leading to the view that it has effectively become the role of a president.

Firstly, the presence of the media in politics has hugely affected the role of the Prime Minister (hereforth 'PM'). As the spotlight of the media becomes a presence in the day-to-day workings of government, there is a need for the PM to be portrayed positively on camera. Oratorical skills, as well as charisma and leadership skills are needed, and this leads to comparisons with the president. who is the sole executive and therefore must be able to speak well in public. It could be argued that due to the large amount of media coverage of politics. The BBC Commons channel, televised Prime Ministers Question Time, and Newnight being

examples - that the media has freed the development of a PM who has to act, at least on camera, like a president would.

Secondly, the concept of 'spatial leadership' arose with Margaret Thatcher, and has continued, which supports the view that the PM is effectively a president. Spatial leadership occurs when the PM appears to distance him/herself from cabinet government, seemingly acting alone as an executive. Mrs Thatcher was famously almost derogatory about her cabinet, calling them 'wet', in a display of spatial leadership that cemented her as a figurehead 'sole' executive. In recent years Tony Blair displayed similar leadership qualities, and his relationship with George W Bush certainly indicates his role becoming more presidential - as the two leaders seemed to be equally spatially apart from their respective legislatures.

Thirdly, constitutionally speaking the Queen is head of state, and though

Her Majesty's popularity has enjoyed a surge in 2011 with many appearances, it is still a common view that the general public believe the PM is Head of State. This would correspond with the role of the president - which is to say that Barack Obama is the Head of State of America, and David Cameron is seen by some to be the Head of State of the UK.

There are many ways in which the UK PM acts like a president: David Cameron has ~~been~~ led business trips to China, world summits in Europe, and visited troops in Afghanistan, in addition to his role as chief legislator in government. The running of cabinet seems just as important as public appearances to the PM, which again indicates how the job has changed.

A recent example is that of the decision to send planes and helicopters as part of a NATO mission in Libya, made by the PM Cameron, not the Head of State. However, his actions clearly resemble that of a president

and it is clear that to an extent he is considered to be the UK's president.

However, there are some counter-arguments. The PM, while people might think so, is not and will likely never be the UK's Head of State; it is only due to the constitutional ruling on monarchy that he is allowed to act as he does.

Some have said that the Prime Minister's network of close advisers is ~~quite~~ similar to that of the President, but any high-profile figure in politics is likely to have advisers and therefore the PM is not effectively a president.

The key argument lies in public perception of the role. It is the people's prerogative to believe what they want to about the Prime Minister, and if it is that he shares a perceived similarity with that of the President, then they are allowed to think that.

The Prime Minister of the 21st Century has been both charismatic,

enigmatic and out of touch with the ruling of the UK. Tony Blair, while an excellent public speaker, lost sight of his cabinet during the final years of his premiership, and consequently lost support from the electorate who viewed his 'special relationship' with America to be flawed. In declaring war in Iraq, Blair acted like a president and as a result, alienated not only some of the voters, but cabinet members and two back-benchers, who resigned.

Gordon Brown was the least 'presidential' but he was unelected by the public and lacked the skills that the media associate with a presidential figure.

Democrat vs Republican debates are a key feature of the election race in America, and in the three PM debates in 2010 Brown appeared tired and older. His network of advisors smaller than David Cameron's or Nick Clegg's, all features which dictate how presidential a PM is.

The UK Prime Minister shares many

characteristics with the President, and perception of those characteristics lead to the view of the question.

The name 'Prime Minister' comes from the Latin 'primus inter pares' meaning 'first among equals'. The PM is only the first among equal members of parliament, elected by the citizens, and the fact that he or she is the leader of their respective party translates into PM status. The PM is elected as head of a party, not an individual candidate - like the President who appears on a 'balanced ticket' with his/her running mate and vice-presidential candidate. Each party in America fields several potential presidential candidates in the party stage of nominations, whereas UK elections are strictly based on the party. The president is the one to decide on policies, yet UK policies come from the party manifesto. There are all manner of differences in the running of the executive -

The president is sole executive, the PM is head of a cabinet with (at present - potentially 1 less if Chris Huhne resigns) 22 members, and a member of the legislature too. The President could never be the executive and a member of Congress, it is constitutionally impossible.

In conclusion, the PM is not effectively the UK's president in anything other than the perception of people who cannot distinguish the leaders. In roles they differ, in support from cabinet they differ, in how they are elected they differ. However much the media seeks to enthroned David Cameron as a Head of State and President, he is not, and advances in spatial leadership have been stalled owing to the fact he finds himself in a coalition government. Therefore, I disagree with the statement that the UK prime minister is now effectively a President.



Particularly good responses not only explained changes of approach between prime ministers (many using George Jones's 'elastic band' theory of prime ministerial power), but also within premierships. For example, the rapid erosion of Brown's authority after the 'election that never was' in October 2007 after his promising start, or Blair's cabinet and party reasserting themselves after the 2005 election. If such developments were evaluated in context (eg that the UK prime minister can, depending on circumstance, be very reliant on the support of his cabinet and party, unlike US presidents) very high marks could be accessed. While not expected, many candidates were able to discuss how the presence of 5 Lib Dems in cabinet had affected Cameron's management of government. Very able candidates noted how Cameron, while restricted by the coalition, still has some room for presidential behavior, as with the bombing of Libya, or the resignation of Andy Coulson serving to illustrate that the PM's advisers can generate more headlines than ministers.

Weaker responses did not demonstrate clear understanding of what was meant by 'presidential'. Some candidates were clearly offering prepared answers on whether UK prime ministers were able to dominate the cabinet and/or were becoming more powerful. While such answers contained material that could gain credit, without explicit analysis of whether such behaviour was 'presidential', they could not achieve level 3 marks. Some candidates offered generalised answers, making valid points about spatial leadership, bypassing of cabinet, marginalizing parliament etc, but referring throughout to the 'prime minister' instead of to the actions of particular premiers. Most realised that Thatcher could be used to illustrate how prime ministers' fortunes can change, but some were unclear about what led to her resignation: some students asserted that she lost a vote of no confidence in parliament, while others claimed that she was no confided by her party.

Section A

Question 2 on parliament proved more popular than question 1 on the Judiciary, but it was encouraging to see more candidates attempting the Judiciary question and often doing so knowledgeably and well. Many candidates understand the need to refer to the source in answering parts a and b (although a minority do still ignore this requirement which costs them marks unnecessarily), but few are able to combine the source with their own knowledge effectively in part b. In question 2 a surprising number of candidates lost marks by interpreting part b to mean they had to explain measures that could enhance the accountability of government to the people. This is not what the question required. A few candidates do not understand the distinction between government and parliament, let alone the concept of parliamentary government. Freed from the restrictions of using the source, many candidates did well on the part c, although some lacked the detailed knowledge or breadth of understanding to access higher level marks under AO1 and/or AO2.

Section B

Question 4 on the Executive proved more popular than Question 3 on sovereignty. However both questions are 'classic' and attracted some very strong answers, in which candidates used detailed knowledge to provide analytical assessments. Weaker students failed to offer balance and/or breadth, asserting in question 3 that parliamentary sovereignty has been fatally undermined by Labour's constitutional reforms, for example. Stronger answers could demonstrate that while parliament has certainly lost political sovereignty to the EU and to the devolved bodies, legally parliament retains the power to leave the EU or to 'opt out' of key EU legislation (as with the Euro) or to rescind the power of the devolved bodies. Similarly candidates who were able to address features of presidential government in the UK fared much better than those who offered perhaps pre-learnt assessments of whether PMs have become more powerful/Cabinet has lost importance. Both points are of course highly pertinent, but needed to be explicitly linked to the question. Some candidates understood the demands of the question but lost AO1 marks by not illustrating their analysis with examples of the experience of at least 3 recent PMs (for example Blair, contrasted with Brown and perhaps Cameron). Although not expected, some candidates traced the development of a presidential style back to Wilson – as long as the answer did not then become a 'history essay', documenting all subsequent prime ministers chronologically, such responses were likely to score very well under AO2 if they contrasted Crossman's theory of prime ministerial power with the modern realities.

Summary

The most able candidates demonstrated detailed knowledge and understanding both of the process and importance of judicial review. Then in the part c they were able to offer full evaluation of the extent to which the judiciary have come in to conflict with the executive, making good use of recent cases. Weaker responses showed only hazy understanding of the role of the judiciary and/or lacked detail and breadth of argument.

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