

Examiners' Report  
June 2014

GCE Government and Politics 6GP02 01

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June 2014

Publications Code US039009

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## **Introduction**

The collective general view of the examiners on the summer 2014 examination for 6GP02 was that it was an extremely fair paper with considerable scope and choice for candidates who had worked hard and who had prepared thoroughly. It was extremely pleasing to see so many well prepared candidates display a breadth of knowledge linked to growing contemporary political awareness and understanding combined with a ready willingness to critically analyse the questions set. Q1 on the constitution was extremely popular, attracting an 80% response from candidates with Q2 on the Prime Minister/ Government reshuffles attracting the other 20%. Q4 on Parliament was by far the most popular essay question with a little over 75% of candidates opting for it. The time factor did not seem to be an issue with comparatively few unanswered or partially answered questions.

## **Question 1**

### **Q1(a)**

Examiners commented that, rather surprisingly, this was not answered particularly well with many candidates only managing 2 or 3 marks. A common error was to introduce a whole range of reasons not mentioned in the Source. Another common error was to state that 'it was easy to change because it is flexible'. Better answers mentioned that it was uncodified, easily changed by Parliament, government majorities or through conventions and subject to few checks and balances. Those that developed at least two of these points tended to attain the highest marks. Examiners also pointed out that candidates appear at times to be making the question too difficult; failing to state what is in the source.

### **Q1(b)**

This question was generally well answered. Most candidates were able to offer three or four ways in which the two types of constitution differed. Typically these concerned the following; flexible versus less flexible, derived from a range of sources versus found in one document, non-entrenched versus entrenched, no special protection versus subject to judicial/ Supreme Court protection, poorly understood versus easily accessible to citizens, unable to protect individual rights versus civil rights well protected and continually modernised versus protecting outdated practices. Those accessing Level 3 marks were able to explain three or more of these differences with considerable detail and relevant examples. Those earning fewer marks either offered less analysis and detailed knowledge or considered fewer differences. Perhaps the most common error here was a repetition of the same point twice and occasionally three times. E.g. Flexibility/Rigidity, Easy to change/difficulties in changing.

### **Q1(c)**

This was a standard and very popular question which should reward any well prepared candidate and very many scored well into Level 3 particularly for AO1. The question provided a wide canvas and many candidates were able to produce well structured essays that addressed the question to a high standard. There has been any number of constitutional reforms since 1997, so candidates had a wide choice to choose from. The most commonly discussed reforms were devolution, the Human Rights Act, the Freedom of Information Act, the use of referendums, reform of the House of Lords, fixed-term parliaments and the Constitutional Reform Act. Other candidates also validly discussed elected mayors, police commissioners and the roll out of PR although a little less convincing were arguments relating to the reform of Parliament and some generic and at times vague reference to closer European integration. Some students also speculated on potential future reforms, which while worthy of merit, did at times drift away from the main focus of the question in terms of what had actually occurred since 1997.

Generally, most candidates were able to outline the ways in which these reforms are thought to have been significant in terms of their impact on UK politics. This could include decentralisation of power, the greater use of direct democracy, an increasing civil rights culture, government accountability, fairer electoral systems and a weakening of the power of the executive. Equally, they were able to demonstrate that there were often limitations to these reforms, that all had problems and that all could see further improvements to increase their level of significance. Those offering the most in-depth analysis would typically access Level 3 marks.

Overall, this was a well answered question, and those achieving lower marks did so largely because they discussed a limited number of reforms or failed to develop any analysis of the reforms that they identified.

All examiners noted the under performance on section (a) concerning the inclusion of material not mentioned in the source and the non inclusion of clearly stated information which would have obtained marks. There is perhaps a message here for centres in the way they prepare and assess their candidates.

This is a good example of a mixed response, the (a) section is poorly done, then next a really good (b) section then a top level 2 for the last (c) section.

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Chosen Question Number: **Question 1**

**Question 2**

(a) With reference to the source, the UK constitution is easy to change because "constitutional arrangements can be altered by means such as introducing an Act of Parliament and negotiating a new convention or revising an existing one". There is "a lack of constraint" therefore the UK constitution is easy to "change" more "flexibly". As Clegg pointed out, "We have a flexibility and a pragmatism to our arrangements".

(b) ~~Answer~~ With reference to the source, in <sup>an</sup> ~~the~~ uncodified constitution "there is no ~~way of~~ <sup>system of</sup> formal checks and balances by which the nature of the uncodified UK constitution can be safeguarded and protected". In an uncodified constitution, "there is little to prevent a government which has a majority control of the House of Commons from getting its way. This lack of constraint in turn means that the process of constitutional change lies essentially within the gift of the government of the day". In a codified constitution there is much constraint on the government and Parliament, however there is lack of flexibility; ~~yet~~ it is rigid.

With reference to my own knowledge, an uncodified constitution is flexible. This is one of the main strengths and this is because of the statute law. The UK's uncodified constitution's laws are not entrenched therefore it is flexible. Also, an uncodified constitution remains relevant and up-to-date, being able to respond to different political and societal circumstances rapidly. For example, devolution was a response to increasing nationalism in Scotland & Wales.

In addition to this, a codified constitution possesses none of the features listed above and is not able to respond to circumstances quickly; it is easier to introduce or make an Act of Parliament than to amend the US constitution. For example, after the 9/11 ~~terror~~ bombing attacks Britain quickly introduced an Anti-Terrorism Act, whereas the US were not able to respond in the same speed.

((b) continued) ~~Moreover~~ However, it is said that a codified constitution has a feature of clarity. Most British citizens do not understand the concept of a constitution. This isn't surprising as there is no such thing as the 'British Constitution' in solid form. Therefore there are arguments for introducing a real constitution. If the citizens know their rights and understand how the government works, it is said that this will cure ~~the~~ voter apathy and disillusionment with politics. ~~Moreover~~ ~~Moreover~~ Moreover, the Human Rights in the UK are unclear. The laws are confused. Britain adopted the European Convention by passing the Human Rights Act in 1998, and ~~that~~ it is part of UK law however it is not determined in the UK.

In addition, it is said ~~to~~ by Conservative thinkers that an uncodified constitution links past generations to present generations and has been 'tested by time' and proven to work. Also, an uncodified constitution is ~~described~~ 'organic', meaning that it is like a living thing. However, a codified constitution is, by definition, 'created' and not 'tested by time' and lacks historical authority.

(c) The constitutional reforms <sup>since</sup> 1997 have been said to be quite significant in history. When Labour came into power in 1997, Tony Blair proposed many constitutional reforms, often referred to as the most significant since the Magna Carta. This essay will assess the significance of the constitutional reforms introduced since 1997 and their effectiveness.

Firstly, Devolution was an act of decentralisation of power, the dispersal of power ~~to~~ from government, Parliament or the Whitehall to regional institutions. The Scotland, Wales and Northern Ireland <sup>(NI)</sup> Act ~~1998~~ which took place in 1998 gave power to Scotland, Wales and NI and gave them the ability to form their own governments and institutions. This was significant as it made Parliament more democratic, even though this limited the powers of Parliament. This was significant and successful as it gave independence to Scotland, Wales and NI.

However, one of the main constitutional reforms still remain unsuccessful. The House of Lords (HoL) Reform Act 1999 ~~was the~~ was the action to disallow hereditary peers from having the right to

vote on Parliamentary issues, not as with etc., to then remove all but 92 hereditary peers (there are 91 remaining now) without replacing them, and simply leaving them to 'die out'. The most important motive of the House of Lords Reform Act was to allow the House of Lords be the second elected chamber as this would enhance democracy as well as

((c) continued) give power to the House of Lords. However, this remains in doubt and the House of Lords remains <sup>an</sup> unelected and unappointed second chamber. Therefore, there are ~~no cases of the impact~~ even though it is widely seen as unfair that an unelected second chamber has the right to delay bills for up to a year, or decisions, of elected governments, this reform still has not taken place therefore it lacks significance.

Moreover, the electoral system in the UK was seen as unfair and unrepresentative as the First Past the Post system run on the basis that a party may still win an election without gaining majority of votes. This is seen as democratic and the public demanded change, which then lead to the proposed Electoral Reform. However, the First Past the Post electoral system still remains an issue in Parliament and not much <sup>change</sup> has ~~been done~~ occurred. This is ~~seen~~ deemed as undemocratic and there was little significance in the Electoral Reform which was under the constitutional reform.

The restoration of rights was a major factor of the constitutional reform. People had fears that the rights of British citizens in 1998 were being eroded significantly. The Human Rights Act was introduced in 1998 to make British citizens



feel protected with the safeguarding of the protection of human rights; the main feature that a citizen may escape imprisonment when faced without trial. This was ~~was~~ a significant feature of the constitutional reforms as it was introduced successfully. Also, this meant that Parliament could not pass any laws that offended the protection of human rights.

To conclude, it ~~is~~ most clear that most constitutional reforms since have been significant as most Acts were passed successfully enhancing democracy and the representation of the people's interests, demands and opinions.



## ResultsPlus

### Examiner Comments

- 1 (a) - This response is skeletal and can only attain two marks; some material does deal with flexibility which is not credit worthy.
- 1 (b) - From incomplete to complete - here we are presented with a full answer which deserves full marks
- 1 (c) - This moves to the top of L2 but fails to reach L3 as defined by the threshold criteria.



## ResultsPlus

### Examiner Tip

A key message from examiners this series for (a) section answers is to focus on the source as opposed to reaching beyond it.

Moving on here to a really excellent answer, this is well focused and nearly reaches top marks. An example in how it can be in scope to reach this level with application and focus.

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Chosen Question Number: Question 1

Question 2

(a) There are many reasons why the UK constitution is so easy to change. Firstly, the source points out that the UK has a 'uncodified' constitution, meaning that it is not written in a single document. This makes it easy to change because it is largely based on written conventions and traditions, which can be altered or amended by government.

Another reason is that the constitution can be changed by 'introducing an Act of Parliament', thereby amending the constitution. This is a very process in the UK and can take as little as two days to pass in the House of Commons. The ease of amendment makes the UK constitution easy to change.

Finally, the source points out that there is no formal system of checks and balances in the UK system. Although it is a bicameral system, with an second chamber of the House of Lords, the House of Lords have only limited power. The lack of strong opposition is a result of the fact that there is no system

(a) continued) of checks and balances apart makes the constitution easy to change.

(b) The source refers to the 'unmodified ~~can~~ UK constitution', and says this differs from other, codified constitutions because it is 'more flexible'. The UK constitution can be amended quickly and easily as a result. An example of this difference is that it took the UK Parliament only a few days to respond to the 9/11 atrocity in 2001 by passing the Crime and Security Act, whereas the Americans struggled to pass legislation due to their codified constitutional arrangements.

Another difference pointed out by the source is that unmodified constitutions cannot be 'safeguarded and protected'. An unmodified constitution cannot be entrenched, so can be changed or amended at any time without special procedures. Codified constitutions however tend to have special procedures for their amendment, such as in America, where they need a  $\frac{2}{3}$  majority vote in the legislature and the approval of  $\frac{3}{4}$  of the ~~50~~<sup>50</sup> states for any constitutional amendment.

Finally, the source says that, as a result of an unmodified constitution, there is 'little to prevent a government... from getting its way'. This is the result

((b) continued) of no formal system of checks and balances. For example, even though the House of Lords may block legislation in the UK, the ~~House~~ 1949 Parliament Act means the government can just pass it in the next parliamentary session. The lack of limitations on government power is therefore a significant difference between codified and uncodified constitutions.

### (c) Human Rights Act

Devolution

Freedom of Information

House of Lords

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One of the most significant constitutional reforms introduced in the UK since 1997 is the Human Rights Act, which was implemented in 2000. The Human Rights Act is the first example of a codified British bill of rights since the Magna Carta of 1215, and is therefore very significant. By adopting the European Convention on Human Rights into UK law in the form of the Act, the government safeguarded the rights and liberties of citizens for the first time. Although the Act could be repealed in the future by Parliament, it is very unlikely that this would happen, at least in the foreseeable future. However it does have limitations. It doesn't apply to Parliament or Westminster, for example, as this would

effectively remove parliamentary sovereignty. This means the government can still trample on people's rights, as was the case with the top anti-terrorism legislation introduced after 9/11 in 2001, which increased the detention without trial period for suspected terrorists to 90 days. A court later ruled this to be against

((c) continued) the Human Rights Act in the Belmarsh case of 2004. Critics therefore argue that the Human Rights Act is not as significant as it might be.

Another significant reform is devolution, brought about by the Scotland, Wales and Northern Ireland Acts of 1998. Devolution is significant, because it brings democracy closer to the people of those regions in the form of the Scottish parliament and the Welsh and Northern Irish assemblies. It is additionally significant in Scotland, where it has led to calls for independence. Even if a 'no' vote is returned in the upcoming referendum <sup>in September 2014</sup> on this issue, the Scottish Conservatives <sup>(2 June)</sup> today announced they would continue to pursue further devolution. However, devolution is not as significant as it might be. It is strictly not very popular in some regions, particularly in Wales, where there was only a 50% turnout for the 1997 referendum on whether devolution should take place. Devolution is nonetheless a significant reform, as it

decentralised power from Westminster and arguably made the UK more democratic.

Other reforms since 1997 include reforms introduced under (c) continued) the Labour government from 1997 to 2010 to try and make the UK government less secretive. An example of this is the Freedom of Information Act, which came into force in 2000. This was a very significant reform on a number of fronts. Firstly, it brought the UK more into line with modern democracies such as those in western Europe and North America where government was fast becoming more open. Additionally, the Freedom of Information Act, which allows citizens to obtain information held by government and its agencies, has been vital in breaking scandals. The expense scandal for example came to light following a Freedom of Information request. On the other hand, the Freedom of Information Act is criticised by some as being too limited. This is because it effectively allows government to opt-out, as by information which it is believed will damage the public interest does not have to be released. Freedom of Information is nevertheless a very significant reform.

One final constitutional reform has been the House of Lords reform. This was started by the House of Lords Act 1999, in which all but 92 of the hereditary peers in the House of Lords lost their voting rights. The went some way to making the House of Lords a more

((c) continued) Modern second chamber as it became more socially representative of the UK. Furthermore, the Constitutional Reform Act 2005 removed the House of Lords' role as the highest Appeal Court in the UK, replacing it with the Supreme Court. This again helped modernise the UK, as it helped separate the powers of the executive, legislative and judiciary, as is the case in the vast majority of modern democracies. However, many agree that House of Lords reform is not yet complete. All the main parties have pledged at some point to make the House of Lords - either fully- or partially-represented second chamber. Indeed, the reform of the House of Lords was part of the 2010 coalition agreement. Even so, it does not seem to be a priority in the political agenda, and there are no plans to instigate further reform at the time. Consequently, although very significant, House of Lords reform is far from complete.

In conclusion, many significant reforms, including the Human Rights Act, the various devolution Acts, the Freedom of Information Act and House of Lords reform, have taken place since 1997. However, all have limitations, and further reform is needed before the UK is a fully modern democracy.



**ResultsPlus**

**Examiner Comments**

1(a) - This is a full comprehensive answer, each point raised is correct and the detail accurate

1(b) - A level 3 response, showing a really good base of knowledge and understanding.

1(c) - A really extensive response and merits full marks. This is packed with accurate detail and shows a clear comprehension of the topic.



**ResultsPlus**

**Examiner Tip**

Whatever the topic or examination subject, clearly structured and paragraphed responses are key to obtaining marks for AO3 - communication skills - this response is a manifest illustration of good practice.



## **Question 2**

Although this was the less popular of the source questions, Examiners believed this to be a relatively straightforward question which did not seem to cause too many problems for candidates.

### **Q2(a)**

Again, surprisingly few candidates achieved full marks though nearly all were at least able to use the source to explain what a reshuffle was. The best answers were able to use the source to explain the circumstances in which a reshuffle might happen – replacing personnel for a variety of reasons, removal because of dissatisfaction with performance, promotion because of good work and the introduction of ‘new blood’. Better candidates cited Lansley and Spelman for under performance and Mitchell for good work. Very few candidates commented on the effects of a reshuffle on policy making.

Although Q2(a) generally scored higher than Q1(a) again, as in Q1(a) a number of able candidates all but ignored the source, using their own knowledge to answer the question. Centres do need to remind candidates to follow the instructions in the question. No credit can be given for own knowledge in part (a) if the instruction is to use the source.

### **Q2(b)**

Examiners universally commented on the success of this question. There was ample material in the source for candidates to provide at least three factors including progression for talented backbenchers, promotion for those with a proven track record of delivery, because a politician is a strong ally of a cabinet minister and dissatisfaction with performance. The very best answers were able to build on these, with further current examples particularly Maria Miller’s recent resignation being a case in point. Strong candidates explained further possible points not in the source including the need for party/ideological balance in the cabinet (Prescott from Old Labour), the need to keep rivals on board, to reward loyalty, to keep dissidents in the camp and, as a result of the Coalition Agreement, to ensure 5 cabinet seats are reserved for Liberal Democrats. All were valid and many candidates were able to expand on these well.

There were very many strong answers and a high number of candidates accessed Level 3 marks here. The biggest weaknesses included candidates who could only access Level 2 because of failure to include at least one factor from the source or, more commonly, one factor from their own knowledge. Some candidates scored Level 1 or Level 2 for limited to weak knowledge of either one or two factors and there were some candidates who misinterpreted the source. There is a general issue on Part B responses as to the depth required to obtain Level 3. Some candidates write at great length and clearly leave themselves little time for Part C whilst others regard it as an extension of Part A and write too little.

## Q2(c)

Examiners commented on a significant quantity of high quality answers and the overall impression gained was that candidates were well informed. It is a standard question which should reward any well prepared candidate and very many accessed Level 3 marks here particularly for AO1 and AO2. Candidates on the whole managed to achieve balance, combining both methods of control and limitations on power although weaker candidates did tend to concentrate on the former. The most common factors quoted that enable Prime Ministerial dominance were agenda control, patronage, control of cabinet committees, 'sofa' politics and quad government. Many candidates were extremely secure in their knowledge of the Prime Minister as chief policy maker, emergency powers, appointments and dismissals and the focus of the media on his office. Examiners noted that the question requires balance and that for a Level 3 response both powers and constraints, though not necessarily in equal measure, have to be considered. The most common limitations were that the Prime Minister can be overruled by the cabinet; some ministers may have their own power base, the passage of events, the size of parliamentary majority and the impact of coalition politics. Level 3 responses would also display a range of relevant examples from either one or preferably a range of Prime Ministers.

Very good answers drew on the experience of at least some of Thatcher, Major, Blair and Brown, with some candidates able to contrast why Thatcher and Blair were able at least initially to dominate their governments with why Major and Brown could not do so. Some candidates went beyond to show how Thatcher and Blair could not sustain this domination and some used George Jones's 'Elastic Theory' well. Although not explicitly required the question invited consideration of how David Cameron's ability to dominate government has been affected by the coalition and many candidates did address this. Indeed some strong answers were focussed on the coalition, displaying impressive knowledge and understanding.

Less able candidates often offered clearly rehearsed answers on presidentialism and control of the cabinet which lacked focus on the question and which lacked balance. Whilst credit could clearly be given this meant that they were unlikely to advance beyond Level 2. There were a surprising number of factually correct, but generic responses which did not provide examples of how recent Prime Ministers have been constrained or are able to overcome these constraints. A number of candidates lapsed into historical narratives of different Prime Ministers and their leadership styles with Thatcher featuring prominently in many. There were comparatively few Level 1 responses with weak to very limited knowledge and analysis.

Examiners were pleased with the level of responses for this question but two points were noted for the attention of centres:

1. The need for balance when a question requires an assessment to be made. E.g. 'To what extent'.
2. The critical importance for L3 responses of the need to use contemporary and informed examples which raise marks and corresponding grades. Nowhere is this more apparent than on questions on the Prime Minister where evidence is in abundance and readily accessible.

This is a clear example of a level 2 script. It lacks detail and development for advancement beyond this stage.

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Chosen Question Number: Question 1

Question 2

(a) With reference to the source, a government reshuffle is where "a minister or ministers leave office and subsequent movements to fill the vacancies"

The source also describes a government reshuffle as "the Prime Minister is dissatisfied with the performance of particular ministers"

~~Also explains~~ The source also describes a government reshuffle as "a progression route for faltering backbenchers"

(b) The Prime Minister often dismisses minister because they have become dissatisfied with the performance of particular ministers.

With reference to source 2, Andrew Lansley, The Health Secretary struggled to explain the need for his plans to devote most of the NHS's £100bn budget to new GP-led commissioning groups.

Caroline Spelman, Environment Secretary has failed to recover from the failed plans to sell off parts of the national forest.

Source 1 also references that Andrew Mitchell, the International Development Secretary, will replace Patrick Mcdoughlin as the governments chief whip.

Ministers objectives to receive promotion is achieved through proving to the Prime Minister.

In the source "We want to have people who have a proven record in delivering in their departments."

The Prime Ministers often promote those who have been supporters from their past or close friend for example, George Osborne.

((b) continued) The prime Minister also considers rebels within their own party and often promotes them to keep them in line, for example, Vince Cable. The party whips pressure ministers to vote with their party or government.

Most recently since 2009, the Prime Minister has had to dismiss a number of Ministers for fraud in regard to expenses.

The backlash from the media and public caused most of these dismissals to follow through.

(c) To an extent, the Prime Minister has control of the decisions made by their government.

The Prime Minister chairs the Cabinet meetings and decides what business is discussed; however, different Prime Ministers held different styles of Cabinet meetings.

For example, Tony Blair held Cabinet meetings with

individual cabinet members, these meetings dubbed 'sofa government'. Blair chaired the meetings like this so in Parliament he held a strong consensus of cabinet ministers and limited rebellion.

However, the governing party has the power to remove the prime minister as their head of party, this was the case for Margaret Thatcher. The governing party can also pressure the prime minister to resign from their post, which was the case in Tony Blair's government.

The prime minister has the power to control the house of commons timetable to manipulate the timetable to suit the party, so if they have received unfavourable backlash from the public over a decision, rather than be scrutinised they can delay until it suits the party.

((c) continued) However, this power is overruled in exceptional circumstances and the house has an emergency meeting, for example, in times of terrorism such as September 11th.

The government formed in 2010 as part of a coalition agreement, the prime minister shares a majority government.

The government's cabinet consists of 18 of their own members chosen by the Prime Minister and 5 appointed from the coalition party.

The Prime Minister still has the prerogative powers and all the benefits of a majority government.

However, the Prime Minister's party can be easily outvoted by the coalition party if they disagree with the Prime Minister, limiting their power considerably.

This makes the Prime Minister weak at being able to pass legislation.



### ResultsPlus Examiner Comments

2(a) - This is very skeletal and simply returns the source without much amplification. However, it raises three points - all correct and gains three marks.

2(b) - This gains L2 for AO1. There are minor inaccuracies but with positive marking these cannot reduce the final mark.

2(c) - This is a clear example of a L2 response - towards the lower end. It is not well developed.



### ResultsPlus Examiner Tip

As noted with 1(a) and question (a)'s in general. The source is the template to work from, but it has to be amplified and developed to obtain full marks.

This script clearly moves up a gear on the previous one and it attains level 3 with ease in both (b) and (c) sections.

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Chosen Question Number: Question 1

Question 2

- (a) Government reshuffle refers to how the members of the cabinet are changed (some are <sup>sacked or</sup> demoted) in order for through the power of patronage where the Prime Minister can remove a minister of his party if he is dissatisfied with their performance. By ~~down~~ sacking ministers there is the opportunity for new ministers, ~~as~~ who can be backbenchers (who would otherwise mobilise opposition to cabinet decisions), to be appointed.

(b) From the information in the source, one factor suggested that influences the Prime Minister's decision to dismiss a Minister is ~~by~~ their organisational skills. This refers to how effective they are at managing their department, creating quality policies and also implementing them. According to the source, both Andrew Lousby and Caroline Spelman failed to create effective policies and ~~so~~ they as their plans have effectively failed. The source also demonstrates that the Prime Minister considers experience when appointing Ministers, people who ~~is~~ are reliable and have proven their capabilities in delivering what is expected by the Prime Minister such as Andrew Mitchell.

Secondly, from my own knowledge, the Prime Minister appoints ministers often for how they represent minorities who are not usually represented in ~~power~~ the cabinet. For example, Baroness Warsi was <sup>appointed</sup> partially because of how she is both Muslim and a woman in the current government and Blair included David Miliband in his cabinet from a young age. ~~However~~ Furthermore, the Prime Minister considers the popularity of politicians within his or her own



(b) continued) party when appointing ministers. For example Blair include Brown in his cabinets for this reason (who was known as the 'Biggest Bear'). and these ministers are popular and influential within their party, for example, ~~Liam Fox~~ John Prescott is seen as a representative of the <sup>left</sup> ~~right~~ in the <sup>Labour</sup> ~~conservative~~ party and Liam Fox a representative of the right in the conservative party.

(c) The priministerial influence over cabinet decisions since 1945 has said to be stronger than that of Cabinet and hence it is suggested that he/she is the dominant player in the executive. However, in theory, the cabinet controls cabinet decisions due to the convention of collective responsibility where all ministers <sup>are equal and</sup> must support government decisions and resign if they cannot.

Firstly, the priministerial influence has reduced Cabinet's control of government decisions in recent decades since many decisions are being taken outside of cabinet through bilateral meetings (for example Blair's 'sofa-<sup>cabinet</sup> government'), ~~cabinet~~ the use of committees and sub-committees and private advisors. During Blair's premiership, the

important decision to ~~make the~~ grant independence to the Bank of England occurred just ~~the~~ 4 days after the 1997 Labour landslide and was taken by Blair and Brown alone, who formed what is best described as a 'dual-executive'. Furthermore the decisions not to adopt the single-

((c) continued) currency and to declare war ~~and~~ on Iraq were taken in Number 10 and 11 where deals were done and compromises met; only then were the decisions taken to Cabinet. ~~This issue~~ The ~~issue~~ influence of private advisors over the Prime Minister which is arguably stronger than that of the Cabinet can be demonstrated through the conclusion of the Butler ~~Report~~ published in July 2004 which details how in the run-up to the Iraq War, Tony Blair denied <sup>the</sup> access ~~to~~ of his Cabinet Ministers to important papers written by government officials. ~~The~~ report strongly criticised Blair for ignoring his Cabinet Ministers which demonstrates their lack of influence over Cabinet decisions.

However, it can also be argued that Cabinet Ministers do control the government's decisions since they are responsible

for making major policies and implementing them. Michael Gove, the Education Minister, for example, was responsible for the 'free-schools' system and is currently reforming A-level education by proposing to limit

((c) continued) the importance of AS-levels. Andrew Lansley was also responsible for the NHS reforms. In the early days of Cameron's premiership he conducted a 'chairman' style of managing the Cabinet by encouraging ministers to use their initiative. At the time it was compared to the Chinese leader Mao's old slogan "let a thousand flowers bloom" which means "let a thousand ideas emerge".

Thirdly, it is said that the power of patronage gives the Prime Minister significant control over Cabinet decisions as he can appoint MPs who are most likely to support his decisions. This - although true for Brown, Blair and Thatcher - has changed with the creation of the coalition government where the appointment and dismissal of ministers requires the consent of Clegg as well as Cameron. Furthermore, if a Liberal Minister is sacked then he

must be replaced by a fellow Lib Dem  
for example, David Laws being replaced  
by fellow Lib Dem Darryl Alexander as

((c) continued) chief executive to the treasury. However,  
Cameron still has dominant control over  
the conservative ministers in the current  
Cabinet as so he can appoint ministers  
to expect loyalty from them to him and  
his policies, for example, ~~George~~ George  
Osborne was appointed for this reason.

In conclusion, it is likely that  
ministers in the cabinet do control the  
government's decisions due to the  
Cabinet Manual published in 2011 which  
details the conduct of relationship  
expected between the Prime Minister and his  
ministers and so probably prevents <sup>Cameron taking</sup> any  
decisions being taken through ~~or~~ bilateral  
meetings at Number 10.



### ResultsPlus Examiner Comments

- 2(a) - This makes 4 points and earns 4 marks.
- 2(b) - Three points well made, creatively blending the source and supporting it with own knowledge
- 2(c) - A clear and lucid response, worthy of L3 for all the AOs.



### ResultsPlus Examiner Tip

Section (b)'s rely on a combination of source and own knowledge. The balance does not need to be exactly even but without mentioning both a script cannot obtain level 3

### **Question 3**

This question was by far the least popular of the two Section B questions, with examiners commenting on how few candidates were able to produce essays of Level 3 quality. This is rather disappointing but not entirely surprising even though the Judiciary is set annually and a similar question has been asked on several previous exam papers.

Judges and Ministers represent two distinct pillars of the Constitution – the Judiciary and Executive – and some degree of conflict can thus be expected. However, they also have an interest in the effective running of the wider political system, so are also likely to find areas of common agreement.

The most commonly discussed areas of conflict related to the issues of judicial review, sentencing, the rule of law, the Human Rights Act, judicial activism, judicial independence, judicial neutrality, EU law and parliamentary sovereignty.

The most able candidates were able to explain, using appropriate examples, how these issues led to both conflict and a lack of conflict between judges and ministers.

The Human Rights Act was frequently discussed. It has given judges increased scope to challenge government decisions, whilst stopping short of giving them powers to strike down legislation as unconstitutional.

Many candidates identified rulings produced by judges using the HRA. These included, the long-delayed deportation of Abu Qatada, giving prisoners the right to vote, the right to privacy, the release of the Belmarsh detainees and a number of other controversial rulings usually related to prisoners and terrorists. These were often explained a great length, though not always accurately.

Very good responses also discussed increasing judicial activism, the growing tendency of senior judges to speak out about legal issues and oppose ministers since the adoption of the Constitutional Reform Act and the continuing issue of the status of EU law in the UK as a higher level of law. Judicial neutrality or the lack of it (Griffiths) was commonly discussed.

Higher level responses also explored where conflict has occurred between the senior judiciary and ministers, over issues such as sentencing and the erosion of civil liberties by anti-terrorist laws. Level 3 responses argued that ultimately judges only have the power to interpret the law as laid down by parliament and parliament has the power to introduce any new law it sees fit to do so. Good candidates applied what they knew about parliamentary sovereignty and the role of the judiciary to the question.

However as a general point, there were a large number of poor answers to this question, many failing to rise above Level 1 or low Level 2. Much of the evidence offered was brief, limited and undeveloped, and this resulted in the majority of answers being rather short in terms of overall length.

Some candidates tried to repeat 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. A common error was to assert that increased judicial independence, following the passing of the Constitutional Reform Act, had led to reduced conflict. There was also a lack of knowledge and understanding of the implications and consequences of the act. Some candidates seemed to have almost no understanding of the role of the judiciary, and produced extremely poor answers. A few responses asserted that the judiciary's main function is to scrutinise legislation, and a number believed that senior judges still sit in the House of Lords.

Many candidates incorrectly repeated the common error that the HRA was forced upon the UK by the European Union. In reality, the UK adopted the ECHR in 1951, long before joining the EEC in 1973. In fact, the HRA was introduced so that UK citizens did not have to visit

Strasbourg to see their human rights defended, but could do so instead in the UK.

Without exception all examiners commented on the unpopularity of and weaknesses in the responses to this question. One can only speculate as to the reasons for such a poor performance on such a mainline topic but the fault, they believe does not lie in any difficulty in the topic itself or the question set. It is modern, current and relevant to candidates' everyday lives and to British politics. Centres perhaps do need to examine how they teach and assess their students and in particular how much time is allocated to the delivery of it and at what stage of the course it is taught. Centres are also urged to ensure candidates know and understand the Constitutional Reform Act of 2005 and its effects.

This essay does cover a lot of ground; it gains just over half marks in total. It is lacking in expansive case details which would illustrate the grounds of conflict further.

Indicate your second question choice on this page.

Put a cross in the box  indicating the second question that you have chosen.  
If you change your mind, put a line through the box   
and then indicate your new question with a cross .

Chosen Question Number: Question 3  Question 4

Yes	No
<ul style="list-style-type: none"><li>- Judges can make laws unlawful and incompatible</li><li>- neutrality of courts</li><li>- independence</li></ul>	<ul style="list-style-type: none"><li>- contempt</li><li>- judges can't overrule parliament</li><li>- PM can veto judges</li></ul>

In the modern day it is fair to say ~~are~~ that there is definite conflict between the UK judges and the government ministers. This is mainly down to the independence due to the judicial reform and the neutrality that comes with it and also the introduction of human rights act which has given judges more ammunition against the government. However it is important to remember

That ministers or any part of parliament cannot speak out about a judge as that is an act of contempt. Furthermore Westminster remains legally sovereign so judges can't actually rule ~~against~~ against a parliament law just criticise and offer amendments. Also the Prime minister retains a veto on appointments of senior judges.

Judicial reform meant that the former body where judicial review was done, House of Lords, was replaced with an independent body, the Supreme Court. This removed the Conservative element that the people had always felt sided with the government. Many ministers argue that the Supreme court does not have the right to overturn government decisions as in the case of the third runway at Heathrow where the judicial review sided with the ~~people~~ protesters. Many ministers felt it was wrong that an unelected body was allowed to stop a democratically

elected body doing what they had legitimacy to do. Although this new found independence from the reform is of a benefit to the people it is as some ministers think a hindrance to carrying out the legitimate government functions. Furthermore the Human Rights Act ~~which~~ has given the ~~to~~ Judges more ammunition against the government. Cait Reilly for example. Cait Reilly argued that the back to work scheme put into place by Ian Duncan-Smith was ~~illegitimate~~ illegitimate to forced labour. The Supreme court agreed with her that the scheme was unlawful and ordered the government to pay £130 million in the benefits owed to people. Obviously this is a ~~great~~ great example of how the court ~~and~~ and ministers are in conflict. However the Work and pensions department passed emergency legislation that they would not



have to pay anything in compensation to those that had been unlawfully affected. This shows that the ~~is~~ government still holds parliamentary sovereignty so can easily get round any issues arising.

A further example of how the government can get their own way is when in 2000 judges ruled that the government freezing suspected terrorists bank accounts was illegal. The government then just passed laws that made it legal. This shows how easy it is for governments and its ministers to get round the court as they can just create new laws as the highest law making body in the land.

However the ~~HR~~ Human Rights Act is although not legally binding it is the constitution so the government do not want to ~~have~~ have laws that are incompatible with it

This happened in the Belmarsh case where the Law Lords ruled that holding foreign terrorist suspects for unlimited amount of time was against their ~~can~~ human rights. As such the government had to adjust the laws to a maximum 30 day detention. This shows how the judges can use the HRA to get the government to change the laws and cause conflict between the ministers.

However if ministers feel ~~that~~ it is necessary to break the HRA it will. The European Court of Human Rights has ruled ~~and~~ the HRA states that ~~it~~ prisoners have a right to vote and even though most senior judges agree with this parliament and the government ministers have stood firm over the blanket ban of prisoners ~~to~~ not being allowed to vote. This is an example of the ministers

and judges in conflict but ~~parliament~~ parliaments legal sovereignty standing firm.

In conclusion there is major conflict from the judges and the ministers. As the judges have become more independent they have generally sided with the person which angers ministers who argue they are not elected and although the Human Rights Act is not legally binding it holds strong that the government doesn't want laws that are incompatible. However, as parliament retains its legal sovereignty even in the cases such as Cait Reilly where they lose, Ian Duncan Smith, minister for work and pensions, is able to create emergency legislation where the government is still able to come out on top. Although it is clear ministers are frustrated they are hindered by unelected judges in their elected capacity as long as they retain parliamentary

sovereignty they will be able to overcome most cases with the outcome they wanted. Unlike there is a codified constitution and a politicised courts such as the USA & one would struggle to see the courts being able to hinder ~~executive ministerial power~~ and create much more difficult conflict with executive ministerial power. In summary although there is conflict between ~~this~~ government ministers and UK judges due to Westminster Parliamentary sovereignty the conflict does not hinder ~~the~~ executive power to a great extent.



### ResultsPlus Examiner Comments

Here the essay achieves entry into L3 for AO1. There are some good supporting examples which show the contemporary nature of the conflict. However in order to advance further the nature of conflict should have to display more breadth and scope.



### ResultsPlus Examiner Tip

To fully come to terms with questions on the judiciary it is necessary to support answers with contemporary cases. In recent years the media have been full of these. Furthermore with human rights being a potential election issue material and public interest in this as a topic must rise and be a core political issue.

This essay is well written and wide ranging. It sets out the terms of the conflict between judges and the government. It shows an appreciation of the tension points and the controversy which they entail.

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If you change your mind, put a line through the box   
and then indicate your new question with a cross .

Chosen Question Number: Question 3

Question 4

In the UK there is great conflict between UK judges <sup>& ministers</sup> due to the argument of Parliamentary Sovereignty and Rule of Law. Government ministers claim they should have the final say due to the fact they are elected and therefore socially representative. However judges believe they are less likely to make decisions to gain popularity and they should therefore have the final say.

The Human Rights Act is a major reason for conflict between the judiciary and government. An example of this is in 2006, 9 Afghan Asylum seekers won the right to remain in Britain after they had hijacked a plane in 2000 and forced it to land at Stansted airport. They claimed they would face torture or maybe death if they were sent back. Blair claimed that the judge's ruling

was "an abuse of common sense" whereas the judge made a judgement on the view that it would infringe their human rights if they were to be sent back to their own country.

There has also been conflict ~~between~~ regarding the HRA when granting super-injunctions, Clause 8 (right to private life) and clause 10 (freedom of expression) of the ECHR must be balanced. When Tom Henning used Parliamentary privilege to name Ryan Giggs in the media who had been granted a super-injunction. Lord Judge criticised government for 'flouting court orders' which is an illustration of conflict between the judiciary and government.

There has also been a direct clash between Lord Neuberger and Theresa May regarding the Human Rights Act. Lord Neuberger criticised May when she claimed that judges were wrong to allow immigrants to remain in the country on the basis that they had started a family in the UK. This shows to a great extent, conflict between

judges and government ministers.

There has further been ~~the~~ conflict between the judiciary and the government due to minority representation. The government's job is to safeguard national security and therefore may have to infringe some human rights in order to achieve this. For example 234 MPs to 22 voted against prisoner's ~~right~~ <sup>votes</sup> on the grounds that they have broken their contract with society. Government lawyers however claimed that the UK would consequently face accusations of hypocrisy from Turkey and Russia if we do not allow prisoner's the right to vote.

Terrorist Acts have also resulted in conflict between government ministers and judges. After the 7/7 London bombings the government claimed that they should have the right to introduce anti-terror legislation. This would allow the holding of suspected terrorists indefinitely. However Lord Woolf and Lord

Hoffman called for an entrenched Human Rights Act due to this so that individual rights would remain protected.

There are many other further examples of direct conflict between the judiciary and the government ministers ~~as the~~ due to the clashes of Parliamentary Sovereignty and Rule of Law. Jeremy Hunt (the Health Minister) in 2014/2013 wanted to close down a hospital in Lewisham in order to improve patient care. However the Judge ruled that he did not have the power to implement these cuts.

Additionally in 2013 the families of British soldiers killed in foreign wars won the right to sue the government over their deaths. This was following a mother of a soldier who died in Iraq in 2003 of hyperthermia taking the government to court <sup>in 2003</sup> claiming that her son's human rights had been infringed. This is a further direct



illustration of conflict as the courts were able to allow her to sue the government.

However it is argued that there is, in fact, little conflict between judges and government ministers in the UK

as judges are much more likely to side with government. The courts claim that in every case the government loses, they win 10.

Furthermore judges are able to issue a declaration of incompatibility if they believe that government legislation is in conflict with the Human Rights Act.

However this does not cause conflict as usually the judges will amend their legislation

accordingly and in only 1% of cases since the Human Rights Act was introduced in 1998 have judges given a declaration of incompatibility.

In addition, UK judges do not always side with their European counterparts. For example many judges believe that the European Court of Human Rights should not hold

precedence over the Supreme Court. Lord Judge claimed that the Supreme Court should "at least be at equal standing with the Strasbourg court." This illustrates that the courts therefore do agree with the government on many issues.

In addition at least once a year, senior judges attend the House of Lords in order to discuss important matters. This includes the relations between judges and government ministers and is therefore a clear illustration of the judiciary and the government trying to work together.

From the evidence however it is clear that there is conflict in between the UK between judges and government ministers to a great extent ~~now~~ due to their difference in ideologies over whether Parliamentary Sovereignty or Rule of Law takes precedence.



### ResultsPlus Examiner Comments

This gains Level 3 for all the assessment objectives. The AO1 is really impressive and covers the HRA, Judicial Review and relevant legislation. It personalises the conflict as it highlights not only government ministers but also the senior Law Lords at the core of the conflict.



### ResultsPlus Examiner Tip

As noted above the clear identification of named political and judicial personnel does impress. It shows that the candidate has a well founded and in depth understanding of a set topic.

## **Question 4**

A highly popular question which generally resulted in good quality answers. It is a relatively straight forward question and it was clear to examiners that many candidates had clearly prepared well with most being able to identify at least three functions of Parliament. There were relatively few short answers and the most popular functions covered representation, scrutiny and accountability, deliberation and legislation. Less frequently, candidates also examined the legitimising function and the training and preparation of ministers. Most answers addressed the role of the House of Lords to varying degrees but there were some responses that were a little limited by a failure to cover both houses.

At the top end of the scale examiners saw some excellent, comprehensive answers. The ones that excelled dealt with a variety of functions in depth and referenced with recent examples and statistics to support their analysis particularly with regard to socio-economic representation in houses, the role and importance of select and other committees, the legislative process and the role of the House of Lords. The best answers were characterised by candidates who had read the question and genuinely assessed the extent to which Parliament carries out its functions adequately and achieve some sort of balance.

Although there were very many good answers examiners commented that the legitimising function was neglected or misunderstood by weaker candidates. Coverage of scrutiny was not as consistently strong, Prime Minister's Questions and Departmental Select Committees often the only means explored. There was frequently a lack of full understanding of the difference between legislative committees and departmental select committees. Some weaker candidates did not always evaluate the functions and therefore scored less well on AO2 and spent too long simply describing and listing the functions. Some candidates also spread their knowledge too thinly instead of providing analysis in some depth and not all candidates had an up to date knowledge of current examples. However, almost all candidates were able to access the question effectively and there were comparatively few Level 1 responses.

As with question 2(c) examiners were pleased with the level of responses for this question and reiterate two points for the attention of centres:

1. The need for balance when a question requires an assessment to be made here 'Discuss'.
2. The critical importance for L3 responses of the need to use contemporary and informed examples which raise marks and corresponding grades. Nowhere is this more apparent than on questions on Parliament where evidence is plentiful and easily accessible.

Here we have a clear focus on the question. True, it begins with a statement almost a conclusion but there is evidence which supports the assertions. The AO2 mark falters a little and cannot match the level of AO1.

Indicate your second question choice on this page.

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If you change your mind, put a line through the box   
and then indicate your new question with a cross .

Chosen Question Number: Question 3

Question 4

Parliament possesses many functions, however it is said that due to the excessive power of the executive, Parliament is no longer performing these functions efficiently. These functions consist of: Representation, the ability to check the executive, deliberation and legislating. All of these functions can be discussed and argued, however Parliament does not perform its ~~function~~ functions adequately, to a large extent.

One function of Parliament is to ~~rep~~ represent all sections of society. However this is not the case. Parliament can not represent all sections because all MPs in Parliament are middle aged, and middle minded and come from Oxbridge. This implies that a MP can not properly represent a individual that is from the working class background. Also all MPs are subject to party representation, this means that MPs are more likely to represent ~~that~~ the interests of their party rather than the interests of those that voted them

in Also women are absent in the Parliamentary scene as of 1997 there were only 5% of ~~the~~ female MPs. Ethnicity is also underrepresented as there ~~is~~ are barely any MPs are from a ~~other~~ white, male and British. This therefore poses the question, how can all sections of society be represented? This ~~graph~~ shows that Parliament does not perform its functions adequately to a large extent. On the other hand, there has been an increase in ~~female~~ female MPs, ~~also~~ up to 20%. The electoral system is designed so that all MPs represent a constituency, creating the link between MPs and constituents. This means a constituent can ask its MPs questions and have them raised in Parliament. However despite this, Party representation still remains vital as MPs gain loyalty and sometimes enhance their careers if they represent their party <sup>over</sup> ~~of~~ their constituents. Therefore showing that Parliament <sup>does not</sup> performs ~~its~~ <sup>its</sup> functions adequately to a large extent.

Another function of Parliament is the ability to check the executive and scrutinise its policies. Parliament's ability to do this has also been declining. This is because ~~the~~ <sup>the</sup> executive has been gaining an excessive amount of power. This means that if a party controls the majority in the House of Commons it is extremely hard for the rest of the House to check the executive. This displays that Parliament are no longer able to control and call

to account the ~~executive~~ executive. This implies that Parliament does not perform its functions adequately to a large extent. On the other hand, it can be argued that, Parliament is the main sovereign body and can check the executive easily. This is because the House of Commons can issue a vote of no confidence and remove the executive <sup>from</sup> office. Also the House of Lords can block and delay legislation, ~~making~~ making it hard for the executive to carry out its manifesto. However despite Parliament's ability to do all this, the likelihood of a vote of no confidence is extremely low and so, the executive's power remains excessive. This therefore shows that Parliament does not perform its <sup>functions</sup> ~~tasks~~ adequately to a large extent.

Another function of Parliament is deliberate and debate the legislation proposed by the executive to make sure it is ~~for~~ fit for purpose. However Parliament is unable to do so as there is a fusion between the legislature and the executive. Due to the fact the executive holds a majority in the House of Commons, it allows them to dominate it. This means that any legislation debated in the House of Commons will usually pass through on vote due to the party's majority. As the legislation goes to the House of Lords, due to funding of the lords by the party, the legislation will also usually

pass through. If the Lords decide to block the legislation, it can only be blocked for a year, therefore the drafted legislation will end up going through both houses no matter what. However, on the other hand the Commons can also reject legislation if enough vote for it, in extreme circumstances the Commons can terminate the executives time in office through a vote of no confidence. Also despite the Lords limited power, they still force the executive to commend the legislation therefore acting as a safeguard safeguard against ~~the~~ executive dictatorship. However overall Parliament cannot effectively ~~debate~~ debate against the executive due to its majority in the House of Commons and the limited powers of the ~~the~~ House of Lords. Therefore showing that Parliament does not perform its functions adequately to a large extent.

Other functions are also not performed adequately such as legitimising the executive and ~~and~~ the accountability of Parliament. However the most important functions are argued and analysed above.

Therefore, in conclusion it is clear that Parliament does not represent the society effectively, due to all MPs being middle aged and middle minded, and it cannot ~~and~~ check the executive effectively, as the executive dominates the

The House of Commons and ~~the~~ Parliament cannot effectively debate and scrutinise the executive as due to the limited powers of the House of Lords. Overall the executive's power has ~~become~~<sup>become</sup> too excessive for Parliament ~~to~~<sup>to</sup> control, therefore this ~~means~~ means that 'Parliament ~~does not~~ carries out none of its functions adequately' to a large extent due to the dominance of the executive in ~~modern~~ ~~and~~ British Politics.



**ResultsPlus**

**Examiner Comments**

As noted this is a good essay and it gets well over half marks for the clear understanding. Although it is not all encompassing - more could have been discussed on the Lords.



**ResultsPlus**

**Examiner Tip**

When questions relate to 'parliament' it is wise (and almost imperative) to look to both Houses in response. The balance may not necessarily have to be even but both chambers are important.



This essay does advance on the previous one. Like the previous one it has good knowledge and understanding (AO1) but significantly it moves in and progresses on the two other assessment objectives into the top tier.

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Put a cross in the box  indicating the second question that you have chosen.  
If you change your mind, put a line through the box   
and then indicate your new question with a cross .

Chosen Question Number: Question 3

Question 4

Parliament has been argued to be ineffective in carrying out its functions adequately, primarily because of the illegitimacy of the House of Lords ~~and~~ the ~~inflated~~ inflated votes afforded by FPTP and the dominance of the party whips in Parliament. Nonetheless, their provision of scrutiny of government legislation, the uphold of the Burkean Theory of Representation and the checks and balances through select committees challenges this argument.

Parliament is said to be inadequate in carrying out its functions ~~at~~ because the House of Lords remains an unelected and unaccountable chamber. This severely undermines ~~the~~ <sup>the</sup> ability to democratize nature of the upper chamber and should not have a say in government legislation as they might ~~have~~ <sup>be hindered</sup> external influences that undermines its ability to effectively carry out its functions. Furthermore, ~~this means that the Lords to~~ Lords remain unrepresentative as they are usually dominated

by elites who have ~~the~~ connections with the government in order to gain a life peerage.

The commons undermines representative functions due to the First Past the Post Electoral system that has resulted in inflated votes. Hence, it can be argued that Parliament does not carry out its functions adequately.

However, the system of election can be said to strengthen representation as it strengthens the Burkean Theory of Representation and affords the electorate the unique MP-Constituency link. This has ~~to~~ enabled ~~the~~ MPs to ~~veto~~ <sup>voice</sup> out the grievances of their constituents <sup>concerns and devastation, caused by</sup> Parliament. For example, the flooding in the Southwest of England in the early months of 2014 ~~which had devastated~~ <sup>was</sup> an issue raised to Cameron by MPs representing those constituencies, which led to Cameron's promise that 'money ~~was~~ no object' in dealing with this crisis. This illustrates ~~the~~ how the Commons <sup>adequately</sup> Furthermore, the Lords represent a cross-section of society, from trade unions to the judiciary. Hence, this illustrates the fact that ~~over~~ Parliament fulfils its representative function effectively.

Parliament has been criticised for its failure to adequately carry out its legislative function as a result of unlimited time spent on debating legislation in the Commons and the Parliamentary Act of ~~1911~~ 1911 that has ~~struck down~~ ~~the~~ the House of Lords influence over fiscal bills. Furthermore, the use of guillotine and Bargaroo motions in the Commons are said to impede this function. Party loyalty also results in ~~the~~ MPs being 'lobby fodder' who pass government legislation for the sake of it.

However, the Commons has been seen to afford deliberate ~~an~~ debate on legislation and government decisions. For example, the vote on intervention in Syria ~~was~~ was a way in which ~~the~~ the Commons was seen to go against the government's desire to intervene. Furthermore, the House of Lords afford quality time in amending and debating legislation. ~~the~~ Their legislative function is strengthened by their ~~ability~~ expertise and skills they afford ~~to~~ to bills in the legislative process.

~~Parliament~~ The dominance and effectiveness of ~~the~~ party whips in Parliament has undermined

is scrutiny function of the legislation. While it can be contested that the whips system is weaker in the House of Lords, the 1958 act which granted Prime Ministers the power to appoint Lords reinforced the idea of party loyalty. ~~But~~ In the Commons, the party whips have the power to promote loyalty or suspend a minister if it does not comply with the government's decisions. This is strengthened by the concept of <sup>collective</sup> ministerial responsibility.

However, the ~~use~~ establishment of Select Committees that scrutinise government departments and their ability to call on witnesses to assist investigations ~~is~~ ~~at~~ ~~that~~ demonstrates how they <sup>can</sup> effectively call the government to account. In the use of Prime Minister Questions Times every Wednesday to force the government to explain and defend their policies is another example of how ~~the~~ ~~Parliament~~ the Commons is efficient in <sup>scrutinising</sup> ~~holding~~ ~~the~~ government to ~~account~~ policies and actions. The ability of the House of Lords to delay legislation for a year also enhances this function. Furthermore, the House of Lords have shown ~~dominance~~ to have stood up to the government, in particular

over Tony's Blair's policies.

The function of education and recruitment has also been criticised as it has been argued that ~~the~~ growing political apathy, reflected in the low turnout at General Elections are indications of Parliament's failure in carrying out its functions adequately.

~~But~~ While there are many examples of Parliament effectively carrying out its functions effectively and adequately, such as through the Lords ~~providing~~ <sup>affording</sup> valuable skills and expertise ~~to~~ ~~the~~ ~~government~~ when amending government bills in order to produce quality legislation and the ~~strength of the~~ <sup>unique</sup> MP-constituent link that ~~is unique~~ strengthens its representation function, it is on the whole held to be subject to the dominance of the pervasive and influential party whips in the UK political system that enforces party loyalty to the government through its powers of influence (the appointment or demotion of ministers owing to the Prime Minister's power of patronage). This ~~system~~ systematically undermines its legislative, scrutiny, representative and education functions as they are seen to uphold party interest before the electorate.



**ResultsPlus**  
**Examiner Comments**

What is strong about this essay is its willingness to evaluate to a high degree the functions of parliament. It covers both Houses well.



**ResultsPlus**  
**Examiner Tip**

A critique of how parliament functions should be central to the study of UK politics. This requires an evaluation of its current role accompanied by logical suggestions of how it can improve.

## Paper Summary

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

- By way of overview in Question 1(a) and Question 2(a) with reference to both source questions many candidates introduced a whole range of reasons from their own knowledge which were not mentioned in the sources and for which no credit could be given. Candidates often did not quote evidence that was clearly in the sources and it is the collective view of a number of examiners that candidates seem to be looking for problems that are simply not there. Centres might well take this on board in their preparation for and assessment of the sourced based questions.
- The question on the Judiciary, here Q3, continues to be of concern. It is the province of the few; approximately 25% of candidates tackled this question. Although there were some excellent answers the general message from examiners is that there were a large number of poor responses, many failing to rise above Level 1 or low Level 2. Many answers were brief and some candidates seemed to have little understanding of the role of the judiciary. One vital ingredient often missing was a range of contemporary cases which actively show judicial involvement in political life. This is a regular topic which is asked each year and there is a clear message to centres that should be taken on board when considering the preparation of students for the judiciary and possibly, the time allowed for its teaching.
- Many examiners in their reports cite how very few candidates know the difference between and the remit of the two European Courts which affect the UK. Firstly the European Court of Justice, relating to the EU (and impacting on EU issues) which is based in Luxembourg as opposed to secondly the European Court of Human Rights which is based in Strasbourg (and has a wider European membership and deals with civil rights and individual liberties). It is a constant issue raised by them and is repeated here once again for emphasis. In the current political climate the issue of both courts is relevant. As a topic it reaches beyond the judiciary and touches on aspects of Parliament, the constitution and Prime Ministerial power. Getting each base correct is important.
- In order to be prepared for questions set on Parliament it is essential to have a critique of both Houses. Furthermore to advance in the topic this critique has to be up to date and informed by current debate.
- Examiners commented that candidates seem to perform better when there is clear evidence that essays have been planned. The better responses invariably do commence with a plan and they believe that a few minutes thought prior to the essay to marshal ideas together is one of the keys to success.
- Higher quality responses do tend to use more contemporary and informed examples which clearly lift the overall mark and therefore grade in Q1 and Q2 (b) and (c) and in Q3 and Q4. This was a significant factor in all questions and it is an area for development for all candidates and centres.

## Grade Boundaries

Grade boundaries for this, and all other papers, can be found on the website on this link:

<http://www.edexcel.com/iwantto/Pages/grade-boundaries.aspx>

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Welsh Assembly Government



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