

Mark Scheme (Results)

Summer 2014

Pearson Edexcel GCE in Government and Politics (6GP04) Paper 4C: Governing the USA

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General Marking Guidelines

• All candidates must receive the same treatment. Examiners must mark the first candidate in exactly the same way as they mark the last.

• Mark schemes should be applied positively. Candidates must be rewarded for what they have shown they can do rather than penalised for omissions.

• Examiners should mark according to the mark scheme not according to their perception of where the grade boundaries may lie.

• There is no ceiling on achievement. All marks on the mark scheme should be used appropriately.

• All the marks on the mark scheme are designed to be awarded. Examiners should always award full marks if deserved, i.e. if the answer matches the mark scheme. Examiners should also be prepared to award zero marks if the candidate's response is not worthy of credit according to the mark scheme.

• Where some judgement is required, mark schemes will provide the principles by which marks will be awarded and exemplification may be limited.

• When examiners are in doubt regarding the application of the mark scheme to a candidate's response, the team leader must be consulted.

• Crossed out work should be marked UNLESS the candidate has replaced it with an alternative response.

Question Number	Question
1.	Assess the significance of the Executive Office of the President.
Indicative content	(this is not an exhaustive account of relevant points)
 it is more he unlike cabir president an unlike cabir department the presider within the Ee they often h 	e of the President can be said to be significant because: Ipful to the president than the cabinet as it is staffed by his own people net members, EOP members do not have divided loyalties between the d Congress net members, they are not preoccupied with need to run their own at is free to appoint who he wants, as nearly all the heads of policy office OP ('czars') do not need Senate confirmation ave as much/or more influence over policy than their cabinet equivalent ers act as congressional liaison
 limitations on its significance include: the president runs the risk of being isolated, surrounded only by political sympathisers staff recruited from the campaign team may have minimal experience of government EOP staff are simply advisers to the president, so have no jurisdiction over the federal bureaucracy the existence of two competing bureaucracies may create confusion and sources of friction A threshold Level 2 response will typically exhibit the following features: limited awareness of two ways in which the EOP either is or is not significant A threshold Level 3 response will typically exhibit the following features: clear awareness of three ways in which the EOP is and is not significant supporting evidence which shows understanding and knowledge 	
LEVELS	DESCRIPTORS
	Good to excellent:
<i>Level 3</i> (11-15 marks)	 knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.
	Limited to sound:
<i>Level 2</i> (6-10 marks)	 knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations.

Level 1	Very poor to weak:
	knowledge and understanding of relevant institutions, processes,
(0-5 marks)	 political concepts, theories or debates. ability to analyse and explain political information, arguments and
	explanations.
	 ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.

Question Number	Question
2.	Why has the relationship between the federal government and the states since 2000 been controversial?

Indicative content (this is not an exhaustive account of relevant points)

Throughout this period, as in many others in US history, the relationship between the federal government and the states has been controversial because of clashes over the sharing of power between the federal government and the states, and the policies both are pursuing. This can lead to apparently contradictory positions, e.g. Republicans supporting DOMA, at odds with their usual support for states' rights.

Under both the Bush and Obama administrations there was some assertion of federal government authority

2000-08:

- federal government spending rose by about a third through the course of the Bush administration and the federal government expanded its reach through policies such as 'No Child Left Behind', and the Medicare prescription drug benefit
- in addition, the emergencies of 9/11, the banking crash and the recession required federal response: 9/11 increase in defence spending, creation of Department of Homeland Security; the banking crash and recession TARP and bank bailout legislation in autumn 2008
- The GOP-controlled Congress was also willing to override states' rights to pursue policy goals, e.g. the Teri Schiavo case

2008-:

- marijuana became a source of controversy as initially the Obama administration sought to enforce federal laws over state laws, but then adopted a more emollient approach
- state laws on immigration the administration has taken legal action against Arizona's SB 1070 'show me your papers' law
- the Affordable Care Act required states to set up health insurance exchanges and the federal government intervened to run them itself when some states refused; the SC ruled in *Sebelius* that the federal government could not force the states to expand Medicaid

A threshold Level 2 response will typically exhibit the following features:

• limited awareness of two ways in which the relationship between the federal government and the states since 2000 could be considered to be controversial

A threshold Level 3 response will typically exhibit the following features:

- clear awareness of three ways in which the relationship between the federal government and the states since 2000 could be considered to be controversial
- supporting evidence which shows understanding and knowledge

LEVELS	DESCRIPTORS
	Good to excellent:
Level 3	
(11-15 marks)	 knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations.
	 ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.

<i>Level 2</i> (6-10 marks)	 Limited to sound: knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.
<i>Level 1</i> (0-5 marks)	 Very poor to weak: knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.

 The factors that affect include: the two houses overriding preside because of stage the House will Senate 			
Indicative content (thi The factors that affect include: • the two houses overriding presid • because of stage the House will Senate • if the two char	and the House of Representatives. is is not an exhaustive account of relevant points) the relationship between the Senate and the House of Representatives have equal power in the passage of legislation, declarations of war and dential vetoes and so must cooperate with each other gered election times, senators rarely show signs of a joint mandate and frequently be impatient with the slow progress of legislation in the mbers are under the control of different parties there will often be le achieved		
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Senate • if the two char	mbers are under the control of different parties there will often be le achieved		
	le achieved		
	districts may mean the House is more polarised than the Senate, and may be unwilling to take up bills passed by the other or pass them in a form		
the use of the f legislation harde	Filibuster in the Senate and the need for a cloture vote of 60 can make er to pass through the Senate and the president is consequently more ators' wishes, producing resentment in the House		
 because of longer terms, smaller numbers and more significant exclusive powers, the Senate is often regarded as the more prestigious chamber and House member frequently aspire to join it 			
 polarisation of t divided control 	the parties exacerbates the tensions between the two houses if there is		
 limited awarene 	 A threshold Level 2 response will typically exhibit the following features: Iimited awareness of two key factors that affect the relationship between the Senate and the House of Representatives 		
 A threshold Level 3 response will typically exhibit the following features: clear awareness of three key factors that affect the relationship between the Senate and the House of Representatives supporting evidence which shows understanding and knowledge 			
LEVELS	DESCRIPTORS		
	od to excellent:		
Level 3			
(11-15 marks)	knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.		
•	ability to analyse and explain political information, arguments and explanations.		
•	ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.		

<i>Level 2</i> (6-10 marks)	 Limited to sound: knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.
<i>Level 1</i> (0-5 marks)	 Very poor to weak: knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.

Question Number	Question
4.	
	Why has the process for the appointment of Supreme Court Justices been criticised?
Indicative content	(this is not an exhaustive account of relevant points)
The appointment pr	ocess of Supreme Court justices has been criticised for the following
 role of the president - the power to nominate a like-minded justice potentially gives the president the power to influence court decisions and thus public policy for years after he leaves office; there has been recent evidence of the president using the nomination process to influence the social balance of the court, or for electoral advantage role of the Senate - Senate votes are increasingly along party lines as the liberal-conservative divide on the court has deepened; some Senate hearings, notably those of Robert Bork and Clarence Thomas, have been preoccupied with the personality and public persona of the nominee as much as their judicial ability involvement of interest groups - the Senate has become the subject of intense lobbying by conservative and liberal interest groups which run ad campaigns similar to those for candidates for elected ofice futile - particularly after the rejection of Robert Bork, nominees have spoken almost exclusively in generalities and declined to comment on any issue which can be claimed to be potentially the subject of a future case A threshold Level 2 response will typically exhibit the following features: clear awareness of three reasons why the process for the appointment of Supreme Court Justices has been criticised 	
supporting e	vidence which shows understanding and knowledge
LEVELS	DESCRIPTORS
<i>Level 3</i> (11-15 marks)	 Good to excellent: knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.
<i>Level 2</i> (6-10 marks)	 Limited to sound: knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.

	Very poor to weak:
Level 1	 knowledge and understanding of relevant institutions, processes,
	political concepts, theories or debates.
(0-5 marks)	 ability to analyse and explain political information, arguments and explanations.
	• ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.

Question Number	Question
5.	How effectively has the Bill of Rights been upheld in the USA in recent years?

Indicative content (this is not an exhaustive account of relevant points)

The judicial system is ultimately responsible for upholding the Bill of Rights.

The extent of 'effectiveness' often depends on ideological perspective; for example, many liberals would argue that the second amendment rights to gun ownership have been upheld *too* effectively in recent years by the decisions in *Heller* and *MacDonald*. Likewise, they would criticise the way the right to free speech has been upheld by extending it to include the rights of corporations to spend money on election campaigns, undermining attempts to control campaign finance. In contrast, some conservatives are unhappy that the eighth amendment has been used to restrict the ways states are able to apply the death penalty.

In recent years, the expansion of surveillance by the security agencies has been seen by many on both left and right as an infringement of the bill of rights, although the activities revealed by Edward Snowden have yet to be tested conclusively in the courts.

Controversial cases in recent years have concerned:

- first amendment the rights of flag burners (*Eichman*) protestors at military funerals (*Snyder*) and corporations (*Citizens United*)
- second amendment Heller and MacDonald
- fifth amendment Miranda rights were upheld in Dickerson
- eighth amendment the rights of states to set their own punishment has been eroded in cases such as *Roper*, *Graham* and *Miller*
- tenth amendment states' rights have been curtailed in cases such as *Raich* but upheld in cases such as *Sebellius*

Two marking pointers:

- 'Recent years' can be interpreted generously and candidates can rewardably cite any Supreme Court case post-WW2.
- The Bill of Rights comprises the first ten amendments of the constitution; any constitutional rights outside the first ten, such as those contained in the 13th, 14th and 15th amendments, are not relevant, nor are cases which are based on them, such as *Brown v Topeka Board* and *Roe v Wade*

A threshold Level 2 response will typically exhibit the following features:

 limited awareness of two ways in which the Bill of Rights has or has not been upheld in the USA in recent years

A threshold Level 3 response will typically exhibit the following features:

- clear awareness of three ways in which the Bill of Rights has and has not been upheld in the USA in recent years
- supporting evidence which shows understanding and knowledge

LEVELS	DESCRIPTORS
Level 3 (11-15 marks)	 Good to excellent: knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.
<i>Level 2</i> (6-10 marks)	 Limited to sound: knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.
Level 1 (0-5 marks)	 Very poor to weak: knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. ability to analyse and explain political information, arguments and explanations. ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.

Question Number	Question		
Question Number	Question		
6.	'A President's power inevitably declines in a second term in office.' Discuss		
Indicative content	Indicative content (this is not an exhaustive account of relevant points)		
 The reasons a president may be weaker in his second term include: the media and members of Congress are looking ahead to the next election and administration members of Congress know even a popular president will have no coattails in the next election the administration has usually run out of steam the opposing party usually makes gains in the mid-terms of the second term staff leave to further their careers The reasons a president may retain much of his power in his second term include: he retains all the powers which are not dependent on Congress, especially in foreign policy, and the veto power means he is able to block Congress's agenda even if unable to advance his own; the president can use constitutional loopholes such as executive orders and signing statements to bypass Congress the Reagan and Clinton presidencies both concluded with a flurry of activity abroad, despite the distraction for Reagan of Iran-Contra and for Clinton of his impeachment; in President Bush's second term he successfully nominated two conservatives, Samuel Alito and John Roberts to the Supreme Court, and resisted Democratic efforts to create a timeline for the withdrawal of U.S. troops from Iraq 			
 limited awareness of ways in which a president's power does or does not decline in their second term understanding partial and undeveloped 			
 A threshold Level 3 response will typically exhibit the following features: clear awareness of ways in which a president's power does and does not decline in their second term range of knowledge and supporting evidence used to illustrate and develop the answer 			

A01	Knowledge and understanding	
<i>Level 3</i> (9-12 marks)	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates	
<i>Level 2</i> (5-8 marks)	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates	
Level 1 (0-4 marks)	Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates	
AO2	Intellectual skills	
<i>Level 3</i> (9-12 marks)	Good to excellent ability to analyse and evaluate political information, arguments and explanations	
<i>Level 2</i> (5-8 marks)	Limited to sound ability to analyse and evaluate political information, arguments and explanations	
Level 1 (0-4 marks)	Very poor to weak ability to analyse and evaluate political information, arguments and explanations	
A02	Synoptic skills	
Level 3 (9-12 marks)	Good to excellent ability to identify competing viewpoints or perspectives, and clear insight into how they affect the interpretation of political events or issues and shape conclusions	
<i>Level 2</i> (5-8 marks)	Limited to sound ability to identify competing viewpoints or perspectives, and/or a reliable awareness of how they affect the interpretation of political events or issues and shape conclusions	
<i>Level 1</i> (0-4 marks)	Very poor to weak ability to identify competing viewpoints or perspectives, and a little awareness of how they affect the interpretation of political events or issues and shape conclusions	

AO3	Communication and coherence	
Level 3 (7-9 marks)	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary	
Level 2 (4-6 marks)	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary	
<i>Level 1</i> (0-3 marks)	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary	

Question Number	Question
7	'The main problem with Congress is the lack of effective leadership' Discuss
Indicative content ((this is not an exhaustive account of relevant points)
 'Effective leadership president or both. Evidence that the include: gridlock of th failure of president Obreform government s Evidence that ther effective, could incl divided gover growth of pa abuse of complex legis breakdown ir disappearance excessive do consequent i lack of accur parochialism complex legis 	rnment always means Congress is less effective rtisanship and party votes making confrontation inevitable gressional procedure, e.g. increasingly routine use of the filibuster hearings and oversight now being conducted for the purpose of partisan in civility se of more moderate members ependence of members of Congress on campaign donations and influence of pressure groups ate representation of the public, both parties and social groups and preoccupation with pleasing 'the folks back home' slative procedure epresentation of women and minorities wardably take issue with the premise of the question that there is a
 limited awar be or not to be understandin A threshold Level 3 a clear awarer be and not to 	response will typically exhibit the following features: eness of ways in which the main problem with Congress can be argued to be the lack of effective leadership g partial and undeveloped response will typically exhibit the following features: less of ways in which the main problem with Congress can be argued to be the lack of effective leadership owledge and supporting evidence used to illustrate and develop the

A01	Knowledge and understanding	
<i>Level 3</i> (9-12 marks)	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates	
<i>Level 2</i> (5-8 marks)	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates	
Level 1 (0-4 marks)	Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates	
A02	Intellectual skills	
<i>Level 3</i> (9-12 marks)	Good to excellent ability to analyse and evaluate political information, arguments and explanations	
<i>Level 2</i> (5-8 marks)	Limited to sound ability to analyse and evaluate political information, arguments and explanations	
Level 1 (0-4 marks)	Very poor to weak ability to analyse and evaluate political information, arguments and explanations	
A02	Synoptic skills	
Level 3 (9-12 marks)	Good to excellent ability to identify competing viewpoints or perspectives, and/or clear insight into how they affect the interpretation of political events or issues and shape conclusions	
<i>Level 2</i> (5-8 marks)	Limited to sound ability to identify competing viewpoints or perspectives, and a reliable awareness of how they affect the interpretation of political events or issues and shape conclusions	
<i>Level 1</i> (0-4 marks)	Very poor to weak ability to identify competing viewpoints or perspectives, and a little awareness of how they affect the interpretation of political events or issues and shape conclusions	

AO3	Communication and coherence
Level 3 (7-9 marks)	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
Level 2 (4-6 marks)	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
<i>Level 1</i> (0-3 marks)	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

Question Number	Question
8.	'The power of the Supreme Court cannot be justified in a democracy.' Discuss

Indicative content (this is not an exhaustive account of relevant points)

Judicial review, which is not explicitly detailed in the constitution, gives the Supreme Court the power to declare state and congressional legislation and executive actions unconstitutional, and effectively to redefine the constitution. The willingness of justices to strike down legislation has given them in practice a veto over many significant areas of public policy, e.g campaign finance, affirmative action, abortion and gun control.

Arguments that the court is unjustified in exercising the power it does include:

- The court is checking the elected branches on significant issues but is unelected, unaccountable and effectively unremovable
- Because judicial review is not in the constitution, and the judiciary was envisaged by the framers as the 'least dangerous' branch, formal checks are weak and the court is effectively uncheckable
- In finding rights in the 'penumbras' and 'emanations' of the constitution, justices are reading their own values into it
- The politicised appointment process, the existence of ideological blocs and the numerous 5-4 decisions all suggest the liberals and conservatives on the court are pursuing political agendas
- Justices are experts in law, not social policy, and consequently justice-made social policy is likely to be ineffective and unworkable in practice

Arguments that the court is justified in exercising the power it does include:

- The power of the court is needed to check the executive and legislature, and in particular an unelected court has an important role in protecting minority rights
- The combination of a separated system of government and risk-averse politicians means that archaic legislation in controversial areas is unlikely to be repealed and requires an unelected court to act
- There *are* checks on the court; for example, Congress can (and has) initiate constitutional amendments in response to its decisions, and justices are restrained by their awareness of public reaction to the court's decisions
- The court will attempt to avoid confrontation with the elected branches, for example the decision in 2012 over 'Obamacare', or may refuse to grant 'cert' to cases which it deems to be political
- The difficulty of formally amending the constitution means necessary amendments have to be carried out by judges

A threshold Level 2 response will typically exhibit the following features:

- limited awareness of ways in which the power of the Supreme Court can or cannot be justified in a democracy
- understanding partial and undeveloped

A threshold Level 3 response will typically exhibit the following features:

- clear awareness of ways in which the power of the Supreme Court can and cannot be justified in a democracy
- range of knowledge and supporting evidence used to illustrate and develop the answer

A01	Knowledge and understanding	
<i>Level 3</i> (9-12 marks)	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates	
<i>Level 2</i> (5-8 marks)	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates	
Level 1 (0-4 marks)	Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates	
AO2	Intellectual skills	
<i>Level 3</i> (9-12 marks)	Good to excellent ability to analyse and evaluate political information, arguments and explanations	
<i>Level 2</i> (5-8 marks)	Limited to sound ability to analyse and evaluate political information, arguments and explanations	
Level 1 (0-4 marks)	Very poor to weak ability to analyse and evaluate political information, arguments and explanations	
AO2	Synoptic skills	
Level 3 (9-12 marks)	Good to excellent ability to identify competing viewpoints or perspectives, and clear insight into how they affect the interpretation of political events or issues and shape conclusions	
<i>Level 2</i> (5-8 marks)	Limited to sound ability to identify competing viewpoints or perspectives, and/or a reliable awareness of how they affect the interpretation of political events or issues and shape conclusions	
Level 1 (0-4 marks)	Very poor to weak ability to identify competing viewpoints or perspectives, and a little awareness of how they affect the interpretation of political events or issues and shape conclusions	

AO3	Communication and coherence	
<i>Level 3</i> (7-9 marks)	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary	
Level 2 (4-6 marks)	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary	
Level 1 (0-3 marks)	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary	

SUMMARY A2 MARKING GRIDS

These grids should be used in conjunction with the fuller Level descriptors.

	Excellent	15
Level 3	Very good	13-14
	Good	11-12
	Sound	10
Level 2	Basic	8-9
	Limited	6-7
	Weak	4-5
Level 1	Poor	2-3
	Very poor	0-1

PART A - SHORT QUESTIONS (15 marks)

PART B – ESSAY QUESTIONS (45 marks)

AO1 / AO2 / Synopticity		
Level 3 (Good to excellent)	9-12	
Level 2 (Limited to sound)	5-8	
Level 1 (Very poor to weak) 0-4		

AO3	
Level 3 (good to excellent)	7-9
Level 2 (Limited to sound)	4-6
Level 1 (Very poor to weak)	0-3

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