

Mark Scheme (Results) January 2010

GCE

GCE Government & Politics (6GP02)
Paper 1 Governing the UK

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General Marking Guidance

- 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.

No. 1 (a)	With reference to the source, describe the measures that exist to maintain the independence and neutrality of the judiciary.
Indicative content (This is not an exhaustive account)	
<p>The following measures can be identified :</p> <ul style="list-style-type: none"> • The salaries are fixed and cannot be reduced by government or parliament. This means that finance cannot be used to place pressure on the judiciary. • Parliament does not allow itself to comment on sub judice cases. • Similarly ministers and civil servants cannot interfere with cases in progress. • Neutrality is safeguarded by the bar on political activity by judges. 	
AO1	Knowledge and understanding
<ul style="list-style-type: none"> • 1 mark for each measure identified. Up to three available for three measures. The three concern the payment of judges, the lack of partisan activity and the changed opposition of the Lord Chancellor. • Two additional marks for the quality of the explanations 	

No. 1 (b)	With reference to the source, and your own knowledge, explain how the judiciary has been reformed since 2005.
Indicative content (This is not an exhaustive account of relevant points)	
<p>Two reforms are referred to in the source. One is the changed position of the Lord Chancellor, removing him from his position as head of the judiciary. The other is the creation of an independent Supreme Court.</p> <p>The other main reform is the establishment of the independent judicial appointments commission which vets proposals for appointments to senior judicial posts and ensures the political independence of nominees.</p> <p>The removal of the Lord Chancellor from the House of Lords speakership and from the leadership of the judiciary takes away this historical erosion from the separation of powers. It goes some way to ensuring more independent appointments. The establishment of a separate Supreme Court is designed to separate the court from the legislature and so create more independence. The Appointments Commission removes much of the political influence of the Prime Minister and Lord Chancellor who have had the final say over senior appointments. The reforms became more necessary after the passage of the Human Rights Act and the extension of judicial review which has followed.</p>	

AO1	Knowledge and understanding
<p>Key knowledge and understanding in this question includes:</p> <ul style="list-style-type: none"> • Knowledge of three of the main reforms. The two in the passage relate to the position of the Lord Chancellor and the Supreme Court. The other reform, from own knowledge, is the Appointments Commission. • Understanding of how the reforms have been designed to improve the independence of the judiciary 	
Level 3 5-7 Marks	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 3-4 Marks	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 0-2 Marks	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

AO2	Intellectual skills
Intellectual skills relevant to this question	
<ul style="list-style-type: none"> • Ability to link the reforms to the need for a more independent judiciary. • Ability to explain the political background to the reforms. 	
Level 3 3 Marks	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 2 2 Marks	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 1 1 Mark	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.

No. 1 (c)	To what extent are UK judges both independent and neutral?
Indicative content (The following does not exhaust relevant points or appropriate knowledge)	
<p>Judges are independent and arguably becoming more independent and neutral in a number of ways :</p> <ul style="list-style-type: none"> • They are now appointed by an Appointments Commission who seek to ensure both independence and neutrality. This is reducing political patronage. • The new Supreme Court underpins a new separation of powers, removing judges from the legislature. • Judges still cannot be dismissed except for misconduct. • Their salaries are guaranteed and cannot be reduced to put pressure on them. • Parliament and ministers are, by convention, forbidden from commenting on cases before the courts. • Judges are forbidden from engaging in active politics or from making political comments in public, which tends to create neutrality. • Attempts are now being made to recruit and promote more women and ethnic minorities to prevent any cultural bias. • Judges are all experienced courtroom lawyers who are used to serving the law and the rule of law in a neutral fashion, rather than in an arbitrary way. This underpins both independence and neutrality. • Judges have developed a greater freedom in making political comments, notably on sentencing issues and rights, demonstrating that they seem to be more independent of the state than in the past. <p>On the other hand there are still barriers to full independence and neutrality.</p> <ul style="list-style-type: none"> • There are still very few women or members of ethnic minorities in the senior judiciary. • There is still a bias towards those educated privately and at Oxbridge, suggesting a more 'establishment' approach. • It is argued that the Supreme Court is only a 'cosmetic' exercise. • There is still some political input into senior appointments, despite the Commission. 	

AO1	Knowledge and understanding
<p>Key knowledge and understanding in this question includes:</p> <ul style="list-style-type: none"> Secure knowledge of the nature of judicial independence and neutrality A range of reasons why independence and neutrality have both been strengthened and yet remain open to question. 	
<p>Level 3 6-8 Marks</p>	<p>Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates</p>
<p>Level 2 3-5 Marks</p>	<p>Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates</p>
<p>Level 1 0-2 Marks</p>	<p>Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates</p>

AO2	Intellectual skills
<p>Intellectual skills relevant to this question</p>	
<ul style="list-style-type: none"> Ability to apply political concepts to the issue of judicial independence and neutrality. Ability to make comparisons between strengths and weaknesses of independence and neutrality Ability to evaluate the extent to which neutrality and independence are being maintained. 	
<p>Level 3 6-9 Marks</p>	<p>Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.</p>
<p>Level 2 4-5 Marks</p>	<p>Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.</p>
<p>Level 1 0-3 Marks</p>	<p>Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.</p>

AO3	Communication and coherence
<p>Appropriate vocabulary in this question may include:</p> <ul style="list-style-type: none"> • Patronage • Social representation • Rule of Law 	
<p>Level 3 6-8 Marks</p>	<p>Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary</p>
<p>Level 2 3-5 Marks</p>	<p>Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary</p>
<p>Level 1 0-2 Marks</p>	<p>Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary</p>

No. 2 (a)	With reference to the source, what changes to the second chamber are proposed?
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Indicative content (*The following does not exhaust relevant points*)

- The hereditary peers would be removed.
- The whole House might be elected.
- It may be that it would be 80% elected and 20% appointed
- It would be smaller than at present
- The Appointments Commission

AO1	Knowledge and understanding
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- 1 mark for any three of the four reasons shown in the indicative content above or four reasons identified and some explanation of at least one or all five identified.
- An additional mark available in each case for a brief, effective explanation of up to two of the points.

No. 2 (b)	With reference to the source, and your own knowledge, explain the arguments for a fully or partly elected second chamber.
Indicative content (This is not an exhaustive account of relevant points)	
<p>The source refers to two of the functions of the second chamber - revising legislation and calling government to account and that the reforms would strengthen these functions. Election would make the chamber more accountable - a key element in a democracy. The source also refers to bringing an independent element into the chamber if there were 20% elected members. This implies that all or many of the appointed members would be crossbenchers and have no party allegiance. Additional reasons for reform include the following :</p> <ul style="list-style-type: none"> • Full or partial election would raise the democratic authority and legitimacy of the second chamber, making it more effective. • Election might inject a more 'professional' element into the second chamber. • Removal of hereditary peers would further enhance the chamber's democratic legitimacy. • An elected second chamber might create a balance against the power of the majority in the Commons which is largely controlled by the executive. • Greater accountability should bring the second chamber closer to public opinion. 	

AO1	Knowledge and understanding
<p>Key knowledge and understanding in this question includes:</p> <ul style="list-style-type: none"> • The nature of the arguments for an elected second chamber • Explanations of why such changes would improve the quality of the second chamber. • The range of issues raised. 	
Level 3 5-7 Marks	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 3-4 Marks	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 0-2 Marks	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

AO2	Intellectual skills
Intellectual skills relevant to this question :	
<ul style="list-style-type: none"> • Ability to analyse the nature of the arguments. • Ability to make links between the nature of the reforms and the likely consequences. 	
Level 3 3 Marks	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 2 2 Marks	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 1 1 Mark	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.

No. 2 (c)	Make out a case against an elected second chamber.
Indicative content (<i>The following does not exhaust relevant points or appropriate knowledge</i>)	
<p>The arguments against an elected chamber include the following, together with evaluations :</p> <ul style="list-style-type: none"> • Too many elections might cause voter fatigue, apathy and low turnouts. On the other hand it could be argued that people would vote if they felt their vote was of value. • If the democratic status of the second chamber were increased it might challenge the authority of the Commons. This might be seen as positive as it would challenge the ‘elective dictatorship’ of government. It would be a powerful check on growing executive power. • If it contained no majority for the government, it might result in political deadlock. Again such a balance might be desirable and might result in more consensus building. • Election would eliminate the many current appointed members who represent groups in society or are experts in their field, but who would not stand for election. This is true, though the current social balance of the Lords is poor with insufficient women, younger people and members of ethnic minorities. Election might reduce this feature. 	

AO1	Knowledge and understanding
<p>Key knowledge and understanding in this question includes:</p> <ul style="list-style-type: none"> • Ability to identify and explain the arguments. • The range of arguments identified. • Ability to make links between the reform and its consequences. 	
Level 3 6-8 Marks	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 3-5 Marks	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 0-2 Marks	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

AO2	Intellectual skills
Intellectual skills relevant to this question	
<ul style="list-style-type: none"> • Ability to Justify successfully the arguments • Ability to analyse the likely consequences of the reform. 	
Level 3 6-9 Marks	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 2 4-5 Marks	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 1 0-3 Marks	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.

AO3	Communication and coherence
Appropriate vocabulary in this question may include such terms as :	
<ul style="list-style-type: none"> • Authority • Patronage • Representation 	
Level 3 6-8 Marks	Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
Level 2 3-5 Marks	Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
Level 1 0-2 Marks	Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

No. 3

'The advantages of a codified constitution now outweigh its disadvantages'. Discuss.

Indicative content (The following does not exhaust relevant points)

The advantages of a codified constitution include :

- There has been a drift to excessive executive power which could be checked by a codified, entrenched constitution (though there is no guarantee of this). This would be an opportunity to introduce checks and balances.
- Rights are not adequately protected.
- It may be that disengagement with politics has something to do with lack of understanding of the political system so a codified document would have an educative and citizenship function.
- Britain needs to be brought into line with other modern systems.
- The current system is too flexible and so allows too much for the exercise of arbitrary power.

The counter-arguments include :

- A conservative view that the current arrangement works and is stable so there is no need for change.
- A further conservative view that the constitution is organic and should be allowed to evolve naturally.
- A codified constitution would become judiciable and so could be re-interpreted by unelected and unrepresentative judges (as in the USA).
- We would replace flexibility and adaptability with rigidity.
- It would be excessively difficult to achieve a consensus for what would be contained in a codified constitution.

Appropriate use of illustrations and examples are included in this assessment objective

AO1	Knowledge and understanding
Key knowledge and understanding in this question includes: <ul style="list-style-type: none"> • The range of arguments deployed on both sides of the discussion. • The use of examples and illustrations • Appropriate evidence deployed in support of both sides of the analysis. 	
Level 3 14-20 Marks	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 7-13 Marks	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 0-6 Marks	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

AO2	Intellectual skills
Intellectual skills relevant to this question	
<ul style="list-style-type: none"> • Ability to analyse arguments on both sides. • Ability to evaluate arguments on both sides. • Ability to reach a conclusion which is effectively supported by evidence. • Balancing arguments effectively. 	
Level 3 8-12 Marks	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 2 4-7 Marks	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 1 0-3 Marks	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.

AO3	Communication and coherence
<p>Appropriate vocabulary in this question may include such terms as:</p> <ul style="list-style-type: none"> • Entrenchment • Checks and Balances • Judiciality • Organic constitution 	
<p>Level 3 6-8 Marks</p>	<p>Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary</p>
<p>Level 2 3-5 Marks</p>	<p>Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary</p>
<p>Level 1 0-2 Marks</p>	<p>Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary</p>

No. 4	To what extent does the prime minister dominate the political system in the UK?
Indicative content (The following does not exhaust relevant points)	
<p>Evidence that the prime minister does dominate the system can include :</p> <ul style="list-style-type: none"> • The argument that, as cabinet has declined, so has the power of the P.M. increased. Note less cabinet meetings and shorter duration. • Evidence of recent dominant prime ministers - Thatcher, Blair (Brown not at first, but then took over single handed management of the financial and economic crisis after 2007). • Growth of the Number 10 'machine'. • Tendency of media to see the P.M. as spokesperson for the whole government. • Weakness of parliament and ability of P.M. to force through his legislation • Dominance of the P.M. in increasingly important international affairs - note attendance at many world meetings etc. and importance of foreign policy since the 1980s. This enhances the P.M.'s authority. <p>Counter arguments to this analysis might include :</p> <ul style="list-style-type: none"> • Prime Ministers are only as powerful as circumstances allow them to be - note Major and the early Brown or late Blair. Size of parliamentary majority, economic and political context, media attitudes, strength of Opposition. • Dominance may also depend on the personality of the P.M. (Major). • Parliament has become increasingly active - note its obstruction of terrorist suspect detention without trial, super-casinos etc. • Note the argument that this is about 'style' and not substance. • P.M. can still be overruled by Cabinet and cannot force policies through powerful, reluctant colleagues. 	

AO1	Knowledge and understanding
Key knowledge and understanding in this question includes: <ul style="list-style-type: none"> • The range of arguments deployed in support of the proposition. • A reasonable range of counter-arguments identified. • Appropriate evidence deployed in support of both sides of the analysis. 	
Level 3 14-20 Marks	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 7-13 Marks	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 0-6 Marks	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

AO2	Intellectual skills
Intellectual skills relevant to this question	
<ul style="list-style-type: none"> • Ability to analyse arguments on both sides. • Ability to evaluate arguments on both sides.. • Ability to reach a conclusion which is effectively supported by evidence. • Balancing arguments effectively. 	
Level 3 8-12 Marks	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 2 4-7 Marks	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.
Level 1 0-3 Marks	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences.

AO3	Communication and coherence
<p>Appropriate vocabulary in this question may include such terms as:</p> <ul style="list-style-type: none"> • Power • Cabinet • Authority 	
<p>Level 3 6-8 Marks</p>	<p>Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary</p>
<p>Level 2 3-5 Marks</p>	<p>Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary</p>
<p>Level 1 0-2 Marks</p>	<p>Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary</p>

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