

Mark Scheme (Results)

Summer 2013

GCE Government and Politics 6GP02  
Governing the UK

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<b>No. 1 (a)</b>	With reference to the source, outline <b>two</b> features of the UK constitution.
<b>AO1</b>	<b>Knowledge and understanding</b>
Key knowledge and understanding	
<p>The following features are in the source and can be credited :</p> <ul style="list-style-type: none"> <li>• It is not codified</li> <li>• Constitutional laws are not superior to other laws.</li> <li>• It is derived from a number of sources as opposed to one.</li> <li>• It is very flexible.</li> </ul>	
<p>Marks can be allocated as follows :</p> <p><b>5 marks</b> for two features correctly identified and a clear and accurate explanation of each.</p> <p><b>4 marks</b> for two features accurately identified but explained less fully.</p> <p><b>3 marks</b> for two features correctly identified but only one explained clearly</p> <p><b>2 marks</b> for two features accurately identified with no explanation OR one feature identified with an explanation.</p> <p><b>1 mark</b> for one feature identified but not explained.</p>	

<b>No. 1 (b)</b>	With reference to the source and your own knowledge, explain the sources of the UK constitution.
<b>AO1</b>	<b>Knowledge and understanding</b>
Key knowledge and understanding	
<p>From the source the following sources can be identified :</p> <ul style="list-style-type: none"> <li>• Statute law, as passed by Parliament. Additional knowledge would refer to the fact that they change the nature and processes of government. Examples in the source are the Human Rights Act, Devolution and Lords reform.</li> <li>• Conventions as unwritten rules. Examples may be added from candidate's own knowledge, e.g. Salisbury Convention, Collective responsibility etc.</li> </ul> <p>Further sources from the candidate's own knowledge may be added, explained and exemplified, These may include :</p> <ul style="list-style-type: none"> <li>• Historical principles such as the sovereignty of parliament and prerogative powers.</li> <li>• Works and documents of authority such as Dicey.</li> <li>• Common law and tradition, relating often to rights.</li> <li>• European Union Treaties such as Maastricht.</li> </ul> <p><b>Threshold Guidance for AO1:</b>  The minimum requirement to enter level 3 is three sources clearly explained with at least one from the source and one from the candidate's own knowledge.  The minimum requirement to enter level 2 is two sources with at least a limited explanation.</p>	
<b>Level 3</b> <b>6-7 Marks</b>	Good to excellent knowledge of sources. Explanations of the sources demonstrate good to excellent understanding. There will be good use made of appropriate examples.
<b>Level 2</b> <b>3-5 Marks</b>	Limited to sound knowledge of the sources. Explanations of the sources will demonstrate limited to sound understanding. Examples will be limited or absent.
<b>Level 1</b> <b>0-2 Marks</b>	Very poor to weak knowledge with little or no understanding shown. Examples are likely to be absent.

<b>AO2</b>	<b>Intellectual skills</b>
<b>Intellectual skills relevant to this question</b>	
Ability to explain why and how the sources relate to the nature of the constitution.	
<b>Level 3 3 Marks</b>	Good to excellent ability to explain the nature of operation of the sources
<b>Level 2 2 Marks</b>	Limited to sound ability to explain the nature of operation of the sources
<b>Level 1 1 Mark</b>	Very poor to weak ability to explain the nature of operation of the sources

<b>No. 1 (c)</b>	Assess the strengths of the UK's uncodified constitution
<b>AO1</b>	<b>Knowledge and understanding</b>
Key knowledge and understanding.	
<p>The following strengths may be included, together with exemplification and some assessment as identified below. Any additional or alternative, cogent and accurate strengths and assessments should be credited.</p> <ul style="list-style-type: none"> <li>• It is flexible and can adapt to changing circumstances. (AO2 material - some argue it is too flexible and can be manipulated by governments to suit their own purposes (e.g. fixed term parliament legislation)).</li> <li>• The balance of power lies largely with the executive branch, (AO2 material - though it is often argued there is too much power with government ('elective dictatorship') and parliament is too weak).</li> <li>• It has stood the test of time. (AO2 material - some say it is outdated and not suited to a modern democracy, e.g. persistence of a non elected second chamber).</li> <li>• Despite being uncodified it has successfully protected rights in the UK. (AO2 material - critics now argue rights are not protected well enough because of the sovereignty of parliament).</li> <li>• The lack of a codified constitution means that judges have relatively less power in the interpretation of constitutional rules and processes. This places the constitution in the hands of elected, accountable politicians. (AO2 material - recent evidence suggests that judges are increasingly intervening in constitutional interpretations).</li> </ul> <p>Note : Explanation of weaknesses should only be credited where they are used to assess strengths.</p>	

**Threshold Guidance for AO1 :**

The minimum requirement to enter level 3 is three strengths clearly explained  
The minimum requirement to enter level 2 is two strengths with at least a limited explanation.

<b>Level 3</b> <b>6-8 Marks</b>	Good to excellent knowledge and understanding of the strengths of the constitution and assessments of those strengths.
<b>Level 2</b> <b>3-5 Marks</b>	Limited to sound knowledge and understanding of the strengths of the constitution and assessments of those strengths.
<b>Level 1</b> <b>0-2 Marks</b>	Very poor to weak knowledge and understanding of the strengths of the constitution and assessments of those strengths.
<b>AO2</b>	<b>Intellectual skills</b>
<b>Intellectual skills relevant to this question</b>	
Ability to make cogent assessments, demonstrating analysis of why strengths may be criticised or not seen as strengths at all, together with some evaluation of which strengths are most important and why	
<b>Level 3</b> <b>7-9 Marks</b>	Good to excellent ability to make assessments and evaluations of the strengths of the constitution.
<b>Level 2</b> <b>4-6 Marks</b>	Limited to sound ability to make assessments and evaluations of the strengths of the constitution.
<b>Level 1</b> <b>0-3 Marks</b>	Very poor to weak ability to make assessments and evaluations of the strengths of the constitution.

<b>AO3</b>	<b>Communication and coherence</b>
<b>Level 3 6-8 Marks</b>	Good to excellent ability to construct and communicate coherent knowledge, assessment and analysis, with use of appropriate political vocabulary.
<b>Level 2 3-5 Marks</b>	Limited to sound ability to construct and communicate coherent knowledge, assessment and analysis, with some use of appropriate political vocabulary.
<b>Level 1 0-2 Marks</b>	Very poor to weak ability to construct and communicate coherent knowledge, assessment and analysis, with little or no use of appropriate political vocabulary.

<b>No. 2 (a)</b>	With reference to the source, outline why the increasing exercise of judicial review is controversial.
<b>AO1</b>	<b>Knowledge and understanding</b>
Key knowledge and understanding	
<p>The source contains the following controversial issues :</p> <ul style="list-style-type: none"> <li>• Judges, encouraged by the ECHR are shrinking national sovereignty by becoming too politicised.</li> <li>• Judges are trespassing on the functions of government.</li> <li>• The over-vigorous use of judicial review.</li> <li>• Judges are making decisions which should be in the hands of parliament and the people.</li> </ul>	
<p>Marks can be allocated as follows :</p> <p><b>5 marks</b> for two controversial issues correctly identified and an accurate explanation of each <b>OR</b> all four issues identified with no explanation <b>OR</b> three issues raised with at least one explained.</p> <p><b>4 marks</b> for two controversial issues accurately identified but explained only sparsely <b>OR</b> three issues identified with no explanation.</p> <p><b>3 marks</b> for two controversial issues correctly identified but only one explained.</p> <p><b>2 marks</b> for two controversial issues accurately identified with no explanation <b>OR</b> one controversial issue identified and explained.</p> <p><b>1 mark</b> for one controversial issue identified but not explained.</p>	

<b>No. 2 (b)</b>	With reference to the source and your own knowledge, explain the main effects of the Human Rights Act.
<b>AO1</b>	<b>Knowledge and understanding</b>
Key knowledge and understanding	
<p>The source contains the following effects :</p> <ul style="list-style-type: none"> <li>• Shifting the boundaries between legal and political decision making.</li> <li>• This has affected such areas as immigration, sentencing policy, security and policing, privacy and freedom of expression.</li> <li>• The Human Rights Act has given greater scope for the use of judicial review</li> </ul> <p>Candidates' own knowledge should explain how and why the HRA has affected the issues shown, e.g.</p> <ul style="list-style-type: none"> <li>• HRA has caused rifts between the government coalition partners.</li> <li>• The HRA has eroded parliamentary sovereignty.</li> <li>• The HRA has affected how judges apply sentences.</li> <li>• Rights judgments have affected government dealings with terrorism and law and order issues, e.g. Belmarsh, Abu Qatada.</li> <li>• Judgments have attempted to define the limits of privacy and press freedom when these matters might be in the jurisdiction of parliament.</li> </ul> <p>Candidates should be credited for referring to any other issues raised by the HRA.</p> <p><b>Threshold Guidance for AO1 :</b></p> <p>The minimum requirement to enter level 3 is three effects clearly explained with at least one from the source and one from the candidates own knowledge.</p> <p>The minimum requirement to enter level 2 is two effects with at least limited explanation.</p>	
<b>Level 3 6-7 Marks</b>	Good to excellent knowledge and understanding of the effects of the HRA with appropriate examples deployed.
<b>Level 2 3-5 Marks</b>	Limited to sound knowledge and understanding of the effects of the HRA. Use of examples will range from limited to not at all.
<b>Level 1 0-2 Marks</b>	Limited to very weak knowledge and understanding of the effects of the HRA with probably no examples deployed.

<b>A02</b>	<b>Intellectual skills</b>
<b>Intellectual skills relevant to this question</b>	
Ability to explain the operation of the HRA and the effects that have been identified.	
<b>Level 3</b> <b>3 Marks</b>	Good to excellent ability to analyse and explain the links between the HRA and the effects that have been identified.
<b>Level 2</b> <b>2 Marks</b>	Limited to sound ability to analyse and explain the links between the HRA and the effects that have been identified.
<b>Level 1</b> <b>1 Mark</b>	Very poor to weak ability analyse and explain the links between the HRA and the effects that have been identified.

<b>No. 2 (c)</b>	Should judges, rather than politicians, be responsible for protecting civil liberties?
<b>AO1</b>	<b>Knowledge and understanding</b>
Key knowledge and understanding	
<p>The arguments that judges are the right people to protect civil liberties include these :</p> <ul style="list-style-type: none"> <li>• Judges are neutral and legally trained so they should make judgments according to law and the rule of law rather than short term political considerations.</li> <li>• Judges are independent of political pressure.</li> <li>• Judges can prevent government exercising excessive power over individuals.</li> <li>• It could be argued that some politicians have a poor record of defending civil liberties e.g. anti-terrorism legislation</li> </ul> <p>The arguments that judges are not appropriate include these :</p> <ul style="list-style-type: none"> <li>• They are neither elected not accountable.</li> <li>• They do not take account of public opinion.</li> <li>• Some argue they come from a narrow social and educational background and so are not representative.</li> <li>• It could be argued that some politicians have a good record of defending civil liberties e.g. Human Rights Act, Freedom of Information Act.</li> </ul> <p>Full knowledge and understanding should include explanations of these arguments.</p> <p><b>Threshold Guidance for AO1:</b>  The minimum requirement to enter level 3 is three discussion points well explained and with some balance.  The minimum requirement to enter level 2 is two discussion points with at least limited explanation.</p>	
<b>Level 3 6-8 Marks</b>	Good to excellent knowledge and understanding of the arguments in favour of judges making such judgments together with the arguments in favour of politicians having the responsibility. Good balance between each side of the argument.

<b><i>Level 2</i></b> <b>3-5 Marks</b>	Limited to sound knowledge and understanding of the arguments in favour of judges making such judgments together with the arguments in favour of politicians having the responsibility. Possibly very unbalanced between each side of the argument.
<b><i>Level 1</i></b> <b>0-2 Marks</b>	Very poor to weak knowledge and understanding of the arguments in favour of judges making such judgments and the arguments in favour of politicians having the responsibility. Probably only one side of the argument covered.

<b>A02</b>	<b>Intellectual skills</b>
<b>Intellectual skills relevant to this question</b>	
Ability to analyse the arguments in favour of judges having this role as well as those favouring politicians. The strengths and weaknesses of each side of the argument should be analysed and evaluated.	
<b>Level 3</b> <b>7-9 Marks</b>	Good to excellent ability to analyse and evaluate each side of the argument, with a supported conclusion.
<b>Level 2</b> <b>4-6 Marks</b>	Limited to sound ability to analyse and evaluate each side of the argument, probably with a conclusion, but not well supported.
<b>Level 1</b> <b>0-3 Marks</b>	Very poor to weak ability to analyse and evaluate each side of the argument, probably without a supported or unsupported conclusion.
<b>A03</b>	<b>Communication and coherence</b>
<b>Level 3</b> <b>6-8 Marks</b>	Good to excellent ability to construct and communicate coherent arguments and evaluations, making good use of appropriate vocabulary.
<b>Level 2</b> <b>3-5 Marks</b>	Limited to sound ability to construct and communicate coherent arguments and evaluations, making some use of appropriate vocabulary
<b>Level 1</b> <b>0-2 Marks</b>	Very poor to weak ability to construct and communicate coherent arguments and evaluations, making little or no use of appropriate vocabulary

<b>No. 3</b>	Has the experience of coalition government strengthened or weakened prime ministerial power?
<b>AO1</b>	<b>Knowledge and understanding</b>
Key knowledge and understanding	
<p>The arguments that coalition has strengthened prime ministerial power include these :</p> <ul style="list-style-type: none"> <li>• The coalition has given the prime minister and his government a solid majority in the House of Commons. Government has not lost a major vote in the Commons.</li> <li>• Once policies have been agreed by the coalition partners, they have additional authority as they are supported by two parties and so represent a consensus view. The coalition also has a strong mandate as the two parties together were elected by a majority of the electorate.</li> <li>• The constant threat of government collapsing has, arguably, strengthened the ability of the prime minister to maintain coalition discipline.</li> </ul> <p>The arguments that coalition has weakened prime ministerial power include these:</p> <ul style="list-style-type: none"> <li>• Policy now has to be cleared with his coalition partners and this has caused problems.</li> <li>• He is more vulnerable to dissidence both within his own party and within his coalition partner.</li> <li>• There has been increased activity and activism by the House of Lords as the government's mandate is weak.</li> <li>• His powers of patronage are limited because he cannot appoint all cabinet members himself.</li> <li>• Arguably the fixed term rule is a unique product of coalition government and has taken away one of his discretionary powers.</li> </ul> <p><b>Threshold Guidance for AO1 :</b></p> <p>The minimum requirement to enter level 3 is at least four arguments well explained with at least two on each side of the issue.</p> <p>The minimum requirement to enter level 2 is three arguments with least limited explanation</p>	
<b>Level 3</b> <b>14-20 Marks</b>	Good to excellent knowledge and understanding of both the ways the prime minister's power has been weakened and strengthened, including a good to excellent range of examples since 2010. Good balance between material on both sides of the argument.

<b>Level 2</b> <b>7-13 Marks</b>	Limited to sound knowledge and understanding of both the ways the prime minister's power has been weakened and strengthened, including some examples since 2010. Possibly not equally balanced between material from both sides of the argument.
<b>Level 1</b> <b>0-6 Marks</b>	Very poor to weak knowledge and understanding of both the ways the prime minister's power has been weakened and strengthened, including few or no examples. Probably unbalanced between two sides of the argument, possibly with only one side covered.
<b>A02</b>	<b>Intellectual skills</b>
<b>Intellectual skills relevant to this question</b>	
Ability to link aspects of coalition government to both strengths and weaknesses in the position of the prime minister. Ability to evaluate the two sides of the argument and to reach a supported conclusion.	
<b>Level 3</b> <b>8-12 Marks</b>	Good to excellent ability to analyse and evaluate both sides of the argument and to reach a supported conclusion.
<b>Level 2</b> <b>4-7 Marks</b>	Limited to sound ability to analyse and evaluate both sides of the argument and to reach a supported conclusion, which may not be supported fully.
<b>Level 1</b> <b>0-3 Marks</b>	Very poor to weak ability to analyse and evaluate either side of the argument probably without a supported or even unsupported conclusion.

<b>A03</b>	<b>Communication and coherence</b>
<b>Level 3 6-8 Marks</b>	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary. A well structured answer.
<b>Level 2 3-5 Marks</b>	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary. A soundly structured answer.
<b>Level 1 0-2 Marks</b>	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary. Little or no coherent structure to the answer.

<b>No. 4</b>	'The House of Lords is now more effective than the House of Commons in checking government power.' Discuss.
<b>AO1</b>	<b>Knowledge and understanding</b>
Key knowledge and understanding	
<p>Examples of ways in which the House of Lords has been more effective than the Commons may include these :</p> <ul style="list-style-type: none"> <li>• The lack of a proper mandate for the coalition has meant the Lords has been more active and is unconstrained by the Salisbury Convention.</li> <li>• Party discipline is weaker or absent in the Lords so it has proved to be more independent. This has been especially true under coalition.</li> <li>• Government has lost some legislation or parts of legislation in the Lords but not in the Commons</li> <li>• The Commons is in a weak position simply because the coalition is inherently vulnerable. This weakness does not apply in the Lords.</li> <li>• The political balance of the Lords makes it more independent.</li> <li>• A number of highly controversial pieces of legislation have been effectively dealt with in the Lords, including NHS reform, Welfare Reform, forest privatisation and similar.</li> <li>• Generally the Lords is more representative of various groups in society.</li> </ul> <p>Examples of ways in which the Commons remains pre-eminent may include :</p> <ul style="list-style-type: none"> <li>• The legal restraints on the Lords remain, as demonstrated by the Commons overturning various Lords amendments to recent legislation.</li> <li>• The Commons Select Committees have grown in influence and authority.</li> <li>• The Commons still holds the reserve threat of vetoing legislation or even bringing down government, Lords can only delay and advise.</li> <li>• The media still concentrates more on the Commons and its role in making government accountable, e.g. PMQT.</li> </ul> <p><b>Threshold Guidance for AO1 :</b></p> <p>The minimum requirement to enter level 3 is at least four arguments well explained with at least two on each side of the issue.</p> <p>The minimum requirement to enter level 2 is three arguments with least limited explanation</p>	

<p><b>Level 3</b> <b>14-20</b> <b>Marks</b></p>	<p>Good to excellent knowledge and understanding of the recent role and importance of both the Lords and the Commons, with some examples deployed. Well balanced in terms of evidence from recent experience of both houses.</p>
<p><b>Level 2</b> <b>7-13</b> <b>Marks</b></p>	<p>Limited to sound knowledge and understanding of the recent role and importance of both the Lords and the Commons, with some examples deployed, but not extensively. Possibly unbalanced between evidence concerning the Lords and the Commons.</p>
<p><b>Level 1</b> <b>0-6</b> <b>Marks</b></p>	<p>Very poor to weak knowledge and understanding of the recent role and importance of both the Lords and the Commons, though possibly with a lack of balance, perhaps referring only to the Lords. Probably there will be an absence of examples.</p>

<b>A02</b>	<b>Intellectual skills</b>
<b>Intellectual skills relevant to this question</b>	
Ability to analyse the changing role of both the Lords and the Commons, explaining why changes are occurring. Good evaluation of evidence culminating in a supported conclusion.	
<b>Level 3</b> <b>8-12 Marks</b>	Good to excellent ability to analyse and evaluate the importance of both houses, and to evaluate their respective importance. Ability to support a firm conclusion.
<b>Level 2</b> <b>4-7 Marks</b>	Limited to sound ability to analyse and evaluate the importance of both houses, with a conclusion, though this may not be fully supported.
<b>Level 1</b> <b>0-3 Marks</b>	Very poor to weak ability to analyse and evaluate the importance of either house, with little or no evaluation and probably no conclusion, supported or unsupported.
<b>A03</b>	<b>Communication and coherence</b>
<b>Level 3</b> <b>6-8 Marks</b>	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary. A well developed structure and a response with a good introduction and conclusion.
<b>Level 2</b> <b>3-5 Marks</b>	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary. A sound structure to the answer with a cogent introduction and conclusion.
<b>Level 1</b> <b>0-2 Marks</b>	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary. Lacking a satisfactory introduction and/or conclusion.

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