

AS

# Government and Politics

GOVP2 Governing Modern Britain

Mark scheme

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Mark schemes are prepared by the Lead Assessment Writer and considered, together with the relevant questions, by a panel of subject teachers. This mark scheme includes any amendments made at the standardisation events which all associates participate in and is the scheme which was used by them in this examination. The standardisation process ensures that the mark scheme covers the students' responses to questions and that every associate understands and applies it in the same correct way. As preparation for standardisation each associate analyses a number of students' scripts. Alternative answers not already covered by the mark scheme are discussed and legislated for. If, after the standardisation process, associates encounter unusual answers which have not been raised they are required to refer these to the Lead Assessment Writer.

It must be stressed that a mark scheme is a working document, in many cases further developed and expanded on the basis of students' reactions to a particular paper. Assumptions about future mark schemes on the basis of one year's document should be avoided; whilst the guiding principles of assessment remain constant, details will change, depending on the content of a particular examination paper.

Further copies of this mark scheme are available from [aqa.org.uk](http://aqa.org.uk)

## **CRITERIA FOR MARKING AS/A2 GOVERNMENT AND POLITICS**

### **Introduction**

AQA's revised Government and Politics specification has been designed to be objectives-led in that questions are set which address the assessment objectives published in the specification. The assessment objectives for A Level and AS are the same, but the weightings are different at AS and A2. Details of the weightings are given in Section 4.2 of the specification.

The schemes of marking reflect these objectives. The mark scheme which follows is of the levels-of-response type, showing that students are expected to demonstrate their mastery of the skills required in the context of their knowledge and understanding of Government and Politics. Mark schemes provide the necessary framework for examiners but they cannot cover all eventualities. Students should be given credit for partially complete answers. Where appropriate, students should be given credit for referring to recent and contemporary developments in Government and Politics.

Consistency of marking is of the essence in all public examinations. It is therefore of vital importance that examiners apply the mark scheme as directed by the Principal Examiner in order to facilitate comparability with the marking of other options.

Before scrutinising and applying the detail of the specific mark scheme which follows, examiners are required to familiarise themselves with the general principles of the mark scheme as contained in the Assessment Matrix.

There are no limits to the areas of knowledge that students may feel able bring to the discussion. Therefore the specification of requirements outlined in the mark schemes can only be indicative. Students are not expected to include all the material presented in order to access the full range of available marks. At the same time they may successfully include material from their particular studies which is not indicated in the scheme.

### **Using a levels-of-response mark scheme**

Good examining is about the consistent application of judgement. Mark schemes provide a framework within which examiners exercise their judgement. This is especially so in subjects like Government and Politics, which in part rely upon analysis, evaluation, argument and explanation. With this in mind, examiners should use the Assessment Matrix alongside the detailed mark scheme for each question. The Assessment Matrix provides a framework ensuring a consistent, generic source from which the detailed mark schemes are derived. This supporting framework ensures a consistent approach within which students' responses are marked according to the level of demand and context of each question.

Examiners should initially make a decision about which level any given response should be placed in. Having determined the appropriate level the examiners must then choose the precise mark to be given within that level. In making a decision about a specific mark to award, it is vitally important to think first of the mid-range within the level, where that level covers more than two marks. Comparison with other students' responses to the same question might then suggest whether the middle mark is unduly generous or severe.

In making decisions away from the middle of the level, examiners should ask themselves questions relating to student attainment, including the quality of language. The more positive the answers, the higher should be the mark awarded. We want to avoid ‘bunching’ of marks.

Levels mark schemes can produce regression to the mean, which should be avoided. A student’s script should be considered by asking ‘Is it:

- precise in its use of factual information?
- appropriately detailed?
- factually accurate?
- appropriately balanced or markedly better in some areas than others?
- generally coherent in expression and cogent in development (as appropriate to the level awarded)?
- well presented as to general quality of language?’

The overall aim is to mark positively, giving credit for what students know, understand and can do.

**AS GOVERNMENT AND POLITICS****GENERIC MARK SCHEME for questions with a total of 5 marks**

| <b>AO1</b>   |
|--|
| <p><b>Level 4</b><br/><b>(5 marks)</b><br/>The student successfully demonstrates excellent knowledge and understanding of political data, concept(s) or term(s).</p> <p>Where appropriate, the student is able to illustrate his/her answer with relevant evidence/example(s).</p> |
| <p><b>Level 3</b><br/><b>(4 marks)</b><br/>The student successfully demonstrates good knowledge and understanding of political data, concept(s) or term(s).</p> <p>Where appropriate, the student is able to illustrate his/her answer with relevant evidence/example(s).</p>      |
| <p><b>Level 2</b><br/><b>(2–3 marks)</b><br/>The student demonstrates limited knowledge and understanding of political data, concept(s) or term(s).</p> <p>The student may illustrate his/her answer with evidence/example(s) of limited relevance.</p>                            |
| <p><b>Level 1</b><br/><b>(1 mark)</b><br/>The student demonstrates little knowledge and understanding of political data, concept(s) or term(s).</p> <p>The student may illustrate his/her answer with evidence/example(s) of little relevance.</p>                                 |
| <p><b>0 marks</b><br/>No relevant response.</p>  |

## AS GOVERNMENT AND POLITICS

### GENERIC MARK SCHEME for questions with a total of 10 marks

| <b>Knowledge and Understanding: Recall, Select &amp; Deploy</b>   | <b>Skills: Analysis &amp; Evaluation</b>   | <b>Communication</b>   |
|---|--|--|
| <b>AO1</b>  | <b>AO2</b>   | <b>AO3</b>   |
| <p><b>Level 4<br/>(4 marks)</b></p> <p>The student demonstrates an excellent knowledge and understanding of political concepts/theories/institutions and processes.</p> <p>The student deploys relevant knowledge and understanding to fully address the requirements of the question and produces accurate and/or relevant examples to illustrate points made.</p> | <p><b>Level 4<br/>(4 marks)</b></p> <p>The student applies an excellent range of developed concepts and uses appropriate political theory to construct a clear and cogent explanation or argument.</p> | <p><b>Levels 3–4<br/>(2 marks)</b></p> <p>The student communicates clearly and effectively, in a structured and sustained manner, making excellent or good use of appropriate political vocabulary.</p> <p>There are few, if any, errors of spelling, punctuation and grammar and the response should be legible.</p> <p>The answer has a clear sense of direction, is focused on the question and, where appropriate, has a conclusion which flows from the discussion.</p> |
| <p><b>Level 3<br/>(3 marks)</b></p> <p>The student demonstrates good knowledge and understanding of political concepts/theories/institutions and processes.</p> <p>The student addresses the requirements of the question and produces examples and/or evidence to illustrate points made.</p>  | <p><b>Level 3<br/>(3 marks)</b></p> <p>The student applies a good range of developed concepts and uses appropriate political theory to construct a clear and cogent explanation or argument.</p>       |  |
| <p><b>Level 2<br/>(2 marks)</b></p> <p>The student demonstrates limited knowledge and understanding of political concepts/theories/institutions and processes.</p> <p>The student makes a limited attempt to address the requirements of the question and produces few</p>  | <p><b>Level 2<br/>(2 marks)</b></p> <p>The student applies a limited range of concepts and makes limited use of political theory or ideas in developing an explanation or argument.</p>                | <p><b>Levels 1–2<br/>(1 mark)</b></p> <p>The student communicates explanations or arguments with limited clarity and effectiveness using limited political vocabulary. The answer may lack either a clear focus on the question or a sense of direction.</p> <p>There are frequent errors of</p>   |

**GENERIC MARK SCHEME for questions with a total of 10 marks (continued)**

| <b>Knowledge and Understanding:<br/>Recall, Select &amp; Deploy</b>   | <b>Skills: Analysis &amp; Evaluation</b>   | <b>Communication</b>  |
|---|--|---|
| <b>AO1</b>  | <b>AO2</b>   | <b>AO3</b>  |
| <p><b>Level 2 (continued)</b><br/><b>(2 marks)</b><br/>or inaccurate examples and/or limited evidence to illustrate points made.</p>  |  | <p><b>Levels 1–2 (continued)</b><br/><b>(1 mark)</b><br/>spelling, punctuation and grammar and legibility may be a problem.<br/>A conclusion, where appropriate, may be offered but its relationship to the preceding discussion is modest or implicit.</p> |
| <p><b>Level 1</b><br/><b>(1 mark)</b><br/>The student demonstrates little knowledge and understanding of political concepts/theories/institutions and processes.<br/>The student makes little attempt to address the requirements of the question and produces few examples and/or little evidence to illustrate points made.</p> | <p><b>Level 1</b><br/><b>(1 mark)</b><br/>The student applies few concepts and makes little use of political theory or ideas in developing an explanation or argument.</p> |   |
| <p><b>0 marks</b><br/>No relevant response.</p>   | <p><b>0 marks</b><br/>No relevant response.</p>  | <p><b>0 marks</b><br/>No relevant response.</p>   |

**AS GOVERNMENT AND POLITICS****GENERIC MARK SCHEME for questions with a total of 25 marks**

| <b>Knowledge and Understanding:<br/>Recall, Select &amp; Deploy</b>   | <b>Skills: Analysis &amp;<br/>Evaluation</b>   | <b>Communication</b>   |
|---|--|--|
| <b>AO1</b>  | <b>AO2</b>   | <b>AO3</b>   |
| <p><b>Level 4<br/>(10–11 marks)</b></p> <p>The student successfully demonstrates accurate knowledge and understanding of political concepts/theories/institutions and processes and the relationship between them, producing an answer that deploys relevant knowledge and understanding to address the requirements of the question and that demonstrates significant contextual awareness.</p> <p>The student's answer includes relevant evidence and/or examples to substantiate and illustrate points made.</p> | <p><b>Level 4<br/>(7–8 marks)</b></p> <p>The student evaluates political institutions, processes and behaviour, applying appropriate concepts and theories.</p> <p>The student provides analysis which displays sound awareness of differing viewpoints and a clear recognition of issues. Parallels and connections are identified, together with valid and precise comparisons. The answer includes relevant and convincing interpretations or explanations.</p> | <p><b>Level 4<br/>(5–6 marks)</b></p> <p>The student communicates clear, structured and sustained arguments and explanations making excellent use of appropriate political vocabulary.</p> <p>The response should be legible with few, if any, errors of spelling, punctuation and grammar.</p> <p>The student produces answers with a clear sense of direction leading towards a coherent conclusion.</p> |
| <p><b>Level 3<br/>(7–9 marks)</b></p> <p>The student demonstrates generally accurate knowledge and understanding of political concepts/theories/institutions and processes and the relationship between them, producing an answer that addresses the requirements of the question and demonstrates adequate contextual awareness.</p> <p>The answer provides evidence backed up by clear examples to illustrate points made.</p>  | <p><b>Level 3<br/>(5–6 marks)</b></p> <p>The student evaluates political institutions, processes and behaviour, applying some concepts or theories.</p> <p>The student provides clear arguments and explanations and demonstrates awareness of differing viewpoints and recognition of issues. Parallels and connections are identified, together with some sound comparison.</p>  | <p><b>Level 3<br/>(3–4 marks)</b></p> <p>The student communicates arguments and explanations making good use of appropriate political vocabulary.</p> <p>The response should be legible but there may be occasional errors of spelling, punctuation and grammar.</p> <p>A conclusion is linked to the preceding discussion.</p>  |



**GENERIC MARK SCHEME for questions with a total of 25 marks (continued)**

| <b>Knowledge and Understanding: Recall, Select &amp; Deploy</b>   | <b>Skills: Analysis &amp; Evaluation</b>   | <b>Communication</b>   |
|---|--|--|
| <b>AO1</b>  | <b>AO2</b>   | <b>AO3</b>   |
| <p><b>Level 2 (4–6 marks)</b></p> <p>The student demonstrates basic knowledge and understanding of political concepts/theories/institutions and processes and some awareness of the relationship between them, making a limited attempt to address the requirements of the question. The student may demonstrate contextual awareness covering part of the question, and may produce limited evidence and/or few examples.</p>  | <p><b>Level 2 (3–4 marks)</b></p> <p>The student offers a limited evaluation of political institutions, processes and behaviour and begins to construct arguments which contain basic explanation. The student shows some awareness of differing viewpoints. There is recognition of basic parallels or limited comparisons.</p> | <p><b>Level 2 (2 marks)</b></p> <p>The student attempts to develop an argument using basic political vocabulary. There are frequent errors of spelling, punctuation and grammar and legibility may be a problem. Where a conclusion is offered, its relationship to the preceding discussion may be modest or implicit.</p>                        |
| <p><b>Level 1 (1–3 marks)</b></p> <p>The student demonstrates slight and/or incomplete knowledge and understanding of political concepts/theories/institutions and processes and limited awareness of the relationship between them. The student makes a very limited attempt to address the requirements of the question. Only superficial awareness of the context of the question is evident and the few examples cited are often inaccurately reported or inappropriately used.</p> | <p><b>Level 1 (1–2 marks)</b></p> <p>The student makes a partial attempt to evaluate political institutions, processes and behaviour. Arguments offered are superficial or simplistic. There is very limited awareness of parallels or comparisons.</p>  | <p><b>Level 1 (1 mark)</b></p> <p>The answer relies upon narrative which is not fully coherent and which is expressed without using political vocabulary. Errors in spelling, punctuation and grammar may be intrusive and the response may not be legible. A conclusion is either not offered or it is not related to the preceding material.</p> |
| <p><b>0 marks</b></p> <p>No relevant response.</p>  | <p><b>0 marks</b></p> <p>No relevant response.</p>   | <p><b>0 marks</b></p> <p>No relevant response.</p>   |

**NB:** whilst there is no requirement for students to make reference to the extract or passage provided when answering questions with a total of 25 marks, the use of such material can be credited on AO1 and AO2, where it is relevant to the question posed. Students may also be given credit for using relevant material drawn from the extracts or passages which accompany other questions on the paper.

**Topic 1: The British Constitution**

Source: Judicial review of administration

**0 1** Explain the term ‘**human rights legislation**’ used in the extract.**[5 marks]**

At a basic level of response students should explain that the 1998 human rights legislation came in the form of the Human Rights Act. This was introduced to give human rights in the UK a statutory basis. It effectively incorporated into UK law the European Convention of Human Rights, drawn up by the Council of Europe in 1949. The Act makes it possible for UK citizens to seek a remedy for breach their rights in the domestic courts. Before this they could only go to the European Court of Human Rights in Strasbourg.

At the higher levels of response students may note that legislators must ensure that all new laws are compatible with the provisions in the Act. It also empowers judges to issue a declaration of incompatibility in cases where they find this is not so. Students may explain that this does not violate the sovereignty of Parliament (however some students may note that judges can strike down secondary legislation). Students may also note that the Act can be seen to increase the power of the judges and comes in for political criticism. They may also observe that some politicians would like to replace it with an alternative.

Students are not required to cover all the above points in order to gain maximum marks. Marks should be awarded in accordance with the AO1 qualities detailed in the generic mark scheme and the full range must be utilised.

**0 2** Using your own knowledge as well as the extract, explain the principle of judicial review in the British system of government.**[10 marks]****AO1**

Students should demonstrate knowledge and understanding of terms and concepts such as the following:

- Judicial review
- The Judiciary
- Judicial independence
- The rule of law
- Human Rights Act (1998)
- Declaration of incompatibility
- European legislation
- The Factortame case
- The ECHR
- *Ultra vires*
- Unreasonable or irrational decisions
- Unfairness
- The exceeding or abuse of legal power
- Failure to follow proper instructions
- Infringement of human rights
- Illegality

- Procedural error
- *Mandamus* and *certiorari*
- Natural justice

Students will not be expected to address all the above terms and concepts, and those at the lower levels of response may cover only a few of them. At the higher levels of response students may introduce terms and concepts not included above and, if relevant, these should be fully credited.

### **AO2**

At a basic level of response students should recognize that this question refers to the ability of the courts to review the legality of the actions of government departments and other public bodies. The 1998 Human Rights Act and the existence of EU laws also allow the courts to review legislation.

At more advanced levels of response students may offer examples of cases of judicial review. If students cite review of legislation under the Human Rights Act they should point out that the courts do not have the power to strike down the legislation. They may also discuss the development of the use of judicial review, noting, for example, that it has increased during recent decades. While such discussion may be rewarded, it is not necessary for top-level marks. The same treatment applies should any discussion of the ombudsman occur.

Students are not required to cover all the above points in order to gain maximum marks. They may also make points not included here and, if relevant, these should be duly credited. Marks should be awarded in accordance with the qualities detailed in the generic mark scheme and the full range must be utilized.

**0 3** 'The British constitution leaves the government with too much power.' Discuss.

**[25 marks]**

### **AO1**

Students should demonstrate knowledge and understanding of terms and concepts such as the following:

- Limited government
- Constitutional government
- Rule of law
- Separation of powers
- The Royal Prerogative
- Statute law
- Common law
- Constitutional convention
- Authoritative opinion
- EU law
- Parliamentary sovereignty
- Party discipline
- Entrenchment
- Written and unwritten constitution
- Flexible and rigid constitution
- Amendment

- Executive Dominance
- Fusion of Powers

Students will not be expected to address all the above terms and concepts, and those at the lower levels of response may cover only a few of them. At the higher levels of response students may introduce terms and concepts not included above and, if relevant, these should be fully credited

## **AO2**

At a basic level of response students should recognise the concepts of constitutional government and limited government. They should understand that one of the essential purposes of a constitution is to prevent arbitrary or oppressive rule. In discussing this they may consider concepts such as the separation of powers and the rule of law and the part they play in ensuring constitutional government. They may also discuss the issues of entrenchment and constitutional amendment.

They may also be expected to note that the British constitution is unwritten (or uncodified) and discuss the implications of this. Following this, students should recognise that the key element in the analysis is an evaluation of the extent to which the British constitution does limit the actions of government in both theory and practice. At the more advanced levels of response students may take into account the words ‘too much’ in the question. This is a discriminator.

In developing the analysis students may analyse the various sources of the British constitution, explaining their respective characteristics with respect to factors such as degree of restraint, flexibility and stability. Some may argue, for example, that the Royal Prerogative is of declining importance, that conventions can be overridden, that works of authority can be superseded or ignored, that judges can change the common law and that statutes are subject to the principle of parliamentary sovereignty, so that a government with a clear majority can unmake any existing law. It is likely that students will make the sovereignty of Parliament a significant feature in their analysis. The stronger responses will be able to offer examples to illustrate the argument.

It is likely that policies over security and immigration, which opponents see as threatening civil liberties, will feature in the stronger responses. Against these arguments strong responses may note that factors such as political expediency, the media, public opinion and the political culture can militate against the emergence of oppressive government.

This is a broad question and examiners must expect to find various acceptable approaches. Students electing to focus on one particular aspect of the constitution, such as, say, the absence of a separation of powers, constitutional flexibility, or parliamentary sovereignty, should be fully rewarded and may access the higher levels.

There should normally be a clear conclusion. In this students may take varying positions. They may argue for or against the proposition in question or take a position between the extremes. Any position taken is acceptable; the important requirement is that it is logically derived from the preceding analysis.

Students are not required to cover all the above points in order to gain maximum marks. They may also make points not included here and, if relevant, these should be duly credited. Marks should be awarded in accordance with the qualities detailed in the generic mark scheme and the full range must be utilized.

**Topic 2: Parliament**

Source: Scrutiny by the House of Commons

**0 4** Explain the term '**parliamentary scrutiny**' used in the extract.**[5 marks]**

At a basic level of response students should demonstrate knowledge and understanding that parliamentary scrutiny refers to one of the main functions of the legislature today. They should explain that the scrutiny is of the executive. Responses should make reference to ways in which scrutiny may be effected, such as by means of parliamentary questions, general debates and the use of public bill committees and specialist select committees. Students may also consider the role of the House of lords. Strong responses may cover a wide range of these while weaker ones may explain only one or two. Examples should be credited. Higher-level responses may elaborate variously on the means of scrutiny that they identify. Some strong responses may consider the value of such scrutiny in terms of say, efficiency or democracy.

Students are not required to cover all the above points in order to gain maximum marks. Marks should be awarded in accordance with the AO1 qualities detailed in the generic mark scheme and the full range must be utilised.

**0 5** Using your own knowledge as well as the extract, identify **and** explain **two** reasons why Parliament should **not** be considered 'irrelevant and all but powerless in the legislative process'.**[10 marks]****AO1**

Students should demonstrate knowledge and understanding of terms and concepts such as the following:

- Legislative process
- Public bill
- Committee stage
- Report stage
- Third reading
- Amendment
- Parliamentary majority
- MP
- Public bill committee
- Parliamentary party
- Party discipline
- Private member's bill
- Royal Assent
- Parliamentary rebellion
- Free votes
- Scrutiny by the House of Lords

Students will not be expected to address all the above terms and concepts, and those at the lower levels of response may cover only a few of them. At the higher levels of response students may introduce terms and concepts not included above and, if relevant, these should be fully credited.

## **AO2**

At a basic level of response students should explain that this question refers to the law-making process (or legislative process) in Parliament. At a basic level students should show awareness that Parliament is often seen as irrelevant and near impotent in the process of legislation. They should recognise that this assertion leads to a very fundamental debate about British politics. They may cite reasons for this assertion and here they would be expected to highlight the role of the parliamentary parties and the effects of party discipline. Students are then required to identify and explain ways in which Parliament may be considered able to influence legislation. In this they may consider debates on the floor of the House at various stages (strong responses should lay stress on the committee and report stages), the operation of public bill committees and the passage of a bill through the House of Lords. Some high-level responses may consider more informal means whereby MPs may seek to exert influence on legislation, such as receiving information from pressure groups, lobbying ministers, making public speeches appearing in the media, and mounting a Parliamentary rebellion.

Students are not required to cover all the above points in order to gain maximum marks. They may also make points not included here and, if relevant, these should be duly credited. Where more than two reasons are presented, reward only the best two. Marks should be awarded in accordance with the qualities detailed in the generic mark scheme and the full range must be utilised.

**0 6** 'Parliament cannot be regarded as truly democratic until its composition more closely mirrors that of the wider society.' Discuss.

**[25 marks]**

## **AO1**

Students should demonstrate knowledge and understanding of terms and concepts such as the following:

- Microcosmic representation
- Burkean notion of representation
- MPs as delegates
- MPs as advocates
- Mandate
- Party selection process
- Composition of the House of Commons
- Composition of the House of Lords
- Appointment to the House of Lords
- Statistics on patterns of representation in Parliament
- Societal characteristics such as:
  - Gender
  - Class
  - Sexual orientation
  - Age

- Profession/occupation
- Education
- Ethnicity.

Students will not be expected to address all the above terms and concepts, and those at the lower levels of response may cover only a few of them. At the higher levels of response students may introduce terms and concepts not included above and, if relevant, these should be fully credited.

**AO2**

Students should recognise that this question is about the nature of political representation. They may note that there are various ways in which MPs can be said to represent the people they serve and may explain these. Higher-level responses may discuss them at an abstract level, perhaps introducing theoretical models of representation. However, all should note that the focus of this question is on the social make-up of Parliament. Students may refer to the idea of microcosmic representation, although they may use alternatives to this term. Students must show that they recognise some of the social characteristics that are normally considered relevant to any discussion of microcosmic representation. While high-level responses may contain most of those detailed above under AO1, responses containing fewer should not be unduly penalised if the analysis is sound. It is even possible that some responses will focus mainly on a particular characteristic, such as ethnicity or gender, and these too should be rewarded if the analysis so warrants.

It is likely that some responses will contain relevant statistical data such as number of women, or ethnic minority MPs. This should be rewarded, but strict up-to-date figures are not essential for access to the highest level. The question refers to Parliament as such, so it is necessary for responses to contain some consideration of both Houses and this is a discriminator. It is possible that some will refer only to the House of Commons and, while there may be much to credit, such answers would not normally gain access to Level 4.

The essential focus of the analysis should be on the arguments around the concept of representative government and the value of a Parliament that mirrors the population at large. Students should recognise that there is much scope for discussion. They may, for example, note that microcosmic representation can confer legitimacy and promote empathy with the people at large, but may not provide political experience, policy knowledge, professional expertise or political skill. Some may develop the argument around the composition of the House of Lords, noting the respective problems with hereditary and appointed peers.

There should normally be a clear conclusion. In this students may take varying positions. They may argue for or against the proposition in question or take an intermediate position. Any position taken is acceptable; the important requirement is that it is logically derived from the preceding analysis.

Students are not required to cover all the above points in order to gain maximum marks. They may also make points not included here and, if relevant, these should be duly credited. Marks should be awarded in accordance with the qualities detailed in the generic mark scheme and the full range must be utilised.



**Topic 3: The Core Executive**

Source: Individual ministerial responsibility

**0 7** Explain the term '**Home Secretary**' used in the passage.**[5 marks]**

At a basic level of response students should demonstrate knowledge and understanding that the Home Secretary is a member of the cabinet, with responsibility for home affairs, including law and order, security and immigration policy. More advanced students may note that the Home Secretary was once responsible for prisons in England and Wales but lost these in 2005 to the newly-created Ministry of Justice under the Lord Chancellor. As with all ministerial positions the appointment is made by prime ministers as one of their powers of patronage.

Students should recognize that it is one of the most senior cabinet positions and is usually held by formidable politicians, some of whom have gone on to become PM. Some responses may note that it was the position held by Theresa May herself, before ascending to the premiership in 2016. They may also record the name of the present holder of the position, or those of previous incumbents (perhaps identifying certain notable figures such as, say, Sir Robert Peel, Roy Jenkins, or David Blunkett). Strong responses may contain reference to major political controversies that have arisen under some Home secretaries (such as sentencing policy, immigration or police pay).

Students are not required to cover all the above points in order to gain maximum marks. Marks should be awarded in accordance with the AO1 qualities detailed in the generic mark scheme and the full range must be utilized.

**0 8** Using your own knowledge as well as the passage, identify **and** explain **two** possible reasons why 'ministers have been able to resist calls for their resignation'.**[10 marks]****AO1**

Students should demonstrate knowledge and understanding of terms and concepts such as the following:

- Individual ministerial responsibility
- Ministerial accountability
- Civil service anonymity
- Ministerial resignation
- Civil service agency
- Senior civil servant
- Ministerial code
- Media interest in resignation issues
- Political scandal

Cases where ministers have resigned in case of error such as:

Thomas Dugdale – Crichel Down (a classic case)

Lord Carrington – Falkland crisis

Estelle Morris – scandal over A-level marking

Edwina Currie – salmonella in egg production

Leon Brittan – Westland

Cases where ministers have resisted calls for resignation such as:

James Prior – Maze prison escape  
Theresa May – UK Border Agency  
Norman Lamont – ‘Black Wednesday’.  
Jeremy Hunt – alleged corruption over News Corporation bid for BSKyB.

Cases where public servants have been blamed such as:

Elizabeth Attridge – advice given to John Gummer  
Colette Bowe – Westland  
Derek Lewis – high profile escapes by IRA prisoners  
Brodie Clark – UK Border Agency

Cases where ministers have resigned over embarrassing personal behaviour or some violation of the ministerial code such as:

David Blunkett – personal peccadillo  
Peter Mandelson – the Hinduja brothers  
Ron Davies – ‘Moment of madness’  
Peter Hain – donations to his Deputy Leadership campaign  
Mark Oaten – rentboys  
David Laws – expenses claim on second home  
Andrew Mitchell – ‘plebgate’

Students will not be expected to address all the above terms and concepts, and those at the lower levels of response may cover only a few of them. In the list of possible examples given above students are not expected to note more than one (or two) from each category. At the higher levels of response students may introduce examples, terms and concepts not included above and, if relevant, these should be fully credited.

### **AO2**

At a basic level of response students should explain that this question articulates an important relationship between minister, civil servants and parliament. Students must recognise that, while resignations regularly take place, they are generally not in line with that part of the convention of individual ministerial responsibility involving resignation over departmental error. They should note from the passage that ministerial departures are more often for reasons of embarrassing personal behaviour or some violation of the ministerial code.

In their identification of two reasons for resisting calls for resignations students may choose from a large number. These may include a desire on the part of the prime minister to retain a cabinet colleague, a wish to stand firm against opposition demands, the placing of blame on a civil servant, the increasing complexity of government so that ministers cannot be reasonably expected to know all that is going on in their departments, a consequence of agencification which separates the minister from much administration, political expediency and possible damage to the government’s standing, media support and public opinion. At advanced levels of response examples will be given to illustrate the cases cited. However, the examples given above under AO1 are purely to alert the examiner to the kinds of cases likely to be addressed. As explained under AO1, students are not expected to provide a lengthy list.

Students are not required to cover all the above points in order to gain maximum marks. They may also make points not included here and, if relevant, these should be duly credited. Where

more than two possible reasons are presented, reward only the best two. Marks should be awarded in accordance with the qualities detailed in the generic mark scheme and the full range must be utilised.

**0 9** 'The view that the British prime minister enjoys presidential powers is a gross exaggeration.' Discuss.

**[25 marks]**

### **AO1**

At a basic level of response students should demonstrate knowledge and understanding of terms and concepts such as the following:

- Presidential system
- Primus inter pares
- Prime ministerial patronage
- The international stage
- Cabinet reshuffles
- Control of the cabinet agenda
- Cabinet Office
- Cabinet Secretary
- Cabinet minutes
- Impact of the media
- Control of the Commons
- Vote of no confidence
- Ministerial resignations
- Cabinet rivals
- Personality of the prime minister
- Political events
- Party manifesto
- Royal prerogative

Students will not be expected to address all the above terms and concepts, and those at the lower levels of response may cover only a few of them. At the higher levels of response students may introduce terms and concepts not included above and, if relevant, these should be fully credited

### **AO2**

Students should be able to make a brief comparison between prime ministerial and presidential systems. Some may consider presidentialism at a conceptual level, without reference to any actual country, and this will be acceptable. Students may characterise presidential systems variously. Some may merely state generally that a president is very powerful. Higher-level students will offer a brief but more precise characterisation, suggesting that, in essence, it is a republican system where a head of government is also head of state and gains power and legitimacy from the people (by election) rather than from a parliament.

In approaching the analysis students should recognize the extent to which a British prime minister is constrained by constitutional features. These they may identify variously such as not being head of state, not being directly elected, not served by a personal department, being restricted in the choice of cabinet colleagues, constrained by the principle of primus

inter pares and working under a fusion of powers. Students may not cover all those suggested above but the higher-level ones will cover several and will explain them in some detail.

Students should evaluate these and the effectiveness of the constraints. They may, for example, argue that the Cabinet Office and various Number 10 units constitute something resembling the executive office of the US president, that the prime minister's control of the Cabinet agenda undermines that principle of primus inter pares or that a general election is in effect a choice of a prime minister. Students may also note that the PM is free of the formal constraints imposed on Presidents under a written constitution. Some may note that some Presidents are merely titular rulers, as in the case of Ireland.

Some high-level students may introduce contingent factors that mean that the situation will vary over time. In this they may note the significance of events (wars, economic down-turns, small parliamentary majorities) in affecting the effective power of prime ministers. They may also consider the differences between the styles and personalities of incumbents, with some PMs appearing more 'presidential' than others. Examples should be given.

There should normally be a clear conclusion. In this students may take varying positions. They may argue for or against the proposition in question or take a position between the two extremes. The term 'gross' in the question is a discriminator. Any position taken is acceptable; the important requirement is that it is logically derived from the preceding analysis.

Students are not required to cover all the above points in order to gain maximum marks. They may also make points not included here and, if relevant, these should be duly credited. Marks should be awarded in accordance with the qualities detailed in the generic mark scheme and the full range must be utilised.

**Topic 4: Multi-level Governance**

Source: The European Commission

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 Explain the term '**European Commissioners**' used in the extract.**[5 marks]**

At a basic level of response students should explain that the European Commissioners are nominated by each member state to head the European Commission. Terms of office are usually five years and appointment is subject to European Parliament approval. The Commissioners are usually prominent politicians. It is likely that students will give examples of UK Commissioners such as Neil Kinnock or Leon Brittan. Once appointed they swear an oath of allegiance to the EU and are not expected to pursue their individual national interests. Students may explain that commissioners are responsible for one or more policy areas. They head large bureaucracies, divided into functional departments known as directorates-general, each headed by a director-general, responsible to the commissioner. Some may note that the Commission is led by its President, who defines the policy direction and assigns the portfolios to each of the Commissioners. High-level responses may point out that all decisions and policies emerge from the Commissioners on the basis of collective responsibility, and together its members are responsible to the European Parliament. Students who confine themselves only to a description of the role of the Commission (which can be derived from the extract) may be given only limited credit.

Students are not required to cover all the above points in order to gain maximum marks. Marks should be awarded in accordance with the AO1 qualities detailed in the generic mark scheme and the full range must be utilized.

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 Using your own knowledge as well as the extract, identify **and** explain **two** possible reasons why 'the Commission is much criticised by Eurosceptics'.**[10 marks]****AO1**

At a basic level of response students should demonstrate knowledge and understanding of terms and concepts such as the following:

- European Commissioner
- European Parliament
- Bureaucracy
- Directorates-general
- Policy implementation
- European legislation
- Council of Ministers
- European Parliament
- Budget drafting
- International negotiations
- Guardian of the treaties
- European Court
- National sovereignty
- Unelected official
- Oath of independence
- Supranational perspective

- Bureaucratic domination
- Large salaries
- Generous allowances
- Democratic deficit

Students will not be expected to address all the above terms and concepts, and those at the lower levels of response may cover only a few of them. At the higher levels of response students may introduce terms and concepts not included above and, if relevant, these should be fully credited.

## **AO2**

At a basic level of response students should explain that this question is linked to debate over UK membership of the EU. They may very likely refer to the rise and political impact of UKIP. However, in the identification and explanation of their possible reasons for criticism, students must focus on the Commission, and not the EU in general.

There are various possible reasons why criticism can be mounted and students may be expected to choose and explain grounds such as the following:

- Commissioners are unelected, producing a democratic deficit.
- Those appointed are often ‘failed’ politicians gaining consolation prizes.
- The fact that commissioners are required to swear an oath to espouse a supranational perspective can lead to a neglect of national interests.
- Workplace regulations emanating from the Commission can inhibit the development of industry and lead to unemployment.
- The function of making policy proposals gives the Commission too much power and can undermine national sovereignty.
- Commissioners face the danger of being dominated by their officials, resulting in government by bureaucrats.
- Despite the increase in its powers, the Commission remains the dominant institution in the legislative process.
- Some commissioners can be accused of ‘going native’ in the Brussels environment.
- Commissioners receive large salaries and generous allowances at the expense of domestic taxpayers.
- There have been cases of corruption.

At lower levels of response students may merely state their reasons with little elaboration. Such responses may also sound a polemical tone, perhaps reflecting tabloid treatment of the debate. At more advanced levels they will explain and discuss with greater detail, offering examples. There is no requirement to question the reasons identified, or offer counter-arguments. However, it is possible that some well-informed students may do this and, under positive marking, while gaining no extra credit, this should not be penalised.

Students are not required to cover all the above points in order to gain maximum marks. They may also make points not included here and, if relevant, these should be duly credited. Where students explain more than two possible reasons, reward only the best two. Marks should be awarded in accordance with the qualities detailed in the generic mark scheme and the full range must be utilised.

**1 2** 'Multi-level governance means that the traditional Westminster model no longer reflects how the British governmental system operates.' Discuss.

**[25 marks]**

### **AO1**

At a basic level of response students should demonstrate knowledge and understanding of terms and concepts such as the following:

- Multi-level governance
- Westminster model
- Unitary state
- Parliamentary sovereignty
- Ministerial responsibility
- Devolution
- Devolved assembly
- Powers of devolved assembly
- Reserved powers
- European Union
- EU legislation
- National sovereignty
- Subsidiarity
- Supranationalism
- Local government
- Local autonomy
- Functions of local government
- Central/local relations
- Regional assemblies
- European legislation
- Nationalism
- Local democracy

Students will not be expected to address all the above terms and concepts, and those at the lower levels of response may cover only a few of them. At the higher levels of response students may introduce terms and concepts not included above and, if relevant, these should be fully credited

It is not expected or required that students extend their analysis to international associations such as the World Bank, NATO or the UN. However, under positive marking, they should not be penalised for so doing.

### **AO2**

At a basic level students should recognise the concept of multi-level governance as a tiered structure with responsibilities and functions distributed to the various levels. Institutions may

be identified as international and/or supranational, national, devolved and local (which may be further divided into upper and lower tiers). They should also explain the concept of the Westminster model, noting principles such as a unitary state, strong central government, parliamentary sovereignty, and clear lines of ministerial responsibility.

Students should show awareness that today Westminster and Whitehall stand beneath the institutions of the EU and above a complex of elected local authorities and devolved elected assemblies. In addition, some higher-level responses may also note the range of appointed quasi-autonomous regional bodies sharing state powers, responsibilities and functions. The extent and accuracy of this account will serve as a discriminator.

Responses should offer analysis of the way responsibilities and functions are distributed between the various levels. They should also note the power relationships between the various levels. Students must note examples of the areas in which the EU produces legislation and the extent to which Parliament is able to review this. They may note that UK representatives sit in the various EU institutions so that they retain some influence. They should also identify the powers available to Wales and Scotland, noting that certain powers remain with Westminster as reserve powers. With respect to local government students should identify and discuss some of the functions of local authorities, noting the extent to which the central government is able to exercise control. At the lower levels of response this analysis will be restricted. Some may not cover all the four levels mentioned above but credit must be given for those that are considered.

At the highest levels of response more detail and examples will be offered. Such responses will also focus clearly on the extent to which the Westminster model can still be sustained. In this they may consider the degree of autonomy available at the various institutional levels and the extent to which they interact with each other. Concepts such as parliamentary sovereignty, subsidiarity, nationalism and local democracy may be considered.

There should normally be a clear conclusion. In this students may take varying positions. They may argue for or against the proposition in question or take a position between the two extremes. Any position taken is acceptable; the important requirement is that it is logically derived from the preceding analysis.

Students are not required to cover all the above points in order to gain maximum marks. They may also make points not included here and, if relevant, these should be duly credited. Marks should be awarded in accordance with the qualities detailed in the generic mark scheme and the full range must be utilised.