

# Mark Scheme (Results)

## June 2008

GCE

### GCE Government and Politics (6496) Paper 01

## 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.

Question Number		Indicative content
1		The judiciary has become involved in a number of ways. First, it can act as a pressure group, campaigning, as an insider, on various law and order issues such as human rights, sentencing etc. Members of the judiciary are involved with policy input bodies such as the Law Commission. Second, many senior members are members of the House of Lords and so have been involved in the legislative process, notably on the issues such as identity cards, anti-terrorism legislation. Third, in important cases judges have had the effect of influencing the way law and order policy works. Senior judges such as Lords Woolf, Hoffman and Bingham were particularly vociferous in these areas. This is true of sentencing policy and anti-terrorism (e.g. Belmarsh, Afghan hijack cases, treatment of asylum seekers, deportations of foreign offenders) where key judgements have changed government policy. On the other hand the role of judges is inevitably limited. For example they have to accept the sovereignty of parliament so they have to accept the law as it stands. On sentencing- a key area of conflict - judges have to accept maximum or minimum sentencing regulations. It should be noted that the role of judges has been increasing as the judiciary has shed its traditional anonymity and become involved in disputes over law and order policy, even appearing in the media to make their case.
Level	Mark	Descriptors
Level 1	0-17	A weak to very limited range of issues with no evaluation. Generalised answers about the judiciary's involvement in law and order, lacking in depth and development.
Level 2	18-32	Answers will be descriptive rather than evaluative. A varying range of issues will be described with varying levels of depth. There may be some supporting evidence, but not extensive. Above all such responses will fail successfully to evaluate the judiciary's role, merely describing its involvement, rather than assessing its extent and its limitations.
Level 3	33-50	A good range of issues raised and successfully explained with appropriate supporting evidence. Such responses will be distinguished by their ability to evaluate the role of the judiciary. There will be a balance between material concerning successful interventions by the judiciary and limitations on its role.

Question Number	Indicative content	
2	<p>In 1992 the positions of the parties was certainly fluid. The Conservatives were very divided while Labour was on a gradual journey from Euro-scepticism to a more positive attitude to the EU. Maastricht was signed and there was no great conflict except over Britain's opt out from the Social Chapter. The Liberal Democrats were extremely pro European at the time. Conflict reached its height towards the end of the 1990s. Since then, however, there has been declining conflict. Labour lost its enthusiasm for the single currency and, as Brown became more prominent, there seemed little prospect of Britain joining. This placed labour close to the Conservative position. Even the Liberal Democrats became a little more cautious over the timing of entry. Labour signed the Social Chapter in 1997, then opposed by the Conservatives. Since then Conservatives have suggested it might be re-negotiated, not necessarily cancelled. Under Cameron the Conservatives have been a little warmer towards the EU, while under Brown labour has drawn back from closer integration. Despite this drawing together there remains major conflict over the proposed European Constitutional Treaty. Conservatives staunchly oppose the concept of common foreign or defence policy while Labour is keen to promote integration in this area. Brown has described his red lines and robustly denied that Britain wishes to integrate closely. Thus, the rhetoric is similar though the Conservatives remain convinced that labour is too pro-European. The Liberal Democrats, who now have a wing which is less euro-enthusiastic, remain staunchly pro European. UKIP can be mentioned as the emergence of a major departure from mainstream views on Europe. Nationalists, by contrast, have remained pro European throughout the modern period.</p>	
Level	Mark	Descriptors
Level 1	0-17	<p>Descriptive narratives only. Evaluation will be absent or will range from very poor to weak. Party positions will be described but there will be little or no sensitivity to change and development. Assessment of party positions will be limited. It is likely that the Liberal Democrats will be ignored.</p>
Level 2	18-32	<p>An assessment of party positions, including some sensitivity to change, varying from limited to sound. It is likely, though not essential, that all three parties' positions will be covered. Evaluation of the process of change will be included but will vary considerably in depth and critical awareness.</p>
Level 3	33-50	<p>An extensive account of party positions, probably including small parties, though not essentially. There will be good evaluation of changes in party positions and evaluation of how close they have become, varying from good to excellent. There will be good sensitivity shown to developing attitudes and divisions within parties.</p>

Question Number		Indicative content
3		<p>The principles of the welfare state include its universality, equal provision, the fact that it is free at the point of delivery and that it is comprehensive. Unions have been especially active in resisting the use of the private sector, claiming this is creeping privatisation. Pressure groups representing various patient groups have sought to end postcode lotteries in the health service, while parental groups have sought to extend choice and preserve standards in education. The extent and universality of social security benefits have, it is argued, been eroded since the 1980s. Groups such as CPAG, Help the Aged and Age Concern have argued that the welfare state's comprehensive attack on poverty has been diluted. They have argued for the restoration of anti poverty elements. Naturally student groups were implacably opposed to tuition fees on the grounds that it eroded the free nature of education. In housing, where much provision has been eliminated with the decline of council housing, Shelter has been especially active, blaming homelessness on the lack of state subsidised housing and house building. Evaluation of the success of pressure groups has to be mixed. On the one hand the basic principles have been preserved - pure privatisation has not occurred and most services remain free on delivery. It can be argued that health and education provision have been extended as a result of pressure group pressure. After problems with the state pension, pensioner groups have succeeded in promoting significant improvements in the deal for especially poor pensioners. yet a number of problems have emerged. Housing remains a declining service and there are still issues concerning care of the elderly. Both parties favour greater private sector involvement so union opposition has failed to have much impact.</p>
Level	Mark	Descriptors
Level 1	0-17	A relatively narrow range of issues will be deployed. There will be some description and some narratives, but little or no evaluation of the impact of pressure groups. Answers may be largely confined to an assessment of the performance of welfare services rather than of pressure groups.
Level 2	18-32	Connections are made between pressure group activity and welfare issues. However, the analysis of the impact of pressure groups is likely to vary only between limited and sound. There will be a good range but with some important omissions. The balance of such answers will be towards 'in what ways?' rather than 'with what success?'.
Level 3	33-50	Well balanced answers dealing with both aspects of the question successfully. The impact of pressure groups will be assessed with analysis varying from good to excellent. There will be an extensive range of issues deployed and good knowledge will be shown of pressure group involvement.

Question Number	Indicative content	
4.	<p>Sovereignty is the central issue. Sovereignty- both legal and political - has been eroded. Areas include trade, environment, agriculture and employment rights, with, to a lesser extent, over defence and foreign policy, though the extent of the transfer varies greatly from issue to issue. So we can say that parliament is no longer fully legally sovereign, while government is not fully politically sovereign. Of course the UK can still leave the EU so sovereignty cannot be lost permanently. The judiciary has been affected in that it is subject to externally determined law and the final court of appeal is now the ECJ. Accountability is affected in that ministers, when dealing with the EU, do not account fully to Parliament on their negotiating position. Subsidiarity has had an indirect impact and there has been both devolution and some transfers of power to local government and to regions. Though no jurisdiction over human rights has been transferred (The Human Rights Act is outside the boundaries of this question), but the UK no longer has independence over a range of economic and social rights. Arguably the balance of power between the legislature and executive has moved towards the latter as a result of the growth of EU jurisdiction. Although the UK constitution remains uncodified, the growing importance of EU treaties does represent partial codification and entrenchment.</p>	
Level	Mark	Descriptors
Level 1	0-17	Generalised answers concerning the growing importance and significance of the EU. It is unlikely that any substantial part of level 1 answers will deal specifically with constitutional issues. Responses will be confined to a poor to weak range of issues and developments.
Level 2	18-32	Responses will be directed towards constitutional issues specifically. The links between aspects of EU membership and the UK constitution will be clear, though analysis may only range from limited to sound. There will be a good range of issues, though there may be important omissions.
Level 3	33-50	A thorough account of how EU membership has affected the operation of the UK constitution with most key issues included. The linkages between EU powers and changes to the constitution will be fully explored. Understanding of these links will vary from good to excellent.