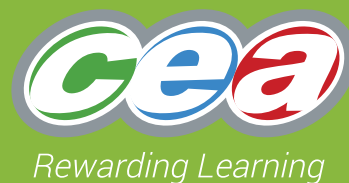


GCE



CCEA GCE AS
Exemplifying Examination
Performance

Government and Politics

This is an exemplification of candidates' performance in GCE AS examinations (Summer 2017) to support the teaching and learning of the Government and Politics specification.



GCE: AS Government and Politics

**AS1: The Government and Politics of
Northern Ireland**

Grade: A Exemplar

Source

The Northern Ireland Executive was in continuous operation from 2007. However, this record hides the fact that it experienced many significant divisions during this period. “Legacy issues” were among the most divisive and many of these remain unresolved. For example, every year the issue of parading causes conflict and the Executive was unable to sort out the problem. In the period since 2007 the Executive survived a series of crises but eventually collapsed in January 2017.

Q1 Identify **two** government departments within the Northern Ireland Executive since 2007. [4]

Student's response

An example of a government department in the NI Executive is the Department of Education, which was last headed by Peter Weir of the DUP. Another example is the Department of Agriculture, Environment and Rural Affairs, last headed by Michelle McIlveen of the DUP.

Examiner's comments

Marks available 4. Mark awarded 4.

This response is an example of a candidate writing much more than is required by the question. Full marks would have been awarded for identifying the Departments of Education and Agriculture. Naming the current minister in charge or the function of the Department is not necessary.

Q2 With reference to the Source and any other relevant material you have studied, explain what is meant by “legacy issues”. [6]

Student's response

'Legacy issues' refer to any issues that arise from dealing with the political past of Northern Ireland, specifically events during 'The Troubles'.

For example the source mentions the parades issue, which has been prominent annually since 1998 in areas such as Andersontown, as it typically creates tension between both the nationalist and unionist community.

The tradition of parades since the troubles and the political nature of the events make it a legacy issue, along with other examples such as Maze prison and the victims commission.

Examiner's comments

Marks available 6. Mark awarded 5. Level 3 response.

This question involves defining a term or concept and this response starts with a clear definition of what is meant by “Legacy Issues.” From the Source the candidate then identifies parading as a legacy issue, although the supporting example is at best undeveloped or, at worst, confused. Two other legacy issues are identified to support the explanation, making this a very strong answer overall.

Q3 With reference to the Source and any other relevant material you have studied, explain **three** areas of continuing disagreement between the DUP and Sinn Féin. [15]

Student's response

One area of disagreement between the DUP and Sinn Fein is the consensus on who is a victim, investigated in the victim's commission.

The DUP argue that victims from the troubles are only those and the families of those killed by paramilitaries, and not the paramilitary members themselves.

Sinn Fein on the other hand has a much wider view on what a victim consists of, believing that not only should victims of paramilitary violence be included, but also those killed as members of paramilitaries, claiming that they are 'victims of their environment'. They also believe that the victims of attacks from the RUC and British Army should receive compensation too, which the DUP are opposed to as they believe they were officials just doing their job. This is an example of a legacy issue, as shown in the source.

A second area in which the 'big two' disagree on is equal marriage, which has been a continuous issue for many years in the Assembly.

Sinn Fein, along with parties such as the SDLP and Alliance, were in favour of the proposed bill on numerous occasions but each time it was rejected by the DUP using a petition of concern, which has led to much criticism over the DUP playing the mechanism like a "joker in the pack".

In previous years DUP MLAs have described homosexuality as an 'abomination' for example Iris Robinson. While Sinn Fein are in full favour of passing the legislation, where Northern Ireland is the only part of the UK not to have done so. In this regard they are polar opposites on the issue.

A third area over which the DUP and Sinn Fein continue to disagree on is the implementation of an Irish Language Act. This has always been something on Sinn Fein's agenda, but has become increasingly prominent following the RHI – Scandal, 2017 election and Sinn Fein's desire to end DUP 'arrogance'.

The Democratic Unionist Party are adamantly opposed to the act, with Arlene Foster infamously arguing that there should be a 'Polish language act' as more people in Northern Ireland speak Polish than Irish.

The parties' disagreement over this issue is one of many reasons while there has been no re-emergence of the political institutions and the DUP do not want to concede to the republican 'alligator'.

Examiner's comments

Marks available 15. Mark awarded 14. Level 5 response.

The first strength of this answer is the clear presentation: the candidate explicitly identifies the three areas they have chosen through the use of "one area", "a second area" and "a third area." Some candidates failed to develop three clear areas or identified more than three but with limited explanation. Effective presentation may help to prevent these failings.

A second positive feature of this response is that it takes account of the "continuing" element of the question. Many candidates identified areas that have been largely resolved, even acknowledging this themselves.

Finally, the explanations of the three areas put forward by the candidate are full and accurate.

Either

Q4 (a) Assess how effective the Executive Committee was in governing Northern Ireland between 2007 and 2017. [25]

Student's response

The Northern Ireland Executive was formed as part of the Good Friday Agreement and subsequent Northern Ireland Act along with the Assembly in 1998. Membership of the Executive Committee is formed via the D'Hondt method which ensures equal representation from all parties and communities. The Executive was reformed under the Fresh Start Agreement of 2015, reducing the number of Executive seats from 12 – 9. The Executive has the role of legislating on devolved matters such as Education, Justice and Finance. It should be noted that the Justice Ministry is instead given via parallel consent rather than D'Hondt.

Many argue that the Executive members have generally worked with collegiality and have been successful in legislating on non-controversial issues. For example, John O'Dowd in 2010 praised the work of Martin Mc Guinness and Peter Robinson (then DFM and FM respectively) in keeping prescriptions free of charge and ensuring free travel for elderly people. Other pieces of legislation passed by the Executive include the Sunbeds Act 2011, Marine Act 2012 and Child Exploitation Act 2016. The Executive was also successful in reforms of the political system such as reducing the number of borough councils to 11 for the 2014 election. The creation of the Fresh Start Agreement of 2015 was also another piece of legislative success for the Executive, parties agreed to reduce the number of seats in the Assembly from 108 to 90 in future elections, as well as agreeing to reduce the number of Executive Departments from 12 to 9. Cathy Gormley-Heeman of Ulster University argues that the Executive is creating more “chunky” pieces of legislation i.e. they are becoming more significant.

However, the Executive has most definitely had its fair share of downfalls. It had been criticised greatly by the SDLP and UUP, who argued that their parties were being sidelined by the more dominant DUP and Sinn Fein. Consequently, the SDLP left the Executive in 2015 under Colum Eastwood and, along with the UUP who also declined to take Executive seats in 2016, formed an official opposition in the Assembly. Furthermore, the Executive has often ground to a halt when attempting to legislate on controversial issues such as same-sex marriage, abortion an Irish Language Act and parades, with the DUP and Sinn Fein having very much opposing views on said issues. Relations in the Executive have also broken down over scandals which have dominated new headlines such as Red Sky, Nama and especially the RHI scandal in early 2017.

Ministers often play the “Blame game”, over these scandals as collegiality and working relationships break down. The RHI scandal even resulted in Martin

McGuinness resigning the position of deputy First Minister, thereby taking away the position of First Minister Arlene Foster as First Minister and bringing down the Executive as a whole, thereby forcing an election in March 2017. Other criticisms of the Executive include “solo runs”, taken by Ministers in which they ignore their committee recommendations and the wishes of other Ministers, these include Bairbre de Brun moving maternity services to the Royal Hospital (in her own constituency) rather than the City Hospital, as the Health committee had recommended, as well as Martin Mc Guinness scrapping the 11+ exam in 2002 only hours before the dissolution of the Assembly and Executive and the implementation of direct rule.

In a survey carried out by the OFMdFM in 2010, 86% of respondents said the Executive was a “good thing”, and 90% said that it was good that Robinson and McGuinness had to work together. This would suggest that the public do have some faith in the Executive, however the decline in voter turnout from 69.9% in 1998 to 54.7% in 2016 would suggest that many have a growing disillusion with the Assembly and Executive. In conclusion, while the Executive may have many flaws and is far from perfect, it is probably better that it exists rather than it being absent, and an increase of nearly 10% in voter turn out in the 2017 election may suggest that the public are beginning to regain faith in the Executive’s governance of Northern Ireland, perhaps fearing that the alternative of Direct Rule would be of detriment to the wishes of people here.

Examiner’s comments

Marks available 25. Mark awarded 18. Level 4 response.

First, the positives of this answer. It addresses the question, it is balanced, it has relevant analysis and it has supporting evidence (although some of this falls outside the time frame of the question.) For these reasons it was awarded a solid Level 4 mark.

The answer could have been improved by being more balanced – there is significantly more time spent on the failings of the Executive Committee than on its achievements. On both sides of the debate, further evidence would have improved the response. Further analysis of the evidence that was produced would have enhanced the answer. For example, the Fresh Start agreement is recorded as one of the Executive’s successes. It is not noted how this came after an extended period of disagreement between the DUP and Sinn Fein that effectively shut the Executive down: hardly “effective” government.

Or

Q4 (b) Assess the view that the Assembly was a legislative failure between 2007 and 2017. [25]

Student's response

The Assembly is a body of elected representatives (MLA's) that works in tandem with the Executive to govern the country of N.I. The Assembly's purpose as a legislature is to scrutinise legislation themselves, to represent the people and ultimately create the most prosperous society through laws.

Since 2007 the Executive has been dominated by the DUP and SF and as a result so has the assembly. I would argue that between 2007 and 2017 the Assembly has been a legislative failure because N.I is still a nation with outdated social policies, serious economic troubles and extremely turbulent government. Gay marriage is legal in many nations across the world now, (United States, Canada and the UK for example), N.I still lags behind these more progressive nations in its social policies. The key force preventing N.I from legalising same sex marriage is undoubtedly the DUP. Up until 2016, the DUP were the largest party with at one stage 38 seats. This was enough to exercise their Petition of Concern, essentially a veto that can block any bill from being passed (at least 30 required) the DUP blocked a bill prepared by the more liberal SF to legalise same sex marriage. In this regard the assembly are at times powerless to the executive as a legislature.

One thing the Assembly can do well is scrutinise legislation. A bill must go through 5 key stages before it is either passed or rejected. The first of these is the introduction, the bill is proposed, a debate stage follows this, MLA's are given the opportunity to research the relevant policy and voice their opinions. The next and most crucial stage for the assembly is the committee stage. Assembly committees are given the opportunity to investigate a bill line by line, they are able to call for persons and papers (essentially seek expert opinion and information relevant to the bill) to aid them in their scrutiny. The committee adds amendments to the bill to change it, the next stage is one of consideration, the proposed amendments are voted on. The 5th and final stage is the vote, the bill is either rejected or passed and made into an act which is the official law. This legislation process allows for adequate scrutiny by the assembly, it provides them with the means to challenge the executive and prevents the outright domination of the legislative process by the executive.

However something assembly committees do not do often enough is introduce legislation of their own. Committees in N.I do have this power, whereas in many other democracies (Westminster) they don't. The majority of bills passed are executive bills, these are bills introduced by an executive member or department,

between 2011 and 2013, 60 of 67 laws passed were executive bills. Also, it is said that the majority of these are parity bills and not specific to N.I at all. One type of bill that is increasing in influence are Private Member's Bills, between 2007 and 2011 only 3 of these were passed however between 2011 and 2016 11 were passed. Notable successful examples of PMB's would be John McCallister's bill for the creation of a formal opposition in 2016, Lord Morrows bill to make human trafficking illegal and Daitti McKay's bill that brought about a 5p tax on all plastic bags. Private member bills require cross community and cross party support and so many bills have failed to pass such as one that proposed benefits for British army veterans in N.I. Committees have failed to pass many bills, they would say this is because they are often too busy scrutinising legislation and lack the time and resources to do so, regardless, it is a clear failure of the assembly as a legislature.

Overall the Assembly has been a legislative failure since 2007, it has failed to modernise N.I through new laws. The Assembly has a responsibility of representing the views and desires of the people as a legislature and despite some positive signs (81 committee meetings were held outside Stormont between 2011 and 2013), the majority of the people of N.I still feel discontent with the performance of the Assembly.

Examiner's comments

Marks available 25. Mark awarded 20. Level 4 response.

Unlike some responses to this question, this answer focuses consistently on legislation. There is no irrelevant digression into scrutiny or representative functions. The answer contains a significant degree of relevant evidence, there is sound analysis and a clear argument is put forward: all criteria of a Level 4 response.

What is a very good response could have been made even better by a broader range of evidence and by more detailed analysis of the issues affecting the Assembly's legislative function. For example, the frequently advanced argument that the Assembly's legislative output is a product of the Executive's dysfunctionality could have been debated.

One significant limitation of the answer is the lengthy section on the scrutiny of Executive Bills. This is merely descriptive of the *process* of scrutiny but there is little analysis of whether this is effective in practice and there is no evidence

GCE: AS Government and Politics

AS2: The British Political Process

Grade: A Exemplar

Answer **all three** questions in Section A **and** then choose either to answer the **two** questions in Section B **or** the **two** questions in Section C

Section A: The UK Parliament and Executive

Q1 Identify **two** types of committee in the House of Commons. [4]

Student's response

Two forms of committees within the House of Commons would be Departmental Select Committees which scrutinise the work of a particular minister and department. And non-departmental select Committees which look at issues affecting the whole government e.g. public accounts committee.

Examiner's comments

Marks available 4. Mark awarded 4.

This is another example of where the candidate has written more than the question requires. Simply naming the two types of committee was enough. Explaining their functions gains no further marks.

Q2 Explain **two** ways in which backbench MPs can influence legislation. [10]

Student's response

Backbench MPs can affect legislation in many ways. One such way is through voting. Backbench MPs can be vital in whether a government wins or loses a vote. For example, David Cameron suffered many Backbench rebellions, such as the same-sex marriage vote. This can affect a government that does not have a large majority in the House of Commons. Many MPs have become known as rebels, such as Jeremy Corbyn, who rebelled against his own party on 500 occasions. Other MPs have been described as "robots", such as the SNP, only voting on whatever the party leadership tells them to. Through the use of the whips, Backbench MPs can be used as cannon fodder; only used to push through party policy. Backbench Rebellions rarely defeat the government.

Another way is through Public Bill Committees. These ad hoc committees are formed of Backbench MPs, and are able to influence legislation through suggesting amendments. The majority of these amendments are agreed upon. However, Backbench MPs can also ensure no big amendments are added, as there is an in-

built government majority in Public Bill Committees. Ministers may appreciate these amendments, as one Justice minister commented on how 71 of the 108 amendments added to a government Bill actually had a positive effect. The Backbench MPs on these Public Bill Committees generally have valuable experience which will help them influence the Bill through amendments. However, certain MPs have commented on how they have not got onto Public Bill Committees despite relevant experience. Sarah Wolloston did not get onto the committee scrutinising the Health and Social Care Bill, despite experience as a GP.

Examiner's comments

Marks available 10. Mark awarded 8. Level 2 and Level 3.

In this, and subsequent series, Question 2 will ask candidates to explain two things. This particular response did this effectively by having a two paragraph structure and through the use of terms such as “another way.” A second positive feature is that the explanations relate to what has been identified. Some candidates identified one way but then went on to explain something else.

The second way identified, through *Public Bill Committees*, was awarded 5 marks because how such committees can influence legislation was clearly explained. There was also an attempt to give a supporting example. The evaluative material – “in-built government majority”- was not required by the question but did not affect the mark awarded.

The first way identified, *voting*, was awarded 3 marks. This was because it contained much related, but not directly relevant, material on ‘rebels’ and ‘robots’, for example. It would have benefitted the answer if there had been more time spent on when and how MPs can affect legislation through voting. The example given does not support the argument.

Either

Q3 (a) “The Prime Minister now dominates cabinet and is no longer simply ‘First Among Equals’.” Discuss the validity of this statement. [26]

Student’s response

The PM is in theory supposed to be the first among equals within the cabinet. However in reality this is far from the case as some PM’s e.g Thatcher and Blair has been seen as dominant and has led to suggestions that the government is now prime ministerial.

The Prime Ministerial Government model is when the PM dominates cabinet in terms of appointments and dismissals. For example, Thatcher dismissed several of the ‘wet’s and ‘dry’s within her cabinet and Blair appointed several outside political advisors such as Alastair Campbell for his cabinet. Also the pm office is much like a minor west wing during Blair as he doubled Downing Street staff to 200 and he created informal government in which small cabinet committees of 2-3 were created. This was known as the sofa government as major decisions were taken in these cabin committees which completely bypassed the whole cabinet. For example, Blair and Brown both made the decision to grant the Bank of England its own independence in 1997 without the approval of his cabinet. The growing influence of spin doctors and special advisors in favour of civil servants during Blair’s term of office is worthy to note. Senior spin doctors and special advisors included Alistair Campbell and Jonathan Powell which would portray the pm and his policies in a good way. Thatcher also appointed several spin doctors such as Bernard Ingham and she similarly to Blair made some major decisions without the approval of her cabinet e.g she left the Westland’s helicopter deal completely off the cabinet agenda.

However there are some limitations to the pm’s dominance within cabinet. There are some engineered methods incorporated in the appointments process for example a pm’s cabinet must be representative in terms of race, gender, age and ethnic minorities and there must be ideologically different wings of the party represented (in the conservative party there are clear divisions over the issue of Europe). Also there are 2 key conventions in the cabinet in which limits the pm’s power. The first one is collective responsibility in which all ministers must agree on all government policy and they must speak in favour of it even though if they disagree with it. This helps keep the government united by singing from the same hymn sheet. If a minister disagrees with a decision then they have to resign or be sacked. For example, Micheal Hesseltine, Geoffrey Lowe and Nigel Lawson all resigned from Thatcher’s cabinet and they would all be crucial in her downfall. Secondly the convention of ministerial responsibility holds ministers accountable if their departments have committed a blunder. Ministers are questioned by committees and are held to

account. For example, Jeremy Hunt (Health Secretary) was questioned by a committee over junior doctor contracts.

Also the cabinet can overrule the pm. For example, Thatcher was brought down by a group backbenchers who tabled a vote of no confidence, which was led by dismissed ministers such as Hesseltine, Lawson and Lowe and this proves that even the most powerful and dominant pm's can be brought down if they are not careful. Also in the past pm's have had major dissenters e.g Robin Cook and Clare Short resigned from Blair's cabinet over the Iraq war in which they disagreed on. They soon become vocal critics of Blair from the backbenches and this can limit the power a pm has.

In addition, a coalition government can also limit a pm's power. For example, in 2010 the conservatives and the Lib Dems formed a coalition after a hung parliament - when no party has a clear majority. The pm David Cameron had to select cabinet members proportionally and so the lib dems were given 5 posts. The Quad was set up which included David Cameron (PM), George Osborne (Chancellor of exchanges), Nick Clegg (DPM) and Danny Alexander (Treasury). The quad was the main policy making unit under the coalition and so all decisions made would have the approval of both parties. This limits the PM's power as they can't dominate the cabinet and they can't rubber stamp policies through without consultation.

In reality, the pm only seems to dominate cabinet if they have a strong electoral majority and strong economic growth e.g. Thatcher and Blair. The cabinet acts as a check on the pm due to the key conventions of collective responsibility. In conclusion, the UK has come closest to being a prime ministerial government in which the PM dominates cabinet. However, it is not a cabin government e.g. Major has tried to be more collegial but deep divisions over Europe emerged within his cabinet and so he was seen as ineffective. Overall, the UK government is in between the cabinet and pm model of government and so during some periods e.g. 1970's and 2001 the PM seems dominant in their role and in other periods there seems to be more collegiality e.g. Major in 1990's included 2 sets of rivals in his cabinet, Eurosceptics and Europhiles which led to instability and an internal party election in order to stamp down his authority. So the PM in effect is first among equals in times of instability and dominates cabinet in times of stability and economic growth.

Examiner's comments

Marks available 26. Mark awarded 22. Level 5.

This response achieved Mark Band 5 for several reasons. First, the answer stays focused on the relationship between the PM and Cabinet and demonstrates understanding of the debate about Cabinet Government versus Prime Ministerial Government. Second, the answer is balanced in that arguments and evidence for both sides are given. Third, there is consistent reference to relevant evidence and there is a breadth to the evidence. Fourth, the evidence is analysed; rather than just declaring Major to be a weak PM, there is analysis of why this may have been so. Finally, a clear argument is presented.

However, more could have been included on the powers that the PM has to control Cabinet, making for a more balanced response. Some of the material produced is of limited relevance: ministerial responsibility, for example. There are also some statements of questionable accuracy. However, on balance this was a top level answer.

Or

Q3 (b) "Parliament is no longer able to effectively hold the executive to account."
Discuss the validity of this statement. [26]

Student's response

Over recent times there has been much speculation that Parliament is no longer able to effectively hold the executive to account meaning that the executives control is increasing while parliament is decreasing.

The Executives dominance of legislation would be an argument used to show the executive gaining control. It is estimated that 90% of bills that go through the Commons are executive bills meaning that the vast majority of legislation is initiated by the cabinet. Much of this is to achieve the aims of their party manifesto's and thus advance the interest of the party in government.

Much of this legislation is passed because generally the Cabinet are from the party with a majority in the House of Commons meaning that they can use this to push through legislation despite unwillingness from the Rest of Parliament. Back bench MPs have often been referred to as 'Lobby Fodder' as they are often use to bulk to push their government proposes. This is ensured by the Whip system. The party whips can ensure that MPs vote by either giving them a stiff talking to or by either temporarily or permanently withdrawing the whip meaning you are suspended from your party. This happened to Labour MP Peter Temple-Morns who voted against the government on the proposal of use of the single European currency in Britain.

Another and final way that Parliament is no longer able to effectively hold the executive to account is the emergence of ministers having their own power base. A Minister is now surrounded by a support network of civil servants and special advisors that often persuade ministers on legislation and in some cases can pressure them into decisions. The minister has reliance on them rather than on parliament for help and support. However this could show that in fact the Cabinet have limited control and can be held to account by the civil service.

However a cabinet will ignore Parliament at their peril and there is several arguments to show that Parliament is effective in holding the government to account. One such argument would be the opposition. The opposition exist to pose a credible threat to the executive. The way they do this is through intensive scrutiny of the government. An example of this would be that David Cameron lead by strong opposition to the Brown government during the financial crisis and was later elected into government. This is often effective in holding the government to account as they will not want to give the opposition any opportunity to embarrass them during things like Prime Minister's Question time. However often a weak opposition will allow the

government to increase in dominance and accountability decreases e.g Jeremy Corbyn lead a weak divided opposition so much so that Theresa May has called an election only months after the last to gain a bigger majority.

Another way in which the executive is held to account is through the House of Lords. A primary role of the Lords is to scrutinise the legislation put forward by the Commons. They can do this effectively as they have much more time than the Commons and many are designated experts in certain fields and can offer much valuable expertise and experience that is missing in the Cabinet and Executive. The Lords put forward amendments that improve and enhance legislation e.g Great Repeal bill. However as we have seen recently with the Brexit bill under the parliament acts of 1911 and 1949, the government can reject amendments proposed by the Lords and they can also force legislation through e.g the Hunting Bill.

Committees are also an effective way that holds the government to account. Departmental Select Committees scrutinise and hold the minister of a department to account and often this is a great check on department ministers on cabinet. There is also Non-departmental select committees such as the Publics accounts committee. This committee critically evaluates the spending of the government and often reveal this appropriation or waste of funds e.g the NHS IT scandal that exposed much un-needed waste. Committees offer a valuable critique of the government. The most dramatic way in which parliament and can hold the executive to account is through a 'Motion of No Confidence'. This is a proposal put forward to remove a government from power. James Callaghan's government failed to defeat a motion of no confidence and the entire cabinet was forced to resign.

To conclude undoubtedly as government has evolved the Cabinets scope has increased but I think now that they are held to account more than ever through the reasons a fore mentioned therefore I believe Parliament is effective in holding the executive to account.

Examiner's comments

Marks available 26. Mark awarded 22. Level 5

From the outset, this answer focused on the issue of the relationship between the Executive and Parliament, beginning with the view that the government is increasingly dominant. The answer is balanced, with arguments and evidence for both sides. Most of what should be included in an essay on this topic was present in the answer and there was a fair degree of analysis and a clear argument advanced.

This answer could have been improved by the inclusion of more evidence to support the points made. More detailed analysis would also have enhanced the response. For example, more evidence on the operation of Select Committees and more analysis of their effectiveness in checking the Executive would have moved this answer further into Level 5.

Section B: The Judiciary in the UK

Q4 Explain what is meant by judicial independence. [5]

Student's response

Judicial independence is a key part of the British constitution in which the Judiciary must be separate to the other 2 key branches of government – legislative and executive. This was ensured by the setting up of a new British supreme court in 2005 under the Constitutional Reform Act. Judicial independence states that law and politics should be separate and so judges are not allowed to be part of a political party. Judges should only interpret the law according to the rule of law and they should not be politically bias towards the government.

Examiner's comments

Marks available 5. Mark awarded 4. Level 3

This response offered a good explanation of judicial independence. At times, it almost becomes a judicial impartiality answer but there is enough on independence. The answer could have included the significance or purpose of judicial independence within any political system. It could also have referred to some of the other ways in which judicial independence is assured. The length of the response was appropriate for a 5 mark question.

Q5 Explain the ways in which the Judiciary can hold the executive to account. [15]

Student's response

The Judiciary in the UK was heavily reformed over the past few years in that the Constitutional Reform Act created a new UK Supreme Court and abolished the role of the Lord Chancellor. Many changes were made under the CRA such as the removal of the Lord Chancellor which previously had the role of appointing senior judges on the advice of the pm. This was controversial as the Lord Chancellor sat in the 3 branches of government as he was in the cabinet, the House of Lords and he was in the Judiciary. The CRA has reduced this role as the Chief Lord of justice now presides over appointments and the Lord Chancellor has to swear on oath to protect the independence of the Judiciary.

Judges were also to be appointed independently by a Judicial Appointments Commission (JAC) in which judges are interviewed and appointed by a panel. This avoids any political bias. Also the Human Rights Act of 1998 has allowed judges greater freedom to interpret the law and as a result this has given rise to judicial reviews which can hold the executive to account. A Judicial review is a review which can hold a government or a public body into account if they have exceeded their powers. This means that they can overrule a law or offer compensation to the recipient affected. If a government or public body has acted beyond their powers then the principle of Ultra Vires is declared. An example of a recent judicial review is the Brexit case. This was brought up by a remainer activist called Gina Muller and she argued that the pm cannot trigger Article 50 without a vote in parliament as parliament is sovereign. A judicial review was brought forward to the Supreme Court which ruled in her favour. Despite this obstacle, the pm Theresa May managed to implement Brexit after a successful vote in parliament which backed it. This shows that the judges and the public have taken greater opportunity to use judicial reviews effectively in order to hold the executive to account.

Also the judiciary has the power to call a judicial inquiry in which past and present events are reviewed. However one criticism is that the relevant minister has to call for it not the judges. One famous example of a judicial inquiry is the Saville inquiry into the actions taken by the British army on Bloody Sunday. This inquiry is still ongoing and British PM David Cameron upon the findings of this inquiry had to apologise on behalf of the British government for what happened on that day. Another inquiry that was judge led was the Chilcot inquiry into the events leading up to the Iraq war. Tony Blair and his government admitted that Dr. Kelly had 'sexed' up the dossier which claimed that Iraq had destructive nuclear weapons. This is another example of the judiciary holding the executive to account.

In conclusion, the judiciary acts as the only check on the executive as it holds them to account through the use of judicial reviews and judicial inquiries.

Examiner's comments

Marks available 15. Mark awarded 13. Level 5.

In answering this question, a significant number of candidates repeated some or all of the material they had included in their response to Question 4. This answer did not. Instead, the main mechanisms by which the judiciary can hold the Executive to account were identified, explained and supported with evidence. The explanations could have been more fully developed and there were some inaccuracies (Chilcot was not a judicial inquiry) but there was substance to the answer. The "Brexit Ruling" was used effectively as evidence. There was also some sophisticated understanding of how Ministers are conscious of how the judiciary can act as a check upon them, implying that this may discourage questionable actions by Ministers.

Or

Section C: Pressure Groups in the UK

Q6 Explain **one** way in which a pressure group can try to change government policy. [5]

Student's response

A pressure group can try and influence government policy through demonstrations, marches, protests and other forms of Direct action. These stunts often attract much publicity that allows the message of the pressure group to be heard. This increases the chances of the government accepting suggested policy change. Greenpeace is an example of a group that has been active in displaying its message. An example of this is when members ruined a large area of genetically modified wheat field, in protest of genetically modified foods. Greenpeace have also held marches and even blocked roads to nuclear firms to convey their messages. Yet as many of these acts are illegal it is often hard for the government to introduce legislation for people who have disregarded the law in the first place. This dilutes and hinders their message. It seems direct action may not be the best way for pressure groups to persuade governments to accept their opinions.

Examiner's comments

Marks available 5. Mark awarded 5. Level 3.

In "direct action" the candidate clearly identified a method used by some groups in pursuit of their objectives. Many candidates then described in detail what the method involved, with no attempt to explain how the method was intended to change government policy. This answer clearly sought to explain the logic or rationale behind direct action: "attract publicity" and "allows the message of the group to be heard." This was then supported with a relevant example.

In the latter part of the response there is some confusion and some unnecessary evaluation but this does not take away from what was done in the first half.

Q7 Explain the argument that pressure groups are essential to the British political process. [15]

Student's response

Although pressure groups are not technically a part of the British political system many would argue that they are essential to the political process and a key aspect of democracy.

Pressure groups occur naturally under democratic systems of government as people feel the right to campaign to further their cause. Pressure groups are essential for influencing the government in between elections as many people feel they are not being represented during certain terms of government.

Pressure groups also allow for a wider range of issues to be represented than in a political party and more specific issues that represent often small sections of society can be shown. For example the Gurkhas campaign to allow Gurkhas that fought for Britain in the war to settle in the UK is a policy that may not have been central in many party manifestos.

Also pressure groups are essential to the British Political Process in order to educate the public and government. Many pressure groups provide the government with key statistics and advice for example under a conservative government these would be the British Medical Association and the CBI and under a Labour government this would tend to be groups such as the Trade Union Congress. Educating the public also raised awareness of important issues and encourages more participation of the public in democracy.

Participation is a key role of pressure groups as many encourage the public to act on issues and allow people to feel that they have an impact on the government. In 2003 the stop the war march encouraged the participation of over 1 million people who were opposed to the UK's decision to join the US-led war in Iraq. Also pressure groups are essential in representing the views of those unrepresented or mistreated by the British government. For example the Human Rights group Liberty used the miscarriage of justice bill in order to free the Birmingham six who had been wrongfully imprisoned for an IRA bomb in England.

The positive influence that pressure groups have had on policy show how essential they are to the British political process. For example the group 'Snowdrop' campaigned for tighter gun control laws after the Dunblane Massacre in Scotland. They were successful and their impact on British society can be shown by the extremely low rate of gun related deaths in the UK compared to America.

Pressure groups are essential in any democratic system of government as they allow for the intensity of a cause to be shown to the government. They also often moderate the views of more extreme members by allowing them to feel that have the ability to influence the government.

Overall, I feel that pressure groups are an essential part of the British political process as the many examples mentioned illustrate how significant their influence can be.

Examiner's comments

Marks available 15. Mark awarded 13. Level 5.

After a brief introduction, in which the candidate demonstrates they understand the point of the question, the answer gets straight into relevant content. The answer then stays focused on how pressure groups can make a positive contribution to a democratic system. A wide range of relevant points are made about participation, representation, expertise, promoting policy debate and changing policy. Most of these are supported with a relevant example, displaying detailed knowledge and understanding. The final point – that groups can moderate extremist opinion – is an interesting and sophisticated one that should have been further developed and supported with evidence.

Unlike some other answers, there is no reference to theory such as Pluralism. This demonstrates that theory is welcome but is not a requirement of accessing the full range of marks.

Finally, the answer does not waste time on unnecessary evaluative material. This question (and Question 5), in this and future series, will require only a 'one-sided' response as indicated by the command word "explain."