



GCSE

Law

General Certificate of Secondary Education **J485**

OCR Report to Centres June 2017

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This report on the examination provides information on the performance of candidates which it is hoped will be useful to teachers in their preparation of candidates for future examinations. It is intended to be constructive and informative and to promote better understanding of the specification content, of the operation of the scheme of assessment and of the application of assessment criteria.

Reports should be read in conjunction with the published question papers and mark schemes for the examination.

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B141 The Nature of Law - Criminal Courts and Criminal Processes

General Comments:

This was the eighth and penultimate series of the B141 GCSE Law paper. This paper contributes 25% of the marks towards the full four unit GCSE Law course. The paper remained, as usual, true to the format used in the specimen and past papers while continuing to explore other areas within major topics. The 2017 paper continued to allow differentiation to stretch more able candidates while still allowing lower ability candidates to gain marks. The paper continued the strong blend of straight-forward questions, generally AO1: identify, requiring simple answers alongside those requiring high standards of specific subject knowledge and the ability to evaluate and discuss (generally AO2 and AO3). Matters arising remain consistent and, as such centres are asked, again, to relay the information below to their students.

Those candidates scoring high marks typically were able to answer each question in a fluid style and stick to the question's command: explain, discuss etc. Again, as is customary to state in this report, candidates are reminded and it is stressed that: firstly, they must answer the question set, and secondly, to note the mark value of each comprehension-type question. For example, a response that is marked out of 3 requires three separate points of issue. Candidates would again benefit from the 'P.E.E' method of answering questions in, for example in this series, questions 1(b), 2(c)(ii) and 2(d) etc.

This series the main questions which separated the ability of candidates were mainly: Questions 1(b), 2(c)(ii), 2(d), 3(b)(ii), 3(d), 4(b), 4(c) and 4(d).

Comments on Specific, Individual Questions:

Question 1

This was a traditional two-part question that centred this series on the 'introduction to law' part of the Unit. Here the question required identifying three different reasons why we need laws in a democratic society. Most candidates were able to score 2 or full marks, and it was rare to see candidate's scoring 0 marks or providing no response (NR). Credit was not given for a response of 'maintain law and order' since this was the example in the stem of the question. Some candidates used this response along with one or two other variations of the same phrase and we no credited as a result.

Question 1(b) was generally well answered by candidates with nearly all of them achieving 2 or full marks. Those that achieved 2 marks, however, ignored any developmental point or possible example. A small number of candidates clearly misread the question and wrote about other differences e.g. burden of proof.

Question 2

This question for 2017, again, concentrated on sources of law, in particular, legislation from the perspective of statutory legislation and delegated legislation as well as a 3-mark question on Private Bills.

Most candidates were able to achieve two or more marks for Question 2(a). A small minority of candidates were unable to achieve full marks as they either misread or misunderstood the question and discussed stages in Parliament as opposed to pre-Parliament.

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Question 2(b) was, given its precedent theme, generally well answered. Most candidates achieved either 2 or 3 or marks. Where full marks were not achieved, the majority of such candidates would state, incorrectly, their final answer as 'similar'.

Question 2(c)(i) required candidates to give three problems in using Acts of Parliament to pass laws. While the reasons were numerous, a minority of candidates were unable to respond accurately at all. With a question like this it is recommended to candidates that rather than leave a 'no response' that some logical and lateral thinking could lead them to a potentially correct answer. Clearly some understanding of the legislative process would be of great advantage, but even some inspiration from 2(a) could have been used e.g. many stages / lengthy process. In Question 2(c)(ii) those candidates who scored highly were able to explain the two types of delegated legislation following the 'P.E.E' method identified above.

Question 2(d) produced some very mixed responses. Some candidates mixed up public with private, but many more mixed up private with private member's bills. Many candidates were able to discuss their thoughts on why this bill is an effective way to pass laws, with many clearly using lateral thinking producing some excellent answers and 3/3 was not an uncommon score.

Question 3

For question 3(a) candidates commonly would score full marks. On rare occasions candidates would fail to achieve any marks where, perhaps, they over-thought the question or duplicated a piece of information.

Question 3(b)(i) provided a broad range of marks and again 'P.E.E' could be used to structure a singular response, or candidates were able to use a combination of separate points. Given the vast material available on this area many candidates were able to score full marks on this question. Most candidates were able to develop a good discussion. Many candidates gave much more information than was required, spilling over the line allocation in the answer booklet. It must be noted that the number of lines for the question in the answer booklet dictates how long a response should be. Nevertheless, such amounts of information demonstrated how comfortable candidates were with the subject matter. However, a small minority of candidates answered this question purely from either the public or the police's point of view rather than as a balance as the question demanded. The responses to 3(b)(ii) were very pleasing. But, again, like in 1(b) some candidates ignored the question and wrote about other safeguards and not about access to legal advice resulting in no marks.

In Question 3(d) the majority of candidates were able to explain fully and confidently the two types of offence. Some candidates rather than stick to the thrust of the answer decided to look at the question from an appeals angle which, depending on how they explained this, dictated either 3/3 or 0/3. Again, the mark allocation for this question dictated the structure and order of the answer.

Question 4

The responses to Question 4(a)(i) regularly scored 2 or full marks. This therefore suggested that the majority of candidates knew the subject matter well. Question 4(a)(ii) provided surprisingly mixed results given the familiarity of such terms and tested, in different forms, regularly in previous series. Many candidates were able to correctly define two or three of the factors; however, a small number simply rephrased the factor. For example: 'mitigating factors are those factors that mitigate a sentence' or something similar and would receive 0 marks for such a response.

Question 4(b) provided some difficulty for many candidates. It was clear that such candidates were either unaware of this topic or misread the question. While this may be a problematic area, there is plenty of information on the subject both online and from magistrates' themselves.

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Those candidates who have the opportunity of speaking to a magistrate as part of their course would avail themselves of this.

Question 4(c) gave candidates an opportunity to describe the 'qualifications' Helen must have to sit on a jury. While this posed no problems for the majority of candidates, a significant number were clearly fazed by the terminology and went off on a disqualification route. Indeed, some candidates came up with some unusual and therefore implausible responses, for example, 'A Levels'. Again the 'P.E.E' system was utilised by many candidates who scored full marks.

Question 4(d) was generally well answered. Most candidates were not thrown by the switch of advantage/disadvantage of the question. If candidates did answer incorrectly it was by misreading the question. It is crucial that candidates read every question at least twice to confirm the question's demands. Exam question *albedo* can be common in such a question where the candidate doesn't see the question written in front of them, but rather sees the question they want in front of them.

B142 Civil Courts and civil processes - Civil liberties and human rights

General Comments:

B142 GCSE Law paper contributes 25% of the marks towards the full four unit GCSE course.

This paper contained a number of straightforward questions requiring candidates to demonstrate their knowledge. Those candidates who had a sound understanding of Alternative Dispute Resolution and of civil litigation did well on these questions.

The paper also included questions that required the candidates to explain their knowledge about the training required of barristers. Here, good responses were able to succinctly deal with the various stages involved in this process whereas less confident responses confused this training with that required of solicitors and legal executives.

The question on the role of the district judge in the civil courts caused surprising confusion with a number of responses focusing on the role of magistrates in the criminal courts. Candidates should be encouraged to highlight key words in questions to ensure they direct their material appropriately.

The extended answer question at 6(b) was generally well done with many candidate responses that scored well. It was pleasing to note that most candidates were able to adopt a structured approach to their answer in terms of making a point; explaining it and then developing it. As regards the content of this answer, many candidates showed good understanding of the relevant law and resisted anecdotal digressions that can sometimes be a feature of a level 2 extended writing question. Many candidates showed a good evaluation of the arguments relating to the right to a private life and covered both sides of the argument. The best answers successfully identified Articles 8 and there were some outstanding responses that accurately related these to recent case examples.

Comments on Individual Questions:

Question 1

- (a) Many candidates scored well on this question although some candidates did confuse sources of legal advice with sources of funding and so did not attain full marks on this question.
- (b) The identification of the correct source of law with the most appropriate source of a fundamental freedom was generally done well although there was occasionally confusion between statute and common law.

Question 2

- (a) The better prepared candidates had no problems with this question, generally scoring 5-6 marks by explaining two ways that the fast track saves time and money. It is clear that students understand how to structure their answer in terms of identifying a point, explaining it with an example and analysing the effect and relating it back to the question. Unfortunately, some candidates did confuse the small claims track with fast track and this meant that their marks were limited on this question.
- (b) Candidates tend to do well on these questions where they have to insert the relevant words into the text. The majority of candidates were able to obtain full marks on this

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question although some candidates confused the high court and the supreme court in the context of appeal courts.

- (c) Unfortunately, some candidates misread this question and set out problems with ADR rather than with litigation as a means of dispute resolution. Other candidates lost marks by explaining the advantages of litigation rather than the disadvantages. Those candidates who read the question properly tended to score well as this was a straightforward question which required a problem to be identified and then explained. It was not a “compare and contrast” question and some candidates who adapted this approach tended to waste time setting out irrelevant information.

Question 3

- (a) If the candidates did not understand the process of arbitration, they struggled to identify an appropriate feature and consequently, they could not achieve the second mark for explaining it. Given that the misunderstanding of arbitration compared to tribunals has been highlighted in previous reports to centres, it was disappointing that this confusion remains in a significant proportion of the cohort. Candidates need to understand that these are two distinct types of ADR and they are applicable to different types of problems and must be clearly differentiated. There was also some discussion about “a neutral third party” in a context which indicated some confusion between arbitration and mediation/conciliation.
- (b) There remains some confusion between mediation and conciliation but most candidates were able to construct two well-structured paragraphs about the advantages of the former
- (c) The majority of responses accessed most of the marks available on this question which showed a good understanding of the different types of ADR.

Question 4

- (a) (i) This question was broadly marked to allow candidates credit both for identifying the name of the requisite stages or a description of an activity within that stage.
- (a) (ii) This question looked deceptively easy, but it required a sound knowledge of the training demands for the bar, excluding the length of time it took (referred to in the stem of the question). Most candidates secured at least 1 mark but some candidate answers became confused as they focused on problems with the composition of the bar per se rather than relating their material to the specific question asked.

Question 5

- (a) Common incorrect responses failed to identify the focus of the question. A surprising number of candidates set out the qualifications required for judicial appointment rather than the stages of the process of appointment.
- (b) This question was generally well done but some less well prepared candidates wrote at length on the role of magistrates in the criminal courts and so gained no marks.

Question 6

- (a) This question was broadly marked and credit given to a range of reasons for restricting freedom of association and assembly. This question was an effective discriminator with the best prepared candidates giving excellent answers using topical examples.
- (b) As usual, the extended writing question acted as an effective discriminator but it was note-worthy that many more candidates were scoring higher marks here because they were structuring their responses using the technique of point, evidence and extension which enabled them to access the higher marks. Very strong across the board on Article 8. There were some excellent answers to this question with candidates demonstrating how they could construct a balanced argument that enabled them to access the higher marks. Pros and cons were identified; explained and then were often extended which meant that clearly structured answers were given.

B143 Employment rights and responsibilities

General Comments:

This was the eighth, and penultimate, sitting of the B143 Unit. The 2017 examination continued to show mixed evidence of candidates being prepared for the various demands of this paper. It is stressed to centres that there are four main topic areas in this Unit: Employment Status, Discrimination, Health and Safety and Termination of Employment which generally form the four separate sector questions. Candidates can only meet the challenge of this paper in their demonstration of both knowledge and the use of appropriate skills while answering the questions whether they are Assessment Objective 1, 2 or 3 questions. Understanding the requirements of these AOs is crucial in order to understand how to secure marks.

The main differentiator of ability was again seen in the short and longer comprehension type questions worth 3 and 6 marks respectively. Indeed, for some of the topics tested on the 2017 paper, the AO2 and AO3 type responses continue to require some reflection and practice by candidates. Candidates must take note of the mark value of such questions. For example, a response that is marked out of 3 requires three separate points of issue. Candidates would again benefit from the 'P.E.E' method of answering questions in, for example this series, questions 1(c), 2(b), 3(d), 4(c) and 4(d).

Candidates are again reminded that the whole specification can be covered in the examination and so selective preparation is not advised. In addition, topic areas can move around the paper and candidates need to read the questions carefully before they start to write to ensure relevant material is used to answer the questions.

All areas of this year's examination were felt accessible, although questions such as 2(b) and 4(d) required candidates to be clear in their application of relevant law, rather than simply being able to rely on selecting the correct answer. Topic areas where explanation or discussion is possible would be a fertile area for practice as part of a candidate's revision programme. Indeed, previous exam questions provide a multitude of examples and assistance here.

Comments on Specific Individual Questions:

Question 1

In (a), the majority of candidates were able to identify at least two, or usually three correct characteristics. Examples were allowed where they were clear and specific alternatives to those on the mark scheme. There were few errors from candidates in answering this question. However, in some cases, repetition of a singular answer was not uncommon, for example: being required to pay tax.

In (b) the vast majority of candidates achieved full marks – those who did not appeared to have either read the statements incorrectly or been unsure as to exactly what the 'written particulars' related to. Quite a few chose statement (iii) which was clearly wrong. Again, this is an important area of knowledge which can be practised using both quiz and application type questions to consolidate knowledge in class.

Question 1(c) proved tricky for a number of candidates. While able to demonstrate a simple explanation, many candidates couldn't go any further and therefore a score of 1/3 (3/9) was not uncommon. For those who did, identifying a relevant third mark in each part was sometimes avoided by candidates. Again, using 'P.E.E' enabled many candidates to use an example to secure this third mark.

Question 2

In (a) many candidates scored highly, with most scoring full marks. A small minority of candidates misread the question and instead answered incorrectly along a very specific line e.g. race, disability or gender discrimination. The nature of the stem of the question – ‘ways’ dictated the correct responses: indirect, harassment and victimisation.

In (b) candidates had to discuss whether the three individuals had been discriminated against. As this was a straight-forward identify/explain question those who were able to identify the correct type and able to explain such from the scenario were able to score full marks. While most candidates knew the correct type of discrimination for each scenario, some struggled to articulate an explanation which seemed odd, given the factual information was contained in the scenario. What was perhaps quite interesting, or even alarming, was the number of candidates who felt that there were no grounds for discrimination in 2(b)(iii). Given the longevity of disability discrimination awareness, and indeed mental health awareness, one would hope that courts/tribunals would see 2(b)(iii) as clear grounds for disability discrimination.

Question 3

Question 3(a) was correctly answered by the majority of candidates. Where candidates did go wrong, was in mixing up the first two missing words. Most were able to identify ‘employees’ as the correct third missing word.

Responses to 3(b) showed a clear understanding of the topic area and most were able to score 5/6 or 6/6.

Question 3(c), despite its visual evidence did provide some unusual responses. The main health and safety breaches were identified by the vast majority of candidates, many from signage, and it was pleasing to see candidates using that were available to score full marks. However, some candidates seemed to want to ignore such evidence and identify more theoretical or intangible ‘possibilities’ such as no air-conditioning, lack of ventilation or no access to natural light. All of these may be true, but there is no clear evidence of such in comparison of evidence that there were clear breaches.

Question 4

In 4(a)(i) most candidates were able to correctly identify three examples of an employer’s unreasonable behaviour amounting to constructive dismissal and this question seemed to pose very few problems. In (a)(ii), candidates were generally able to identify and explain the reasons for summary dismissal. However, many candidates simply identified the reason, but didn’t explain. For example: if a candidate wrote: ‘I’ll smash your face in’, this would not receive any marks as the reason is not explained.

In 4(b) many candidates scored full marks and the question appeared to be accessible to most. Although candidates who repeated the stem example in the question would not, clearly, be credited.

In (c) a wide range of responses were seen. The best answers followed the rubric of the question and considered two separate reasons, generally using the ‘P.E.E’ method. Here such candidates would begin with the identification of a specific reason to terminate an employee’s contract on the grounds of redundancy. The candidate then needed to consider this reason from the employer’s perspective. Some candidates listed reasons without development and so were not able to access the higher mark bands, whilst others gave multiple/duplicate examples of the same reason and again these candidates could not access the higher mark bands. The quality of written communication was assessed in this question.

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In (d) many candidates were able to score the 3 marks available. Here, the candidate would have to read the question very carefully to establish the 1-2-3 nature of its demands. This question centred on collective redundancy. Again, like many topics, the candidates either knew this topic and scored an easy 3/3 or were not aware of the topic specifically and struggled to score.

B144 Consumer rights and responsibilities

General Comments:

The entry for this series demonstrated the full range of ability. There was evidence of an appropriate level of preparation by a range of candidates. To reach the highest marks it is necessary to fulfil all the demands of the question. In the questions necessitating extended writing, such as 1(b), 2(b), 2(c), 3(c) and 4(d) there was evidence of some well-structured, articulate and fluent answers using material in a thoughtful and relevant way. It is essential that candidates are able to follow the rubric accurately and there were frequent examples of careful selection by candidates which allowed them to demonstrate their skills of analysis and application well, as in 2(b), 2(c) 3(c) and 4(d). Thorough knowledge of the areas covered by the specification is required to perform well, although there is no requirement for citation of cases or reference to detailed statutory or regulatory provisions. All questions were accessible but there were also some instances where a number of candidates made a limited response; 1(b), 3(c) and 3(d) being examples of this. It is essential on this paper that candidates read the question carefully; draw attention to the key words in the question to ensure they follow the rubric accurately. This together with an appropriate selective use of material allows for better candidate responses. Previous exam papers remain useful tools for practice and preparation purposes.

Where appropriate, candidates were given full credit for correctly answered questions based on the Consumer Rights Act 2015.

Comments on Individual Questions:

Question 1 – In 1(a) candidates were required to identify whether statements relating to negligence were true or false. Many candidates obtained full marks though some candidates incorrectly assumed that the third statement was true when in fact it was false. There were variable responses to 1(b) with some candidates obtaining full marks whilst many obtained 2/3 marks.

Question 2 - This question contained a range of tasks focused on different skills. In 2(a) the rubric required candidates to respond by identifying the correct type of statutory implied term from the Supply of Goods and Services Act 1982 – the majority were successful in identifying the correct answers. In 2(b) there were some excellent answers with the correct implied term being identified as being breached or not as appropriate. Many candidates effectively used the scenarios to underpin their reasoning and to arrive at a correct conclusion. Candidates were not credited for the inclusion of remedies in their answers as this did not form part of the question. Some candidates did misunderstand the third scenario where in fact the implied term had not been breached which therefore necessitated a different identification and reasoning. In 2(c) many candidates were successful in demonstrating their full understanding of the nature of the implied terms. Although not a requirement of the question, many candidates effectively used examples to illustrate their answers to underpin their reasoning and were given appropriate credit for doing so.

Question 3 - 3(a) saw a range of answers with many candidates obtaining full marks. Those who did not usually inserted 'judges' rather than 'Parliament'. 3(b) saw a range of answers with many candidates obtaining full or nearly full marks. Question 3(c) required candidates to explain if a condition had been incorporated. Many candidates were able to successfully identify relevant factors e.g. tiny writing/not brought to the attention etc. whilst some candidates were able to conclude that the condition was not incorporated. In 3(d) many candidates successfully identified three types of exclusion clause as required. 3(e) many candidates were able to obtain full or nearly full marks by correctly identifying the most appropriate area of law.

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Question 4 - This question focused on contractual terms and the Consumer Protection Act 1987. In 4(a) candidates were required to select three words that were relevant to contractual terms and many candidates obtaining full marks. Those who did not usually incorrectly confused warranty with condition. 4(b) required candidates to discuss if there could be a successful claim using the Consumer Protection Act 1987. Many candidates were able to identify if there was a successful claim or not as appropriate and apply appropriate reasoning. In 4(c) candidates wrote effectively and extensively on the limitations and benefits of the Consumer Protection Act 1987. Most candidates understood and followed the rubric instruction of one limitation and two benefits. There were many examples of candidates obtaining Level 2 marks with some candidates moving into Level 3 and obtaining full or nearly full marks. There were some examples where candidates misread the rubric and wrote about statutory protection under the Sale of Goods Act 1979 thereby not obtaining any credit. However, some candidates were also able to use examples to effectively illustrate the points they were making. This question resulted in a range of good answers where candidates demonstrated detailed analysis and evaluation of the question and the skills necessary to access the higher mark bands.

OCR (Oxford Cambridge and RSA Examinations)
1 Hills Road
Cambridge
CB1 2EU

OCR Customer Contact Centre

Education and Learning

Telephone: 01223 553998

Facsimile: 01223 552627

Email: general.qualifications@ocr.org.uk

www.ocr.org.uk

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Head office
Telephone: 01223 552552
Facsimile: 01223 552553

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