OCR
Oxford Cambridge and RSA

GCE

Law

Unit **G158:** Law of Torts Special Study

Advanced GCE

Mark Scheme for June 2014

OCR (Oxford Cambridge and RSA) is a leading UK awarding body, providing a wide range of qualifications to meet the needs of candidates of all ages and abilities. OCR qualifications include AS/A Levels, Diplomas, GCSEs, Cambridge Nationals, Cambridge Technicals, Functional Skills, Key Skills, Entry Level qualifications, NVQs and vocational qualifications in areas such as IT, business, languages, teaching/training, administration and secretarial skills.

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This mark scheme is published as an aid to teachers and students, to indicate the requirements of the examination. It shows the basis on which marks were awarded by examiners. It does not indicate the details of the discussions which took place at an examiners' meeting before marking commenced.

All examiners are instructed that alternative correct answers and unexpected approaches in candidates' scripts must be given marks that fairly reflect the relevant knowledge and skills demonstrated.

Mark schemes should be read in conjunction with the published question papers and the report on the examination.

OCR will not enter into any discussion or correspondence in connection with this mark scheme.

These are the annotations, (including abbreviations), including those used in scoris, which are used when marking

Annotation	Meaning
BP	Blank Page – this annotation **must** be used on all blank pages within an answer booklet (structured or unstructured) and on each page of an additional object where there is no candidate response.
5	**Q2** Synopticism
A2	**Q2** AO2
C	**Q1** Critical point **Q2** Bald case **Q3** Critical Point
CON	**Q3** Conclusion
	**ALL** Not correct
LNK	**Q1** Linked case **Q2** Link to source
	**ALL** Not Relevant or Too vague Also no response or response achieves no credit
REP	**ALL** Repetition/or 'noted' where a case has already been used in the response
SC	**Q2** Developed cases
	**Q1** Analytical points **Q2** AO1 **Q3** Applied points

Subject-specific marking instructions

Before you commence **marking each question** you must ensure that you are familiar with the following:

- the requirements of the specification
- these instructions
- the exam questions (found in the exam paper which will have been emailed to you along with this document)
- levels of assessment criteria *1 (found in the 'Levels of Assessment' grid at the back of this document)
- question specific indicative content given in the 'Answer' column*2
- question specific guidance given in 'Guidance' column*3
- the 'practice' scripts*4 provided in Scoris and accompanying commentaries

*1 The levels of assessment criteria (found in the 'Levels of Assessment' grid) reflect the expectation of achievement for each Assessment Objective at every level.

*2 The indicative content in the 'Answer' column provides details of points that candidates **may** be likely to make. It is **not** exhaustive or prescriptive and points not included in the indicative content, but which are valid within the context of the question, are to be credited. Similarly, it is possible for candidates to achieve top level marks without citing all the points suggested in the scheme.

*3 Included in the 'Guidance' column are the number of marks available for each assessment objective contained within the question. It also includes 'characteristics' which a response in a particular level is **likely** to demonstrate. For example, "a level 4 response is likely to include accurate reference to all 5 stages of x with supporting detail and an accurate link to the source". In some instances an answer may not display all of the 'characteristics' detailed for a level but may still achieve the level nonetheless.

*4 The 'practice' scripts are live scripts which have been chosen by the Principal Examiner (and senior examining team). These scripts will represent most types of responses which you will encounter. The marks awarded to them and accompanying commentary (which you can see by changing the view to 'definitive marks') will demonstrate how the levels of assessment criteria and marking guidance should be applied.

As already stated, neither the indicative content, 'characteristics' or practice scripts are prescriptive and/or exhaustive. It is imperative that you remember at all times that a response which:

- differs from examples within the practice scripts; or,
- includes valid points not listed within the indicative content; or,
- does not demonstrate the 'characteristics' for a level

may still achieve the same level and mark as a response which does all or some of this. Where you consider this to be the case you should discuss the candidate's response with your supervisor to ensure consistent application of the mark scheme.

Awarding Assessment Objectives 1 and 2

To award the level for the AO1 or AO2 (some questions may contain both AO1 and AO2 marks) use the levels of assessment criteria **and** the guidance contained within the mark scheme to establish which level the response achieves. As per point 10 of the above marking instructions, when determining which **level** to award start at the **highest*** level and work down until you reach the level that matches the answer.

Once you have established the correct level to award to the response you need to determine the mark within the level. The marks available for each level differ between questions. Details of how many marks are available per level are provided in the Guidance column. Where there is more than one mark available within a level you will need to assess where the response 'sits' within that level. Guidance on how to award marks within a level is provided in point 10 of the above marking instructions, with the key point being that you start at the **middle*** of each level and work outwards until you reach the **mark** that the response achieves.

Answers, which contain no relevant material at all, should receive no marks.

Aw *** Remember: when awarding the level you work from top downwards, when awarding the mark you work from the middle outwards.**

Awarding Assessment Objective 3

AO3 marks are awarded based on the marks achieved for either AO1, AO2 or in some cases, the total of AO1 and AO2. You must refer to each question's mark scheme for details of how to calculate the AO3 mark.

Blank pages and missed answers

Sometimes candidates will skip a few pages in their answer booklet and then continue their answer. To be sure you have not missed any candidate response when you come to mark the last question in the script you must check every page of the script and annotate any blank pages with the following annotation:

This will demonstrate that every page of a script has been checked.

You must also check any additional pages eg A, A1 etc, which the candidate has chosen to use. Before you begin marking, use the Linking Tool, to 'link' any additional page(s) to the relevant question(s) and mark the response as normal.

<table>
<tr><th colspan="3">Question</th><th>Indicative Content</th><th>Mark</th><th>Guidance</th></tr>
<tr><td>1*</td><td></td><td></td><td>Potential answers may:

Assessment Objective 2 - Analysis, evaluation and application

The claimants were police officers who claimed damages for psychiatric illness arising out of their participation in the Hillsborough disaster. (In CA as in Frost v Chief Constable of South Yorkshire Constabulary the officers won their claim on the basis of being primary victims as professional rescuers from the emergency services.) However, HL came to a different conclusion in White
CP The HL reversed CA decision in Frost on the grounds that the officers were not genuine primary victims, they were in no personal danger, and as secondary victims did not conform to the test in Alcock
• LC Link to any relevant case eg Frost, Alcock, Page, Chadwick or Greatorex
• Discuss the case analytically (AP), for example making points such as:
AP1 Consider the basic justification for allowing the officers to claim in Frost – that rescuers were traditionally accepted as primary victims and here there was also justification in employers’ liability (Chadwick)
AP2 Discuss the impact on rescuers - that the HL also determined that rescuers can recover only if their injury is foreseeable or they meet the other conditions limiting recovery by secondary victims
AP3 Consider also that HL saw the moral injustice in giving damages to police officers when they had imposed restrictions in Alcock that made all the relatives unsuccessful
AP4 Discuss the split decision in the House of Lords and</td><td>12</td><td><table><tr><th>AO2 Levels</th><th>AO2 Marks</th></tr><tr><td>5</td><td>11–12</td></tr><tr><td>4</td><td>9–10</td></tr><tr><td>3</td><td>7–8</td></tr><tr><td>2</td><td>4–6</td></tr><tr><td>1</td><td>1–3</td></tr></table>
CP – Max 3 marks
Linked to the material point/ratio – 1 mark is available for the facts of the case but these are not essential to get full marks. An accurate source <u>and</u> line reference is adequate for the facts of the case to receive the one mark. Where given, the ratio of the case needs to be given an AO2 slant to get a mark

AP – Max 6 marks for any Applied Point(s)
These may be six single points, three points which are developed, two points which are well-developed or a combination of these up to a maximum of 6 marks

LC – Max 3 marks for a relevant, linked case
The case must be linked for a particular point. Marks can be achieved as follows, for example: 1 mark for the name of a case and/or 1 mark for some development and/or 1 mark for a link to the question</td></tr>
</table>

<table>
<tr><th colspan="3">Question</th><th>Indicative Content</th><th>Mark</th><th>Guidance</th></tr>
<tr><td></td><td></td><td></td><td>analyse any of Lord Goff's reasoning in his dissenting judgment
AP5 Consider the criticism levelled at the decision in Page v Smith but the reluctance to overrule
AP6 Discuss the critical comments made at the end of Lord Steyn's judgment and link these to calls for reform
AP7 Describe any of the Law Commission's criticism's or recommendations for reform in their Report of 1998
AP8 Consider any other relevant analytical comment(s).</td><td></td><td></td></tr>
<tr><td></td><td></td><td></td><td>Assessment Objective 3 - Communication and presentation

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.</td><td>4</td><td><table><tr><th>AO2 Marks</th><th>AO3 Mark</th></tr><tr><td>10–12</td><td>4</td></tr><tr><td>7–9</td><td>3</td></tr><tr><td>4–6</td><td>2</td></tr><tr><td>1–3</td><td>1</td></tr></table></td></tr>
</table>

<table>
<tr><th colspan="3">Question</th><th>Indicative Content</th><th>Mark</th><th>Guidance</th></tr>
<tr><td>2*</td><td></td><td></td><td>Potential answers may:

Assessment Objective 1 - Knowledge and understanding

Define nervous shock and when C can sue
Nervous shock as part of overall injuries including physical injury is no problem, it can be recovered through negligence in the normal way. Where nervous shock arises as the only injury then there must be a recognised psychiatric injury but not grief and sorrow: Reilly v Merseyside (1994), Vernon v Bosley (1997)
Explain the historical/developmental problems
Victoria Railways Commissioners v Coultas (1888)
Historical development
Dulieu v White (1901), Bourhill v Young (1943), Dooley v Camel Laird & Co (1951), King v Phillips (1953), Chadwick v BTC (1967)
Define primary victims (present at the scene and at risk)
Dulieu v White (1901), Page v Smith (1995), White v Chief Constable of South Yorkshire Police (1998)
Define secondary victims (witnessing a primary victim at risk)
McLoughlin v O’Brian (1983), Alcock v Chief Constable of South Yorkshire Police (1992), White v Chief Constable of South Yorkshire Police (1998)

Explain the limitations (as per Alcock)
The harm must be foreseeable: Page v Smith (1995),
Must witness harm or come upon immediate aftermath: saw it - Hinz v Berry (1970), perception of it - Hambrook v Stokes (1925), aftermath of it - McLoughlin v O’Brian (1983)
Must be a tie of love and affection: McLoughlin v</td><td></td><td>
<table>
<tr><th>AO1 Levels</th><th>AO1 Marks</th></tr>
<tr><td>5</td><td>14–16</td></tr>
<tr><td>4</td><td>11–13</td></tr>
<tr><td>3</td><td>8–10</td></tr>
<tr><td>2</td><td>5–7</td></tr>
<tr><td>1</td><td>1–4</td></tr>
</table>

Level 5
Responses are unlikely to achieve level 5 without wide ranging, accurate detailed knowledge with a clear and confident understanding of relevant concepts and principles of the law in this area. This would include wide ranging, developed explanations and wide ranging, developed definitions of this area of law to include statutory/common law provisions, where relevant. Responses are unlikely to achieve level 5 without including 8 relevant cases of which 6 are developed*. Responses are likely to use material both from within the pre-release materials (LNK) and from beyond the pre-release materials which have a specific link to the area of law.

Level 4
Responses are unlikely to achieve level 4 without good, well-developed knowledge with a clear understanding of the relevant concepts and principles of the law in this area. This would include good explanations and good definitions of this area of law to include statutory/common law provisions, where relevant. Responses are unlikely to achieve level 4 without including 6 relevant cases, 4 of which will be developed*.

Level 3
Responses are unlikely to achieve level 3 without adequate knowledge showing reasonable understanding of the relevant concepts and principles of the law in this area. This would</td></tr>
</table>

Question			Indicative Content	Mark	Guidance
			O'Brian (1983), Alcock v Chief Constable of South Yorkshire Police (1992), Greatorex v Greatorex (2000) **Must be proximate:** *McLoughlin v O'Brian (1983), Alcock v Chief Constable of South Yorkshire Police (1992), McFarlane v EE Caledonia Ltd (1993)* **Must witness with own unaided senses:** *Alcock v Chief Constable of South Yorkshire Police (1992)* **Must fall within a class that can claim** **Relatives & friends:** *McLoughlin v O'Brian (1983), Alcock v Chief Constable of South Yorkshire Police (1992)* **Rescuers:** Before 1999 - *Chadwick v BTC (1967), Alcock v Chief Constable of South Yorkshire Police (1992), McFarlane v EE Caledonia Ltd (1993)*, after 1999 - *White v Chief Constable of South Yorkshire Police (1998)* **Employees:** *Alcock v Chief Constable of South Yorkshire Police (1992), White v Chief Constable of South Yorkshire Police (1998)* **Unwitting agents:** *Dooley v Camel Laird (1951), White v Chief Constable of South Yorkshire Police (1998)* **Bystanders:** *Bourhill v Young (1943), Alcock v Chief Constable of South Yorkshire Police (1992)* **Explain the nature and source of the shock or other harm** **Caused by a sudden shock (at least partly):** *Vernon v Bosley (No.1) (1997), Sion v Hampstead Health Authority (1994)* **Caused by damage to property:** *Attia v British Gas (1987)* **Caused by grief, stress or other emotional causes:** *Walker v Northumberland CC (1995), W v Essex County Council (2000)* **Withstood by person of normal fortitude (including eggshell skull principle):** *Bourhill v Young (1943), Page*		include adequate explanations and adequate definitions of this area of law to include statutory/common law provisions, where relevant. Responses are unlikely to achieve level 3 without including 4 relevant cases, 2 of which will be developed*. **Level 2** Responses are unlikely to achieve level 2 without limited knowledge showing general understanding of the relevant concepts and principles of the law in this area. This would include limited explanations and limited definitions of this area of law. Responses are unlikely to achieve level 2 without 2 relevant cases, neither of which are required to be developed. **Level 1** Responses are unlikely to achieve level 1 without very limited knowledge of the basic concepts and principles of the law in this area. This would include very limited explanations and very limited definitions of this area of law. Responses are not required to discuss any cases. *Developed = case name + facts (minimal) or ratio (minimal)

<table>
<tr><th colspan="3">Question</th><th>Indicative Content</th><th>Mark</th><th>Guidance</th></tr>
<tr><td></td><td></td><td></td><td>v Smith (1995), Rothwell v Chemical and Insulating Co Ltd (2007)

Reform
Law Commission report 1998: The Law Commission has been looking at this area of the law for some time, and in 1995 began consulting with interested parties. The results of their consultations were published in 1998. The Commission argues that the current rules on compensation for secondary victims are too restrictive. They agree that the requirement for a close tie between primary and secondary victim is justified and should remain, but believe this alone would be sufficient; they recommend that the requirements of proximity (both in time and space, and in method of perception) should be abolished. They also suggest that the requirement for psychiatric injury to be caused by sudden shock should be abandoned.

Credit any other relevant point(s).</td><td></td><td></td></tr>
<tr><td></td><td></td><td></td><td>Assessment Objective 2 - Analysis, evaluation and application

Background commentary:
• Early reluctance (Victoria Railway Commissioners v Coultas)
• First SV case; originally only PVs then SVs (Dulieu v White)
Potential difficulties based on what all victims of nervous shock must prove?
• Foresight of harm – key issue as different rules apply to PVs and SVs (Bourhill v Young, Page v Smith)
• Sudden shock – NS must be caused by single shocking event not a gradual build up ie caring for a</td><td>14</td><td><table><tr><th>AO2 Levels</th><th>AO2 Marks</th></tr><tr><td>5</td><td>13–14</td></tr><tr><td>4</td><td>10–12</td></tr><tr><td>3</td><td>7–9</td></tr><tr><td>2</td><td>4–6</td></tr><tr><td>1</td><td>1–3</td></tr></table>
Level 5
Responses are unlikely to achieve level 5 without sophisticated analytical evaluation of the relevant areas of law, being very focused on the quote and providing a logical and reasoned conclusion* with some synoptic content.</td></tr>
</table>

Question			Indicative Content	Mark	Guidance
			terminally ill relative (*Sion v Hampstead HA*) • Must suffer from a recognised psychiatric condition – no liability if grief, loss of sleep, upset etc but conditions such as PTSD, clinical depression, severe anxiety disorder can lead to claim (*Reilly v Merseyside*) **Why are there extra requirements for a SV and do they operate fairly?** • Fear of floodgates because of huge potential class of claimants – Hillsborough or watching 9/11 unfold on TV • Therefore, control mechanisms felt necessary – some credit for discussing historical development through *McLoughlin, Alcock* & *White* – but only AO2 and synoptic aspects • Credit any discussion of the comparative position of PVs ie what they need to prove (less) contrasted with SVs • Analyse limitations on secondary victims: Leading case – *Alcock* which set out classes of individuals that can claim and the tests they must pass: • Close tie of love and affection – heavily criticised as an arbitrary and blunt tool open to misuse. There is a rebuttable presumption for spouses and parents/children and whilst the list is not closed, other relationships will need to be proved (consider, for example, homosexual marriages). The House of Lords left open the option for complete strangers to be able to recover but in grotesquely disturbing circumstances. The narrowness of the rule has been criticised – see *Duncan v British Coal, Robertson* and *Rough v Forth Road Bridge Joint Board*		**Level 4** Responses are unlikely to achieve level 4 without good analytical evaluation of the relevant areas of law, both issues in the question (limitations and fairness) and good focus on the quote. **Level 3** Responses are unlikely to achieve level 3 without adequate analytical evaluation of the relevant areas of law and some focus on the quote. **Level 2** Responses are unlikely to achieve level 2 without at least some analytical evaluation of the relevant areas of law. Responses are unlikely to discuss the quote. **Level 1** Responses are unlikely to achieve level 1 without at least some very limited analytical evaluation of the relevant areas of law. Responses are unlikely to discuss the quote. * Conclusion does not need to appear at the end.

Question			Indicative Content	Mark	Guidance
			• Proximity – again, heavily criticised especially in relation to the 'degree' of proximity required and lapses of time (identifying bodies in mortuary 8 hours later = no) • Perceived with own unaided senses – live TV coverage has been the main issue here including some narrow (and slightly offensive) arguments from the House of Lords regarding the editing of broadcasts • These criteria led to some grossly unfair results where families of victims at Hillsborough could not recover but police officers could albeit on slightly different grounds (*Foster v CC of Yorkshire*) **Other unfair differences:** • The SV must show 'reasonable phlegm and fortitude' in order to claim but the same is not true of PVs • Regarding foreseeability, the claimant's harm must be a reasonably foreseeable psychiatric injury – the thin skull rule does not apply to secondary victims (*Page v Smith*) • Limitation on claims by 'bystanders' even though they may suffer psychiatric harm *McFarlane v EE Caledonia* **Reform suggestions have been critical of limitations on secondary victims**: • Law Commission 1998: • retain close tie of love and affection as control mechanism but presume some relationships automatically equal a close tie • remove requirement for witnessing event with own unaided senses • remove requirement for proximity in time and space to incident • remove requirement for sudden shock		

<table>
<tr><th colspan="3">Question</th><th>Indicative Content</th><th>Mark</th><th>Guidance</th></tr>
<tr><td></td><td></td><td></td><td>Credit floodgates or fear of bogus claims discussion although not central to this title
Reach any sensible conclusion regarding the effect of the limitations on secondary victims
Lord Steyn (Source 4)
‘My Lords, the law on the recovery of compensation for pure psychiatric harm is a patchwork quilt of distinctions which are difficult to justify… [In] my view the only sensible general strategy for the courts is to say thus far and no further.’
Reach any sensible conclusion.
Credit any other relevant comment.</td><td></td><td></td></tr>
<tr><td></td><td></td><td></td><td>Assessment Objective 3 - Communication and presentation

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.</td><td>4</td><td><table><tr><th>AO1 + AO2 Marks</th><th>AO3 Mark</th></tr><tr><td>24–30</td><td>4</td></tr><tr><td>17–23</td><td>3</td></tr><tr><td>9–16</td><td>2</td></tr><tr><td>1–8</td><td>1</td></tr></table></td></tr>
</table>

<table>
<tr><th colspan="3">Question</th><th>Indicative Content</th><th>Mark</th><th>Guidance</th></tr>
<tr><td>3</td><td></td><td></td><td>Potential answers may:

Assessment Objective 1 – Knowledge and understanding

Define the relevant rules and use any relevant cases as authorities for those rules.</td><td>10</td><td rowspan="3">
<table>
<tr><th>Mark Levels</th><th>AO1 Marks</th><th>AO2 Marks</th></tr>
<tr><td>5</td><td>9–10</td><td>17–20</td></tr>
<tr><td>4</td><td>7–8</td><td>13–16</td></tr>
<tr><td>3</td><td>5–6</td><td>9–12</td></tr>
<tr><td>2</td><td>3–4</td><td>5–8</td></tr>
<tr><td>1</td><td>1–2</td><td>1–4</td></tr>
</table>

Marks should be awarded as follows
(per part question):

<table>
<tr><th>Mark Levels</th><th>(a), (b) or (c)</th></tr>
<tr><td>5</td><td>9–10</td></tr>
<tr><td>4</td><td>7–8</td></tr>
<tr><td>3</td><td>5–6</td></tr>
<tr><td>2</td><td>3–4</td></tr>
<tr><td>1</td><td>1–2</td></tr>
</table>

NB A maximum of 3 marks can be allocated for AO1 for each part question.

Max 3 marks for the critical point (CP)
Max 6 marks for applied points (AP)
Max 1 mark for a logical conclusion*/assessment of the most likely outcome in terms of liability (CON)

In order to reach level 5, responses must include a discussion of the Critical Point, a relevant case and a conclusion*.

Responses are unlikely to achieve level 5 if the conclusion is incorrect <u>and</u> contradicted by the reason offered.</td></tr>
<tr><td></td><td></td><td></td><td>Assessment Objective 2 – Analysis, Evaluation and Application

In the case of (a):
AP1 Identify that any notion that Charlie is a rescuer and is treated as a special class is no longer the case and he is either a PV or a SV (White).
AP2 Identify that the source of the shock is sufficiently sudden as it need not be ‘instant’ (North Glamorgan v Walters) and the scenario is analogous to a number of similar cases (Chadwick, Alcock).
CP Identify that Charlie is a primary victim according to the definition in Alcock - present at the scene and at risk of foreseeable harm as the ship is still sinking.
AP3 Identify that it does not matter that Charlie does not suffer any physical injury (Page).
AP4 Charlie’s injury is both reasonably foreseeable and falls within the range of acceptable psychiatric injuries (Vernon)
CON Conclude that Charlie is likely to have a successful claim.</td><td>20</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td></tr>
</table>

			In the case of **(b)**: **AP1** Identify that Pedro has witnessed a sudden traumatic event (*North Glamorgan v Walters*) as the situation is analogous to a number of similar cases (*Chadwick*, *Alcock*). **AP2** Identify that Pedro is suffering a reasonably foreseeable and clinically acceptable illness - PTSD (*Vernon*). **AP3** Identify that Pedro has witnessed enough of the scene, its immediate aftermath and its impact on PVs to qualify as a potential SV according to the definition in *Alcock*. **AP4** Identify that as a SV Pedro will need to demonstrate a close tie to a PV, proximity and perception by his own senses. **CP** Identify that Pedro may be able to make out the latter two criteria, but may have difficulty with the close tie criteria**. There is a rebuttable presumption against the existence of a close tie of love and affection between brothers (*Alcock*)** and Pedro will need to prove this element in order to succeed. **CON** Conclude that Pedro may or may not have a successful claim depending on his ability to rebut the presumption against a close tie of love and affection between brothers.		
			In the case of **(c)**: **AP1** Identify that since Michelle has witnessed a sudden traumatic event (*North Glamorgan v Walters*) as the situation is analogous to a number of similar cases (*Chadwick, Alcock, McLoughlin*). **AP2** Identify that Michelle is suffering a reasonably foreseeable and clinically acceptable condition (*Vernon*) and that the shock arose from a sudden incident (*McLoughlin*). **AP3** Identify that in order to qualify as a SV, Michelle will need to demonstrate a close tie to a PV, proximity and		

			perception by her own senses (*Alcock*). **CP** Identify that there is a **rebuttable presumption in favour of there being a close tie of love and affection between spouses** and that unless a close tie of love and affection can be disproved this criteria will be accepted (*Alcock*). **AP4** Identify that the other two criteria should be no problem as she witnessed the events at first hand with her own unaided senses (*Alcock*). **P5** Conclude that Michelle is likely to have a successful claim.		

APPENDIX 1 – Advanced GCE Law Levels of Assessment

There are **five** levels of assessment of AOs 1 and 2 in the A2 units. The first four levels are very similar to the four levels for AS units. The addition of a fifth level reflects the expectation of higher achievement by Responses at the end of a two-year course of study. There are **four** levels of assessment of AO3 in the A2 units. The requirements and number of levels differ between AS and A2 units to reflect the expectation of higher achievement by Responses at the end of a two-year course of study.

Level	Assessment Objective 1	Assessment Objective 2	Assessment Objective 3 (*includes QWC)*
5	Wide ranging, accurate, detailed knowledge with a clear and confident understanding of relevant concepts and principles. Where appropriate Responses will be able to elaborate with wide citation of relevant statutes and case-law.	Ability to identify correctly the relevant and important points of criticism showing good understanding of current debate and proposals for reform **or** identify all of the relevant points of law in issue. A high level of ability to develop arguments **or** apply points of law accurately and pertinently to a given factual situation, and reach a cogent, logical and well-informed conclusion.	
4	Good, well-developed knowledge with a clear understanding of the relevant concepts and principles. Where appropriate Responses will be able to elaborate by good citation to relevant statutes and case-law.	Ability to identify and analyse issues central to the question showing some understanding of current debate and proposals for reform **or** identify most of the relevant points of law in issue. Ability to develop clear arguments **or** apply points of law clearly to a given factual situation, and reach a sensible and informed conclusion.	An accomplished presentation of logical and coherent arguments and communicates relevant material in a very clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
3	Adequate knowledge showing reasonable understanding of the relevant concepts and principles. Where appropriate Responses will be able to elaborate with some citation of relevant statutes and case-law.	Ability to analyse most of the more obvious points central to the question **or** identify the main points of law in issue. Ability to develop arguments **or** apply points of law mechanically to a given factual situation, and reach a conclusion.	A good ability to present logical and coherent arguments and communicates relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
2	Limited knowledge showing general understanding of the relevant concepts and principles. There will be some elaboration of the principles, and where appropriate with limited reference to	Ability to explain some of the more obvious points central to the question **or** identify some of the points of law in issue. A limited ability to produce arguments based on their material **or** limited ability to apply points of law to a given factual situation but	An adequate ability to present logical and coherent arguments and communicates relevant material in a reasonably clear and effective manner using appropriate legal terminology.

	relevant statutes and case-law.	without a clear focus or conclusion.	Reward grammar, spelling and punctuation.
1	Very limited knowledge of the basic concepts and principles. There will be limited points of detail, but accurate citation of relevant statutes and case-law will not be expected.	Ability to explain at least one of the simpler points central to the question or identify at least one of the points of law in issue. The approach may be uncritical and/or unselective.	A limited attempt to present logical and coherent arguments and communicates relevant material in a limited manner using some appropriate legal terminology. Reward grammar, spelling and punctuation.

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