

**A LEVEL**

**Examiners' report**

**LAW**

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**H415**

For first teaching in 2019

**H415/01 Autumn 2020 series**

## Introduction

Our examiners' reports are produced to offer constructive feedback on candidates' performance in the examinations. They provide useful guidance for future candidates.



Reports for the Autumn 2020 series will provide a broad commentary about candidate performance, with the aim for them to be useful future teaching tools. As an exception for this series they will not contain any questions from the question paper nor examples of candidate answers.

The reports will include a general commentary on candidates' performance, identify technical aspects examined in the questions and highlight good performance and where performance could be improved. The reports will also explain aspects which caused difficulty and why the difficulties arose, whether through a lack of knowledge, poor examination technique, or any other identifiable and explainable reason.

A full copy of the question paper and the mark scheme can be downloaded from OCR.

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## Paper 1 series overview

This was an examination series that took place because of difficult national circumstances. However, it was clear from the candidate answers that lots of work had been done, and that candidates were putting lots of effort in. Many had evidently learned a substantial amount of material from the specification but were less successful in their application and evaluation skills. This may be due to the disruption to learning in the classroom, where discussion and essay skills would normally be honed and practised.

<i>Candidates who did well on this paper generally did the following:</i>	<i>Candidates who did less well on this paper generally did the following:</i>
<ul style="list-style-type: none"> <li>• Stuck to the question asked and gave quick and precise information in Section A</li> <li>• Used succinct, well supported AO1 information and accurate, concise AO2 application in Section B</li> </ul>	<ul style="list-style-type: none"> <li>• Provided 'a different' answer for 1 or 2</li> <li>• Made bald unsupported points in 3 and 4</li> <li>• Provided much accurate yet unnecessary AO1 information for 5, 6, 8, 9</li> <li>• Did not answer the question for 7 &amp; 10</li> </ul>

## Section A overview

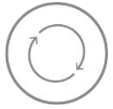
Section A questions first ask candidates a knowledge question (AO1) before asking candidates an evaluation question (AO3). The responses to the first two questions showed some reasonable AO1 development with many candidates accessing at least Level 3 marks, although some candidates went awry and answered a 'different' question, often changing the question to suit their knowledge. Few responses were able to produce responses extensive enough to access Level 4.

For Questions 3 and 4, some candidates managed a range of developed or well developed points with few lists or bullet point answers. Many candidates attempted broad answers and as a result, there were fewer answers capped at the top of Level 2.

## Themes in candidate responses

For Questions 1 and 2, focussing on AO1, candidates who engaged with the question being asked were able to include relevant details and accurately describe the area of law given in the question. A theme for some candidates though was the inclusion of irrelevant and sometimes wrong information, either by misreading the question or writing the answer to what they wished had been asked.

For Questions 3 and 4, many candidates identified a few key areas for their question and were able to give some development in their answers. However, some candidates made mistakes right at the start of their answers, meaning although they raised points, those points were incorrect and not able to be awarded credit.

	<b>AfL</b>	<p>For Questions 1 and 2, it could be useful if candidates practise answers to topics by subdividing them into different areas and then condensing those areas into short phrases or bullet points that later, they can then extend into clear, logical answers.</p> <p>For Questions 3 and 4, making bald statements such as 'an advantage is X' may not in itself be automatically creditworthy. It is the explanation as to why it is an advantage that leads to extended credit.</p>
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## Key teaching and learning points – comments on improving performance

Candidates should be aware that for AO1 questions, the more relevant knowledge you display, then the more credit you will earn. Candidates must also focus on the important words in the question – role, selection, training, civil, criminal, for example, and make sure their knowledge is directly relevant to what is being asked.

For AO3 questions, candidates should again focus on the question. If the question asks for advantages, then start with one advantage and say why it is an advantage. Develop that by explaining what the result of that advantage is for that area of law and then perhaps extend that again for extra credit or suggest why there may be a parallel disadvantage.

If the question asks for advantages, there will be little or no credit for disadvantages unless they are used as counter arguments.

## Section B overview

The Section B questions attracted a broad range of answers, with only a small number of candidates either not answering, or only achieving Level 1 marks. Some rubric errors occurred, but overall answers were evenly split between Questions 5 - 7 and Questions 8 - 10.

Section B responses are worth 25 marks, and as the answers are longer, candidates changed their response style, with most candidates using a methodical approach, identifying and applying many of the issues raised which were relevant to the question. In each case, the candidates were able to attain good AO1 marks, with many getting 10/10. A high number of candidates demonstrated clear knowledge of statutory or common law authority and case illustrations were used, usually without giving the full case narrative. This is still an issue in some cases, although it is not required and is not credit worthy.

AO2 marks tended to be at Level 2 or low Level 3 with few Level 4 marks. As mentioned earlier, this may be due to the disruption to learning in the classroom where discussion and essay skills would normally be honed and practised.

## Themes in candidate responses

### Application questions

Candidates tended to perform strongly for AO1, but when it came to applying their knowledge, many seemed to run out of steam as they worked through the levels, meaning the performance there was weaker.


Candidates who applied the areas of the law that had been asked for, instead of omitting areas or adding areas, achieved the highest marks for these questions. Candidates who worked methodically through the relevant AO1 before applying those concepts to the scenarios had the most effective answers, although AO1 and AO3 can also be mixed.

### Evaluation questions

Questions 7 and 10 are the mandatory evaluation question, with the questions being identical. It was clear that most candidates who answered it were confident in their knowledge of the different sections and subsections of the relevant areas of law, which then provided a good foundation for analysis.

Candidates for AO1 were credited both for statutory authority explanation and/or for case citation. It should be noted that with only 10 marks available and given the statutory nature of this area of the law, responses needed to be accurate in naming and defining relevant sections and those which selected the most appropriate areas for detailed coverage were rewarded. As an example, given the question, the responses of a higher ability discussed Appropriation in s3, what was and what was not Property particularly in s4 (3) and (4) in relation to wildflowers and wild animals, section 5 in relation to Belonging to Another including dealing with property received under an obligation or property received in error.

Some candidates, however, were clearly not prepared for this area to be discussed as an essay and a few candidates answered a 'different' question altogether.

 <p><b>Question 5</b> <b>Re: ABH</b></p>	<p><b>Misconception</b></p>	<p>When describing the Actus Reus of s47, it is only necessary that candidate quote</p> <ul style="list-style-type: none"> <li>• 'It is necessary to prove that there was an assault or battery and that this <b>caused</b> actual bodily harm'.</li> </ul> <p><b>Very limited</b> credit may be gained by mentioning factual and legal causation or <b>White 1910</b>.</p> <p>A full description of causation is <b><u>not required</u></b> and may detract from candidates' time keeping for their answer.</p>
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