

# Assessment Specification

Title of Award		Mode of attendance	FHEQ Level	Credit Value
Costs Lawyer Qualification		Distance Learning	Level 6	180
Unit No	Unit Title			Credit Value
1	The Foundations of Law			45
2	The Foundations of Litigation			45
3	Costs Law and Practice			90

## 1. Introduction

The aim of this policy is to define the assessment policy for trainee costs lawyers on the Costs Lawyer Qualification. The design of the units requires students to undertake 6 modules per year that range from 5-20 credit modules meaning that assessments need to be rapid, targeted and supportive as well as evaluative. For these reasons, the assessment practice must remain within reasonably constrained limits whilst recognising the need to allow a full range of capabilities and knowledge to be demonstrated.

To qualify as a Cost Lawyer, with ACL Training, an individual has to achieve a core or threshold level of competency as articulated by the Threshold Statement. This assessment strategy enables ACL Training to determine how well students have achieved the CLSB's requirements for competence by assessing the relevant learning outcomes against the Threshold Statement.

## 2. Guiding Principles

The assessment strategy should be simple, clearly defined and linked to learning outcomes. The assessment regime defined for a module must be appropriate to the subject, level and competencies being tested. The approach to assessment must be clear to the student and must demonstrate that both capabilities and knowledge are being demonstrated.

In order to qualify as a costs lawyer, students must have demonstrated a level of competence as agreed between the CLSB and ACL Training known as the threshold. A pass mark will not be awarded for an assessment unless the student has achieved threshold. The threshold standard for graduates is articulated in the threshold statement as:

*“a competent trainee having completed the costs lawyer qualification and 3 years of work-based learning will have a good working and background knowledge of costs law and practice, will be able to work independently to draft documentation and conduct advocacy that is fit for purpose, and will be able to cope with complex situations through deliberate analysis and planning. This level of performance will be evidenced through assignments, examination and supervised practice.”*

Statements describing levels of achievement over the threshold standard (e.g. merit and distinction) are articulated as follows:

Module Grading	Definition	Associated Marks
Pass	A good working and background knowledge of costs law and practice, will be able to work independently to draft documentation and conduct advocacy that is fit for purpose, and will be able to cope with complex situations through deliberate analysis and planning.	50-59.5%
Merit	A deep understanding of costs law and practice, will be able to work independently (and offer supervision to others) to draft documentation and conduct advocacy that is routinely of an acceptable standard, and will be able to cope with complex situations holistically enabling them to make decisions with confidence.	60 – 69.5%
Distinction	An authoritative knowledge and deep understanding of costs law and practice, will take responsibility for drafting documentation and conducting advocacy of an excellent standard, and will approach complex situations holistically enabling them to create standards and innovative solutions.	70 – 100%

The threshold statement articulates that a trainee must complete both the course and 3 years of work-based learning. The threshold statement contains four requirements which describe the competencies and standard a trainee will have demonstrated at the point of qualification. Those requirements are set out below:

A good working and background knowledge of costs law and practice	<b>RQ1</b>
Will be able to work independently to draft documentation that is fit for purpose	<b>RQ2</b>
Will be able to work independently to conduct advocacy that is fit for purpose	<b>RQ3</b>
Will be able to cope with complex situations through deliberate analysis and planning	<b>RQ4</b>

### 3. Strategy And Methods Of Assessment

The assessments should assess the module learning outcomes through case and matter analysis (CMA), legal research (LR), legal writing (LW), legal drafting (LD), advocacy (A) and professional development and reflection (PDR). The relationship between the methods of assessment and the threshold requirements can be seen in the following table:

Threshold Requirement	CMA	LR	LW	LD	A	PDR
RQ1	✓	✓				
RQ2	✓	✓	✓	✓		
RQ3	✓			✓	✓	
RQ4	✓	✓				✓

The table below sets out the methods of assessments to be used to ensure that the range of assessments on each unit allows a student to demonstrate they have met the threshold requirements:

	Optional (O)/ Compulsory (C)	Credit Value	Assignment*	Examination*	Seminar*
<b>Unit 1: The Foundations of Law</b>	C	45			
Foundation Professional Development Planning	C	5	PDR	-	-
English Legal System, Legal Method & Legal Skills	C	10	LR, LW	-	
Law of Contract	C	10	CMA, LR, LW	CMA, LW	CMA, LR
Law of Torts	C	10	CMA, LR, LW	CMA, LW	CMA, LR
Land Law	O	5	CMA, LR, LW	-	-
Criminal Law	O	5	CMA, LR, LW	-	-
Company and Commercial Law	O	5	CMA, LR, LW	-	-
Family Law	O	5	CMA, LR, LW	-	-
<b>Unit 2: The Foundations of Litigation</b>	C	45			
Advanced Professional Development Planning	C	5	PDR	-	-
Civil Procedure (Foundation)	C	10	CMA, LR, LW	CMA, LW	
Personal Injury and Clinical Negligence	C	5	CMA, LR, LW	CMA, LW	
Advocacy and Negotiation	C	10	CMA, LR, LD, A	-	CMA, LR, A
Legal Accounts	C	5	CMA, LR, LD	CMA, LW	
Professional Ethics	C	10	CMA, LR, LW	CMA, LW	
<b>Unit 3: Costs Law and Practice</b>	C	90			
Costs Pleadings	C	15	CMA, LR, LD	CMA, LW	
Lawyer and Client Costs	C	10	CMA, LR, LD	CMA, LW	
Funding (Legal Aid and other)	C	15	CMA, LR, LD	CMA, LW	
Civil Procedure (Advanced)	C	20	CMA, LR, LD	CMA, LW	
Costs in Special Courts	C	10	CMA, LR, LD	CMA, LW	
Business Management	C	20	CMA, LR, LW	-	

Assessments may require students to both identify and apply fundamental legal principles or rules. They may also identify the relevant legal principles or rules and require candidates to identify how they should be properly applied, and/or the outcome(s) of that proper application. Students may be required to demonstrate that they understand whether a client can legally achieve a desired outcome and offer appropriate explanatory advice.

Where an assessment involves case and matter analysis it will require students to consider case studies with documents on which they will be asked to produce a piece of legal writing or legal drafting giving a legal analysis of the case and providing client-focused advice.

Where an assessment involves legal research students will be required to investigate a problem for a client. Students will have to produce a response to the assessment outlining their advice and explaining their legal reasoning and the key sources they rely on.

Where an assessment involves legal writing it will require students to write a research report, a letter, memo or an email as the lawyer acting in a matter, which clearly and correctly applies the law to the client's concerns and is appropriate for the recipient.

Where an assessment involves legal drafting students will be asked to draft a legal document or parts of a legal document. This may take the form of drafting from a

precedent or amending a document already drafted but it may also involve drafting without either of these.

Where an assessment involves advocacy students will be asked to conduct a piece of courtroom advocacy.

Where an assessment involves professional development and reflection students will be asked to produce a critical reflection of their learning, including how this shaped or informed work practices of careers plans. They will also be asked to produce a learning log/diary.

### 3. Volume Of Assessment

The complexity of the subject matter defines the level rather than the volume of assessment. The volume of the assessment should be defined according to the below assessment tariff and should comply with an overall volume associated with the stage of the course. The following table is to act as guidance only:

Assessment description	Assessment points	Rationale
1-hour examination (e.g seen or unseen papers, computer based assessments or phase tests)	1	A 1-hour paper needs approximately 9 hours of revision and preparation.
1000 original words	1	The preparation and thinking behind 1000 words of writing should take of the order of 10 hours.
Case study review or critique of between 1000 words	1	The preparation and thinking behind 1000 words of writing should take of the order of 10 hours.

Each type or mode of assessment will be defined using the points based system with a rationale to explain the parity of assessment types and tariff and should comply with an overall volume associated with the Unit.

Units 1 and 2 within the Costs Lawyer Qualification are 45 CATS which equates to 450 GLH. Students will be provided with up to 162 hours of on-line teaching, tutorial support and through face to face seminars. At this level of study it is reasonable to expect a similar or slightly greater volume of self and externally guided study this is likely to be of the order of 225 hours. This then leaves 63 hours for assessment.

Units 3 within the Costs Lawyer Qualification is 90 CATS which equates to 900 GLH. Students will be provided with up to 324 hours of on-line teaching, tutorial support and through face to face seminars. At this level of study it is reasonable to expect a similar or slightly greater volume of self and externally guided study this is likely to be of the order of 450 hours. This then leaves 126 hours for assessment.

This policy, taking the examination as the baseline definition, defines a 1 hour examination as requiring some 9 hours of preparation and it is on this basis that the tariff of assessment types should be built. A piece of writing that equates to 1000 original words could also be characterised as a 10 hour activity and hence we arrive at the definition of 1 assessment point being equal to 10 hours of student activity.

#### 4. Overview Of Assessments

The Costs Lawyer Qualification comprises of 3 Units which are self contained components of study each comprising of 6 modules. Each module has its own set of learning outcomes, set out on the Module Descriptor for the Module, that will be assessed against the Threshold Statement.

<b>Assignments</b>	All Modules within the qualification are assessed by 1 written assignment. The 6 Modules and their requisite assignments equate to 40% of the Unit grade, the specific weighting of each is determined by the credit value of that Module.
<b>Examinations</b>	Each Unit is assessed by a 3-hour closed book unseen synoptic examination amounting to 60% of the Unit grade which assess the core Modules from each Unit. On the exam, the weighting dedicated to each core Module is determined by the credit value of the Module. The examination requires students to demonstrate they have met the programme outcomes applicable to that stage of the course.
<b>Seminars</b>	Seminars are compulsory and form an important part of the academic programme. The assessment of seminars is based purely on attendance and engagement with the seminar.

The table below provides an overview of how each of the modules, and units, are assessed.

	Optional (O)/ Compulsory (C)	Credit Value	Assessment			Assignment Word Count	Exam			
			Assignment	Exam	Seminar		Number of Questions	Compulsory Questions	Optional Questions	Total Marks Available
<b>Unit 1: The Foundations of Law</b>	C	45	6	1	1	7500	8	4	3 of 4	100
Foundation Professional Development Planning	C	5	1							
English Legal System, Legal Method & Legal Skills	C	10	1		1	1500				
Law of Contract	C	10	1	1	1	1500	4	2 x10 Marks	2 x20 Marks	60
Law of Torts	C	10	1	1	1	1500	4	2 x10 Marks	2 x20 Marks	60
Land Law	O	5	1			1500				
Criminal Law	O	5	1			1500				
Company and Commercial Law	O	5	1			1500				
Family Law	O	5	1			1500				
<b>Unit 2: The Foundations of Litigation</b>	C	45	6	1	1		9	4	3 of 5	100
Advanced Professional Development Planning	C	5	1							
Civil Procedure (Foundation)	C	10	1	1	1	2000	2	1x10 Marks	1x20 Marks	30
Personal Injury and Clinical Negligence	C	5	1	1	1	1500	2	1x10 Marks	1x20 Marks	30
Advocacy and Negotiation*	C	10	1		1					
Legal Accounts*	C	5	1	1		1000	2	1x10 Marks	1x20 Marks	30
Professional Ethics	C	10	1	1		1500	3	1x10 Marks	2x20 Marks	50
<b>Unit 3: Costs Law and Practice</b>	C	90	6	1	1		9	4	3 of 5	100
Costs Pleadings*	C	15	1	1		1000	2		2x20 Marks	40
Lawyer and Client Costs*	C	10	1	1		1500	2	2x10 Marks		20
Funding (Legal Aid and other)*	C	15	1	1		1000	2	2x10 Marks		20
Civil Procedure (Advanced)*	C	20	1	1		2500	2		2x20 Marks	40
Costs in Special Courts*	C	10	1	1		1500	1		1x20 Marks	20
Business Management	C	20	1			2500				

\* Includes an element of legal drafting (e.g. pleadings or documents such as a skeleton argument, bill of costs or points of dispute) that have no word limit

## 5. Reassessment

A student must attempt an assignment or examination component in order to be entitled to be reassessed should the need arise. Late submission of work, within the boundaries of the module operational period, will be accepted for attempt recording but any work submitted after the formally declared due date will be scored at 0%.

Reassessment of the assignment components of assessment would normally take place during the assessment period of the following module. This means that a student would be expected to undertake two written assignments during the following module. Reassessment of an examination would normally take place at the next examination sitting.

## 6. Allocation of Marks

The pass mark for all Module Assignments and end of Unit Exam is 50%:

49% (inclusive) and below:	Fail
50% (inclusive) to 59% (inclusive):	Pass
60% (inclusive) to 69% (inclusive):	Pass with merit
70% (inclusive) and over:	Pass with distinction

Marks will be awarded in accordance with the published marking rubrics (assignments) and marker guidance (examinations) for:

<b>Knowledge &amp; Understanding</b>	Marks will be awarded for knowledge and understanding, i.e how well trainees show that they know the subject and in what depth and detail. Candidates are required to demonstrate depth and breadth of knowledge of English and Welsh law. This means that candidates must demonstrate knowledge of the module learning outcomes to the level of a newly qualified Costs Lawyer of England and Wales.
<b>Application</b>	Marks will be awarded for application, i.e how well trainees can apply the content they have learnt during the course to the brief or question set. Candidates are required to demonstrate they are able to apply their knowledge of the law to demonstrate the competences required to the level of a newly qualified Costs Lawyer of England and Wales. The core legal principles and rules a candidate will be asked to apply are identified by subject area below. A candidate should be able to apply these fundamental legal principles and rules appropriately and effectively at the level required of a newly qualified Costs Lawyer in practice, to realistic client-based and ethical problems and situations.
<b>Analysis &amp; Problem Solving</b>	Marks will be awarded for analysis & problem Solving, i.e how well trainees show they have weighed up options, why they have come to the conclusions they have. Candidates will be tested on the law as it stands at the date of the assessment and may also be assessed on the development of the law.
<b>Presentation</b>	Marks will be awarded for presentation, i.e grammar, spelling, punctuation, referencing and following of academic writing criteria at undergraduate level (level 6) and professional level to reflect the standard that is expected by the court, government agencies and a client / office. The assessment criteria for presentation may refer to clear, precise, concise and acceptable language. Using an acceptable style of

	communication for the situation and recipient, avoiding unnecessary technical terms where they are not appropriate to the recipient.
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