

Chapter 3: Assessment Regulations

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3.1 Assessment Regulations for courses

All examinations and assessments on a course must be conducted under the supervision and control of an Assessment Board and the chair of the board shall be responsible to the Chair of the ACLT Board for ensuring that the regulations, relevant sub-regulatory instruments, rules, policies and procedures and the relevant programme regulations are followed. (please see appendix GB 2)

The assessment requirements for a course and its constituent modules must normally be made available to the students prior to their enrolment on the module or course. The assessment scheme must give details of any general ACLT requirements for the assessment of students as well as of the assessment requirements specific to the particular programme. (Please see Appendix AC 6 and Appendix AS 1)

All courses will have approved programme specifications and syllabus that detail the assessment requirements of the course to its intended learning outcomes; it is within those guidelines that the examiners must make their judgements on each student's performance.

Assessment must reflect the achievement of individual students in fulfilling the course intended learning outcomes and must also relate that achievement to a consistent national standard of award in general and to the ACLT's specific requirements for the standards of its awards (see the Academic Regulations, Chapter 2 of these Regulations).

It is the responsibility of the Management Board to assure that all assessments leading to qualification as a costs lawyer reflect the achievement of individual students in achieving the CLSB Aims and Outcomes in accordance with the CLSB Aims and Outcomes (<http://clsb.info/authorised-study-providers/>). Any such assessment must also relate that achievement to a consistent standard of award to the CLSB's specific requirements for the standards of its awards.

Information must also be made available to individual students about the grounds on which they may request that an Assessment Board be asked to review its decision(s) and about the arrangements for dealing with any such request(s). (Please see Appendix AC 5)

3.2 General Considerations

The purpose of assessment must be to enable students to demonstrate that they have fulfilled the intended learning outcomes of their course and that they have achieved the standards required for the particular awards they seek.

ACLT recognise two types of examination and assessment:

(a) Formative examinations and assessments are designed to provide learners with feedback on their performance and give guidance on how it can be

improved without counting toward the overall result on a module or programme of study.

(b) Summative examinations and assessments contribute to students' learning, provide a measure of achievement or failure in respect of learners' performance in relation to the intended learning outcomes of a course of study and count towards the overall result on a module and course.

Unless otherwise indicated, these Regulations regulate summative examinations and assessment and the words examinations and assessment should be read with this meaning. Examination and assessment will be used by ACLT to:

- (a) provide the basis for decisions on students' learning needs;
- (b) provide feedback to students to help with their learning;
- (c) provide a basis for a decision on students' readiness to progress;
- (d) provide a basis for a decision whether they qualify for an award; and
- (e) provide a basis for a decision about the grading of their achievement.

Regulations, rules, policies and procedures must be consistently interpreted and implemented so as to safeguard academic and professional standards and to uphold fairness to students. For each award and award element there must be careful attention throughout to maintaining standards at the appropriate level and judging students' achievement against this.

Assessment must be carried out by competent and impartial markers, using methods that enable them to assess each student fairly. To that end, External Examiners must be associated with all assessments which may count towards a particular award; awards recommended at Assessment Boards, must be confirmed by the appropriate External Examiner. Their particular role is to ensure that justice is done to individual students and that the standards of ACLT's awards are maintained.

Assessment of individual modules must be regarded as a matter involving judgement. The academic judgement of the examiners may not in itself be questioned or overturned as part of the review and appeal process.

3.3 Responsibilities of Students

Students are expected to show reasonable diligence in the pursuit of their studies for the award for which they are registered. This includes:

- (a) complying with such attendance requirements as are set out in the programme regulations;
- (b) complying with all course requirements;
- (c) complying with all conduct requirements (including fitness to practice requirements, where applicable).

Students must attend examinations/tests and submit work for assessment as required by the regulations. ACLT has adopted a Fit to Sit Policy which means

that if a student sits an assessment they are declaring themselves well enough to do so. (please see Chapter 2 of the Regulations). In cases where a student feels that his/her performance would be seriously impaired by extenuating circumstances, it is a student's individual responsibility to inform the ACLT using the notified procedure.

Assessment Boards do not have the power to consider extenuating circumstances, but can act upon the recommendation for a Deferral to be granted and may make relevant recommendations where they believe it is relevant (Please see Appendix AC 7 and Appendix AC 8).

If a student fails to attend an examination or to submit work for any assessment, the student will be deemed to have failed the assessment concerned, unless s/he has been granted a deferral under the extenuating circumstances procedure. If a student's request for deferral is not granted, it will be deemed that an attempt has not been made. Where an attempt has not been made or a deferral granted, students may normally be required to withdraw. (See Chapter 2 and Appendix GR 4).

If assignments are not tendered for submission by the required deadline (taking into account procedures for granting extensions for extenuating circumstances), that work cannot be taken into account in any review or appeal.

3.4 Assessment Boards

Each course leading to an award from ACLT shall be the responsibility of a two tier structure of assessment boards with each module within the course having a module board of assessment responsible for determining the aggregate mark and pass or fail result on the module and an upper tier single course board of assessment with responsibility for determining the result on stages in the course and the result to be recommended on each award.

The assessment boards shall include the External Examiners(s) appointed by the ACLT. All examinations and assessments on a programme of study must be conducted under the supervision and control of an Assessment Board. These Boards shall be responsible to the ACLT Management Board (see appendix GB8) for the fulfilment of their respective terms of reference in ensuring that the regulations, relevant sub-regulatory instruments, rules, policies and procedures and the relevant programme regulations are followed.

3.5 Results

Results will be released after the marking and internal moderation has been undertaken. (please see appendix AS 4) These will be released approximately 3 weeks after submission to enhance effectiveness of feedback. Results will remain subject to the decision of the assessment board and cannot be appealed until that board has taken place. (please see appendix AC 5) Following each Board the Education Manager should notify all students that the assessment board has taken place and is final. This communication will take place on the main course forum.

3.6 Chairing an Assessment Board

It shall be the responsibility of the ACLT Management Board (see appendix GB8) to specify the person to chair each Assessment Board within the particular Board's constitution and terms of reference. The Chair's responsibility must not be delegated except to the designated Vice-Chair.

3.7 Membership of an Assessment Board

The membership of an Assessment Board is determined by the ToR (see appendix GB 2). No student may be a member of an Assessment Board, or of any subsidiary examination committee appointed by it, or attend any examiners' meeting other than as a candidate for assessment.

If, however, a person who is otherwise qualified to be an examiner for a course, such as a member of staff or an approved External Examiner, is also registered as a student on another course with ACLT, that shall not in itself disqualify that person from carrying out normal examining commitments unless there should be a conflict of interests. Where there is any unavoidable potential clash of interests the procedures below must be followed.

If a member of an Assessment Board is aware of any potential conflict of interest, for example being related to or a close friend of a student under consideration, this must be declared and recorded in the minutes of the meeting, and the person involved shall not take part in any discussion covering the areas or students concerned; at the discretion of the Chair the member concerned may be permitted to remain in attendance for the duration of these discussions and invited to respond to queries of a factual nature relating to them.

Any examiner who has a potential conflict of interest as described above, must declare that interest to the Chair of the appropriate Assessment Board(s) as soon as the possibility arises, and should not normally be expected to be the sole examiner for the student concerned on any individual module.

3.8 Authority of an Assessment Board

Assessment Boards shall be responsible for determining all assessments that contribute to the granting of an award. No body other than an Assessment Board shall have the authority to recommend to the ACLT Management Board the conferment of an award for a taught course. Similarly no other body shall have the right to amend the decision of a properly constituted Assessment Board acting within its approved terms of reference and in accordance with ACLT's Academic Regulations, other than when the outcome of a review leads to an annulment of the decision by the Board (see appendix GB2) or results are modified as a result of cheating.

Assessment boards determine results on modules and stages in courses and recommend results on course awards and in doing so they have a duty to

uphold the professional standard of each award and its component parts. Boards are further responsible for exercising oversight over the assessment and examining of those registered on relevant modules and course(s).

In executing these responsibilities boards of examiners' functions include:

- (a) the setting of examination papers and of coursework assessments including the arrangements for external examiners to scrutinise assessment instruments;
- (b) the conduct of coursework assessment consistent with rules governing the submission of assessments, rules on compulsory attendance, the extensions of deadline date procedure, and deferral of examination procedure;
- (c) the conduct of examinations consistent with rules applying;
- (d) examination and assessment arrangements for students requiring reasonable adjustments;
- (e) the arrangements for marking assessments and examinations consistent with ACLT rules on marking scales and the marking procedures approved for the relevant course;
- (f) the aggregation of marks for modules and courses in accordance with the rules applying;
- (g) the treatment of borderline results consistent with the rules on the limits of discretion available to boards of examiners;
- (h) determining what assessments and/or examinations should be retaken or modules or stages repeated consistent with the relevant rules when students achieve a fail result.

3.9 Scope of Discretion

Assessment Boards have discretion in reaching progression determinations for individual candidates taking into account the Regulations and any course regulations. Marks for individual candidates cannot be changed by an assessment board except to correct errors.

In exceptional cases the Moderators may recommend to an Assessment Board that the results of any or all assessments which the student has taken in the current year's programme be declared void if there is satisfactory evidence that the result was so affected by extenuating circumstances as to render it inequitable to treat it as an attempt. If the student subsequently fails the assessment(s), the Assessment Board shall have the discretion to reinstate the previous marks.

In the event of an appeal against the determination of an Assessment Board the ACLT Management Board may make recommendations to the Assessment Board to re-examine a decision.

3.10 Assessment and Reassessment

Where a student has failed to meet a specified element of either their supervised practice (please see Chapter 4 of the Regulations) or has not completed a component or an assessment, the student shall be deemed to

have failed the assessment requirements for that programme or part of the programme. (please see Chapter 2 of the Regulations

3.11 Extenuating circumstances

Individuals authorised by the Head of Operations within part of the ACLT Admin Team may grant deferrals or consider extenuating circumstances. If upon an application, supported by evidence, such authorised individuals consider that a candidate's absence or failure to submit work in all or part of an assessment was due to extenuating circumstances:

- a) the candidate shall be given the right to be reassessed as if for the first time in any or all of the elements of assessment, as specified by the Programme Assessment Board;
- b) if an assessment affected by extenuating circumstances was itself a second or subsequent attempt, the candidate shall be permitted to resit as if for the second attempt.

Extenuating Circumstances will be considered in accordance with the procedures set out in Chapter 2 of the Regulations. (please also see appendix AC7 and AC 8)

3.12 Students with Disabilities

When conducting assessments, in accordance the Equality and Diversity 2010 Act, ACLT will anticipate the requirements of disabled students and ensure that our assessment procedures neither disadvantage, nor advantage, them. ACLT cannot compromise professional standards.

The assessment methods for each module must be designed to provide adequate opportunities for all students to demonstrate achievement of the intended learning outcomes. Having a variety of assessment methods is good practice and is particularly helpful for students with special needs. Where a student believes a disability should be considered for the purpose of reasonable adjustments they should notify the ACL Admin Team. (please see appendix GR 7)

3.13 Cheating

If a student is found to have cheated or to have attempted to gain an unfair advantage, the Head of Education shall have authority to deem that student to have failed part or all of the assessments and shall be empowered to determine whether or not the student should be permitted to be reassessed, in line with Student Disciplinary Procedures (see Appendix AC-9).

3.14 Delegation of responsibility for assessments

Assessment Boards, including any External Examiner(s) serving thereon, shall be responsible for the judgements of any subsidiary examination committee and for the reassessment or deferred assessment of students.

The Assessment Board has power to determine arrangements for delegating the responsibility for reassessment and deferred assessment to a sub-group of itself, which must include at least one External Examiner, except that:

- i) such arrangements must be determined with the full agreement of all approved External Examiners prior to the sub-group acting under any delegation;
- ii) agreement of all the approved External Examiners must be obtained for the granting of any ACLT award.

3.15 Requesting a review of the determination of an Assessment Board or Appealing the decision of the Head of Education

Any determinations of an assessment board or decisions of the Head of Education may be appealed in accordance with the ACLT appeals and review procedure. (please see appendix AC5)

3.16 External Examiners

External examiners must be appointed to oversee all awards. All external examiner appointments must be approved by the Academic Board (see appendix GB 1).

The role of External Examiners is to ensure that justice is done to each student and that the standard of the ACLT's awards (including accreditation by the CLSB) is maintained.

External Examiners are expected to provide informative comment and recommendation upon whether or not:

- 1 the institution is maintaining the threshold academic standards set for its awards in accordance with the framework for Higher Education Qualifications and applicable subject benchmark statements;
- 2 the assessment processes measure student achievement rigorously and fairly against the intended outcomes of the course(s) and are conducted in the line with the institutions policies and regulations;
- 3 the academic standards and achievements of students are comparable with those in other UK higher education and training institutions of which the external examiners have experience.

External examiners are also expected to provide informative comments and recommendations on:

- 1 good practice and innovation relating to learning, teaching and assessment observed by the external examiner;
- 2 opportunities to enhance the quality of the learning opportunities provided to students.

3.17 Rights and responsibilities of External Examiners

To enable External Examiners appointed by ACLT to fulfil their role and carry out their responsibilities, they must:

- a) be able to judge each student impartially on the basis of the work submitted for assessment, without being influenced by previous association with the course, the staff, or any of the students;
- b) be able to compare the performance of students with that of their peers on comparable courses in other training institutions or institutions of higher education in the United Kingdom;
- c) approve the form and content of the proposed examination papers and coursework assignments, and sample any assessment that counts towards any particular award, in order to ensure that each candidate will be assessed fairly in relation to the course syllabus and Regulations and in such a way that the External Examiner(s) will be able to judge whether each student has fulfilled the intended learning outcomes of the course and reached the required standard;
- d) be consulted about, and agree to, any proposed changes to the assessment Regulations which will directly affect students currently on the course;
- e) attend such Assessment Boards as are prescribed, and where decisions are made, ensure that these are in accordance with the ACLT's requirements and the normal practice in higher education institutions in the UK;
- f) have the right to see all the work of all the candidates in order to ensure that each candidate is fairly placed in relation to the whole of the cohort;
- g) have the right to moderate the marks awarded by the internal examiners;
- h) ensure that the assessments are conducted in accordance with the ACLT's Academic Regulations and the relevant course regulations;
- i) endorse the outcomes of the assessment process they have been appointed to oversee;
- j) participate as required in reviews of decisions about individual students' awards;
- k) have access to any candidate or group of candidates to seek their views regarding their experience of the module or course as practicable, in consultation with the Head of Education;
- l) report annually to the ACLT on the assessment process as part of the ACLT's annual quality assurance procedures;
- m) report to the Education Committee Chair, on any matters of serious concern arising from the assessments, which put at risk the standard of the ACLT's awards.

3.18 Appointment

No External Examiner shall be appointed by any means other than those approved by the Academic Board (see appendix GB 1).

Newly appointed External Examiners must take up their appointments on or before the retirement of their respective predecessors. External Examiners are required to remain available until after the last assessments with which they are to be involved in order to deal with any subsequent review(s) of decisions.

In order to protect their independence, External Examiners must not concurrently act as a consultant to a course team on course design, or be members of any panel(s) established to review the course(s) they examine.

In exceptional circumstances the appointment of an External Examiner may be terminated where there is good cause, such as failure to fulfil their obligations or if a conflict of interest arises which cannot be satisfactorily resolved.

3.19 Criteria for appointment

To align with the QAA UK Quality Code for Higher Education: Chapter B7, all external examiners appointed by ACLT must meet the criteria set out in Indicator 5 (<http://www.qaa.ac.uk/en/Publications/Documents/quality-code-B7.pdf>).

ACLT appoint external examiners who can show appropriate evidence as detailed in the Role Specification (see Appendix AS 3)

3.19.1 Conflicts of Interest

ACLT do not appoint as external examiners anyone in the following categories or circumstances:

- i. member of a governing body or committee of the appointing institution or one of its collaborative partners, or a current employee of the appointing institution or one of its collaborative partners
- ii. anyone with a close professional, contractual or personal relationship with a member of staff or student involved with the programme of study
- iii. anyone required to assess colleagues who are recruited as students to the programme of study
- iv. anyone who is, or knows they will be, in a position to influence significantly the future of students on the programme of study
- v. anyone significantly involved in recent or current substantive collaborative research activities with a member of staff closely involved in the delivery, management or assessment of the programme(s) or modules in question

- vi. former staff or students of the institution unless a period of five years has elapsed and all students taught by or with the external examiner have completed their programme(s)
- vii. a reciprocal arrangement involving cognate programmes at another institution
- viii. the succession of an external examiner from an institution by a colleague from the same department in the same institution
- ix. the appointment of more than one external examiner from the same department of the same institution.

3.19.2 Terms of office

The duration of an external examiner's appointment will normally be for 3 years, with an expectation of an extension to ensure continuity. External examiners normally hold no more than two external examiner appointments for taught programmes at any point in time.

3.19.3 Chief External Examiner

Where a team of external examiners have responsibility for a course, or set of courses, a Chief External Examiner must be identified, and may be invited to attend the relevant Assessment Board(s).

The duties of the Chief External Examiner are the same as for other External Examiners, but shall also include responsibility for presenting to the Assessment Board(s) a clear decision in cases where there is difference of opinion between the External Examiners for that Board and to provide a summary of reports for a course or group of courses to meet any national requirements.

3.19.4 Reports

The purpose of an External Examiner's report is to enable the ACLT to judge whether the courses and modules are at an appropriate standard and meeting their stated aims and intended learning outcomes and to make any necessary improvements, either immediately or at the next review of the course.

External Examiners are required to report annually to the ACLT on the conduct of the assessments just concluded and on issues relating to assessment, including:

Module-related issues

- I. whether students who pass the assessment for the module(s) demonstrate achievement of the intended learning outcomes for the modules(s);
- II. the overall performance of students on the module(s) and the standard of their achievement in the national (UK) context;
- III. the quality and standards of the learning and teaching environment as indicated by the performance of students on the module assessments;

- IV. whether assessments have been carried out rigorously with equity of treatment of students, and fairly conducted within regulations and guidance;
- V. whether the quality and quantity of feedback given to students on assessed work is satisfactory;
- VI. whether module-related issues raised in previous External Examiners' reports have been dealt with satisfactorily.
- VII. Course-related issues
- VIII. whether the standards set are appropriate for the award(s);
- IX. the extent to which the course meets its aims and intended learning outcomes;
- X. the overall performance of the students, the standards of their achievements in a national context, and any noteworthy points relating to pass rates and the distribution of results;
- XI. key characteristics of the course(s) including notable strengths and distinctive or innovative features, areas that may be improved to enhance the student experience or risks that should be addressed in order to maintain confidence in standards on the course(s);
- XII. the general course organisation and administration, including the conduct of Assessment Board meetings;
- XIII. whether course-related issues raised in previous External Examiners' reports have been dealt with satisfactorily.

The report must not contain any reference to a named individual student or member of ACLT staff. Such issues must be raised in confidence with the Head of Education.

An External Examiner has the authority and the responsibility to report directly to the Education Committee Chair and ACL Council Member when there is concern about standards and performance, particularly if it is considered that assessments are being conducted in a way that jeopardises either the fair treatment of individual students or the standards of ACLT's awards.

A newly appointed External Examiner shall be given a copy of the final report of the previous External Examiner for the modules/courses concerned.

The annual report must be sent to the Head of Education within one month of the final meeting of the Assessment Board, and shall be circulated to appropriate committees.

(please see appendix AS 5)

3.20 Approval and review

The crucial role of External Examiners in maintaining standards and in providing information on the outcomes for use when reviewing courses must not be confused with the function of approval and review. It is for the Academic Board (see appendix GB 1) to determine what changes should be made as a result of the implications for the way in which a course is designed and delivered resulting from an External Examiner's report.