

# Examination Report

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<b>Exam Session:</b>	June 2017
<b>Exam Paper:</b>	Unit 1

The purpose of the report is to provide feedback to tutors and candidates on the candidates' performance in the examination with recommendations about how any issues identified may be addressed.

This report should be read in conjunction with the relevant examination paper.

## 1. Summary of Candidate Performance

The performance on the question paper was good overall, with some good performances and some very good performances. The difference in performance levels was due to knowledge and application of the authority to the questions. The paper was completed very well with 75% of candidates passing.

The table below sets out the data on the paper.

<b>Number of Candidates</b>	<b>28</b>
<b>Total Fails</b>	<b>7</b>
<b>Total Pass</b>	<b>21</b>
<b>% Pass</b>	<b>75</b>
<b>% Fail</b>	<b>25</b>
<b>Classification of Marks Achieved</b>	
<b>% Total in Pass Band (50-60%)</b>	<b>21</b>
<b>% Total in Merit Band (60-70%)</b>	<b>29</b>
<b>% Total in Distinction Band (70%+)</b>	<b>25</b>

It was evident that most candidates were prepared for the examination as indicated by the pass rate. The strengths in performance were being able to identify the appropriate procedure, identify the relevant authority and apply knowledge. The weaknesses were where candidates did not demonstrate they could identify the appropriate procedure, identify the relevant governing authority and demonstrate an ability to apply that knowledge, all of which are required at level 6. At times some students simply ran out of time on a particular question but this was not very often. The weaker performing candidates may have cited the correct law but they failed to address the question posed and relate the law back to the question.

Within the examination the question paper assessed 100% of the learning outcomes.

Candidates performed particularly well in Section A of the paper with pass rates as high as 93% on two of the four questions in that section of the examination. These questions concerned CPR 36 and costs budgets. In section B Students did well in areas such as wasted costs and Detailed Assessment procedure.

## 2. Candidate Performance for Each Question

### Q1 – The Formalities of a Part 36 Offer for Settlement.

This was a short compulsory question in section A of the paper, the question only attracted up to 5 marks. Candidates were required to explain that for an offer under Part 36 to be effective certain formalities must be observed. Weaker responses lacked sufficient detail above and beyond the initial explanation of Part 36, candidates therefore often failed to show any depth to their knowledge base.

The table below sets out the data on this question.

<b>Number of Candidates</b>	28
<b>Total Fails</b>	2
<b>Total Pass</b>	26
<b>% Pass</b>	93
<b>% Fail</b>	7

This question was answered well and some students achieved 90% of the marks available for this question. The question was deemed fair by the assessment team but unfortunately the weaker students just did not provide enough detail for the higher marks. It was felt that those candidates may have felt that the low marks available did not require much detail. When preparing for future examinations candidates are advised to consider past papers and marker guidance in order to ensure that they are clear on what is expected of them. Some papers only provided two or three sentences as a response for this question and this meant that the content usually demonstrated only superficial knowledge.

### Q2 – Indemnity Principle

This was a short compulsory question in section A of the paper, the question only attracted up to 5 marks. Candidates were asked to explain what was meant by the indemnity principle. For higher marks candidates needed to provide some analysis of the principle rather than just an explanation. Overall candidates responded well to the demands of the question. The candidates that performed well were able to outline sufficient detail to get strong marks. The low percentage of fails did not provide sufficient authority to warrant higher marks.

The table below sets out the data on this question.

<b>Number of Candidates</b>	28
<b>Total Fails</b>	4
<b>Total Pass</b>	24

<b>% Pass</b>	86
<b>% Fail</b>	14

This question was answered well by 86% of candidates. It was clear that candidates had prepared well for this question and they were able to demonstrate their knowledge and apply it to the question set. Some candidates were able to achieve as high as 90% for this question. The question was deemed fair by the assessment team.

### Q3 – Precedent H

This was a compulsory question in section A of the paper, the question attracted up to 10 marks. Candidates were required to explain what the phases in a precedent H include and briefly set out what items are likely to be claimed within each phase.

The table below sets out the data on this question.

<b>Number of Candidates</b>	28
<b>Total Fails</b>	2
<b>Total Pass</b>	26
<b>% Pass</b>	93
<b>% Fail</b>	7

The performance on this question was excellent overall. Candidates who performed well were able to outline the phases and showed good depth of knowledge referring to relevant authority and the guidance. Marks were lower where there was a failure by the candidate to show sufficient knowledge of the legal framework, those candidates may have covered many of the phases but failed to mention the relevant CPR or reference the guidance. The question was deemed fair by the assessment team.

### Q4 – Interim Payments

This was a compulsory question in section A of the paper, the question attracted up to 10 marks. Candidates were required to explain the circumstances and timing when an application for an interim payment may be made in detailed assessment proceedings, with reference to the procedure.

The table below sets out the data on this question.

<b>Number of Candidates</b>	28
<b>Total Fails</b>	9
<b>Total Pass</b>	19
<b>% Pass</b>	68
<b>% Fail</b>	32

There was a clear lack of knowledge, understanding and preparation for this question by some candidates although some candidates were able to achieve 90% of the marks available for the question. Some candidates did not receive any marks for this question at all. Overall the standard of responses were reasonable for this question and the pass rate reflected this but it was one of the questions candidates clearly failed to consider when revising despite similar

questions appearing on past papers. This question was deemed fair by the assessment team.

### Q5 – Default Judgment.

This was a compulsory question in section A of the paper, the question attracted up to 10 marks. Candidates were asked to explain when it might be appropriate to apply for a Default Judgment with reference to the costs consequences of a successful application where the claim is for a sum of money or goods.

The table below sets out the data on this question.

<b>Number of Candidates</b>	28
<b>Total Fails</b>	11
<b>Total Pass</b>	17
<b>% Pass</b>	61
<b>% Fail</b>	39

The range of marks was 10% - 85% and the average mark was 5.5 (55% of the marks available). The candidates that did not perform as well did not cite much applicable authority and were unable to illustrate adequately the knowledge of the relevant procedure and costs provisions. This question had the poorest pass mark on the paper however the range of marks candidates were able to achieve were illustrative that candidates were alert to the preparation that was required of them. The question was deemed fair by the assessment team.

### Q6 – Wasted Costs

This was a compulsory question in section B of the paper, this question was one of the smaller questions and attracted up to 10 marks. Candidates were required to prepare a summary on what is meant by a wasted costs order, when the court may be minded to make such an order and how you would proceed in such a situation.

The table below sets out the data on this question.

<b>Number of Candidates</b>	28
<b>Total Fails</b>	5
<b>Total Pass</b>	23
<b>% Pass</b>	82
<b>% Fail</b>	18

The range of marks was 10% - 75% and the average mark was 56%. This question was reasonably well answered and the pass rate is evidence that students had prepared well. Those students that performed less well simply had not learnt the relevant case authority and therefore were unable to make the link between the courts discretion as to costs and the way the discretion could be exercised in respect of wasted costs orders. This question was deemed fair by the assessment team and 82% of the papers showed a good performance by the candidates.

## Q7 – Default Costs Certificates

This was a compulsory question in section B of the paper, this question was one of the smaller questions and attracted up to 10 marks. The question required candidates to consider what a default costs certificate is, in what circumstances one may be obtained, in what circumstances it may be set aside, and the steps required to have one set it aside.

The table below sets out the data on this question.

<b>Number of Candidates</b>	28
<b>Total Fails</b>	9
<b>Total Pass</b>	19
<b>% Pass</b>	68
<b>% Fail</b>	32

The question was answered reasonably well with candidates achieving marks between 10-80%. That being said, the number of candidates achieving more than 50% of the marks was lower on this question than others with 68% of candidates achieving the required standard. It was clear that some candidates just failed to adequately prepare for this question. The question was deemed fair by the assessment team.

## Q8 – Detailed Assessment

This was a compulsory question in section B of the paper, this question was one of the larger questions and attracted up to 20 marks. Candidates were required to prepare the body of a letter regarding the detailed assessment procedure.

The table below sets out the data on this question.

<b>Number of Candidates</b>	28
<b>Total Fails</b>	4
<b>Total Pass</b>	24
<b>% Pass</b>	86
<b>% Fail</b>	14

The question was deemed fair by the assessment team. Most candidates clearly had the requisite knowledge of the detailed assessment procedure. The question was answered well with 86% of candidates achieving the required standard, this was the strongest performing question on section B of the paper. Some candidates achieved high marks scoring up to 85% for this question. The weaker responses did not provide the depth or breadth as required for the higher end marks. Students performed very well.

## Q9 – Ethics and Professional Standards

This was a compulsory question in section B of the paper, this question was one of the larger questions and attracted up to 20 marks. Candidates were required to consider the position where rates in a letter of instruction are significantly higher than those contained in the client care letter and CFA.

The table below sets out the data on this question.

<b>Number of Candidates</b>	28
<b>Total Fails</b>	9
<b>Total Pass</b>	19
<b>% Pass</b>	68
<b>% Fail</b>	32

Marks ranged from 10% – 85% with the average mark being a pass at 55%. Where candidates passed they were able to apply the issues to the question and deal with ethics sufficiently relying on relevant authorities. The strong performance is not a surprise as it is a main costs topic. This question was deemed fair by the assessment team, although 32% of the papers showed poor performance by the candidates. This may be attributable to the fact the question was the last on the paper and therefore time management may have impacted upon their performance.

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