Examination Report

Exam Session:	June 2018
Exam Paper:	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 mixed with some poor performances and some good performances. The difference in performance levels was due to knowledge and application of the authority to the questions. The paper was completed well with 88% of candidates passing and 12% candidates failing.

There was a total of 17 candidates that sat this paper. The breakdown of the numbers of fails, passes, merits and distinctions is provided in the statistics below, along with a question by question breakdown of the whole paper.

For the purposes of moderation, a sample of papers were selected, representing just over 39**%** of the total number of submissions in accordance with ACLT Guidelines. Although this sample is significantly in excess of the normal guideline sample, it was felt that, for the sake of fairness and consistency, a comparable sample should be selected as a reasonable representative sample for moderation purposes. The selected papers were chosen to reflect a range of marks, from the lowest to the highest, across a range of markers. All borderline papers were considered.

The table below sets out the data on the paper.

Number of Candidates	17
Total Fails	2
Total Pass	15
% Pass	88
% Fail	12
Classification of Marks Achieved	
% Total in Pass Band	35
% Total in Merit Band	41
% Total in Distinction Band	12

It was evident that the candidates were prepared for the examination. The strengths in performance were being able to identify the appropriate procedure, identify the relevant authority and apply knowledge. The weaknesses were where candidates demonstrated somewhat superficial knowledge and as a result were unable to consistently identify the appropriate procedure, the relevant governing authority and demonstrate an ability to apply that knowledge, all of which are required at level 6. The weaker performing candidates failed to answer the questions or relate the law to the facts of the scenario, this impacted upon marks significantly and was the main reason identified by the moderation team for there being only 2 distinctions awarded in this exam sitting. Some students failed to answer some questions as required which had a significant impact on the overall mark awarded. All students attempted the 9 questions required in Sections A and B.

Within the examination the question paper assessed 100% of the learning outcomes that had not been assessed within assignments on the relevant modules.

The first 4 questions on the paper had a high average mark and were answered best by the students. Questions 3 and 4 had a 100% pass rate which was very pleasing. Question 8 was also answered well; the question was worth 20 marks and candidates on an average were marked at distinction level (over 70%) with 88% achieving a pass (50% or over). On the whole, the questions with the lower marks were answered reasonably well by most candidates and presented very few challenges for the markers and the marks pre-moderation were generally fair and in accordance with the marker guidance. Candidates performed well across both section A and B. The questions on Summary Judgments and the application for an Interim Payment were not answered as well with at least 6 students failing these questions.

2. Candidate Performance for Each Question

Q1 – Costs Management

This was one of the shortest compulsory question on the paper, found within section A, the question only attracted up to 5 marks. Candidates were required to outline the circumstances when costs management will not apply.

The table below sets out the data on this question.

Number of Candidates	17
Total Fails	3
Total Pass	14
% Pass	82
% Fail	18

This question was well answered with some candidates achieving marks as high as 100%. The average mark on this question was 64% (distinction level) and it is clear

that candidates had prepared well for the question. This question was deemed fair by the assessment team.

Q2 – Proportionality

This was a compulsory question in section A of the paper, the question attracted up to 5 marks. Candidates were required to explain what was meant by proportionality. To achieve above a pass candidates were required to discuss the factors that need to be considered and/or a discussion on the standard basis of assessment.

The table below sets out the data on this question.

Number of Candidates	17
Total Fails	2
Total Pass	15
% Pass	88
% Fail	12

This question was answered well by 88% 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. Proportionality is an important topic on the course so it is not a surprise the marks were high. The average mark awarded for this question was 60% (merit level) and 41% of candidates were able to achieve a distinction for this question (70% or above).

The question was deemed fair by the assessment team.

Q3 – Role of CLSB

This was a compulsory question in section A of the paper, the question attracted up to 10 marks. Candidates were required to outline the role of the CLSB and its role as a regulator.

The table below sets out the data on this question.

Number of Candidates	17
Total Fails	0
Total Pass	17
% Pass	100
% Fail	0

The performance on this question was excellent with all candidates passing. Only 6% of candidates achieved 70%+ of the marks available for the question (distinction level). The candidates that performed well were able to explain the CLSB's role as a regulator and the monitoring of compliance. The average mark awarded on this question was 58%. The question was deemed fair by the assessment team.

Q4 – Summary Assessment

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 when summary assessment may take place with reference to timing and procedure.

The table below sets out the data on this question.

Number of Candidates	17
Total Fails	0
Total Pass	17
% Pass	100
% Fail	0

All candidates performed well on this question and 100% passed. The average mark for this question was 63%. The candidates that performed better were able to outline the references to the CPR and case law. The highest mark awarded on this question was high distinction level (80%) and the average mark achieved was at merit level (60%). The assessment team considered the question to be fair and were pleased with performance by candidates.

Q5 – Summary Judgment

This was a compulsory question in section A of the paper, the question attracted up to 10 marks. Candidates were required to outline the costs consequences of a successful application for Summary Judgment. Candidates were required to outline the Court test for accepting an application for Summary Judgment with reference to the CPR. The better performing candidates were able to refer to the CPR where required to add authority.

The table below sets out the data on this question.

Number of Candidates	17
Total Fails	6
Total Pass	11
% Pass	65
% Fail	35

35% of candidates failed this question which was high. The range of marks was 0% - 70% and the average mark was 48% which was a fail mark. It was clear that some candidates did not read the question properly. The candidates that performed well not only referred to the relevant authority but were also able to set out some of the relevant procedure and therefore showed better application and offered better advice. The candidates that did not perform as well simply appeared to not have enough to say and failed to demonstrate the level of depth to their knowledge that a

response at level 6 would require. The question was deemed fair by the assessment team.

Q6 – Interim Payment

This was a compulsory question in section B of the paper and attracted up to 10 marks. Candidates were required to prepare a summary of the circumstances, timing and procedure of making an interim payment application in detailed assessment proceedings. Higher scoring candidates were able to refer to the CPR as authority and refer to case law where required. Candidates who failed did not refer to case law or the CPR sufficiently enough for a pass.

The table below sets out the data on this question.

Number of Candidates	17
Total Fails	7
Total Pass	10
% Pass	59
% Fail	41

The range of marks was 10% - 90% and the average mark was 50% which is a pass. This question was reasonably well answered by the majority of students but had the highest fail rate on the paper (41%). From the fails it was evident some students were not expecting a question on interim payment applications despite the material being included in their revision guides and questions appearing on past papers. The question was deemed fair by the assessment team.

Q7 – Default Costs Certificate

This was a compulsory question in section B of the paper, again, this question attracted up to 10 marks. Candidates were required to prepare a summary as to what a default costs certificate is, when one might be obtained and the procedure for obtaining one.

The table below sets out the data on this question.

Number of Candidates	17
Total Fails	1
Total Pass	16
% Pass	94
% Fail	6

This question was answered well by the candidates with only 1 fail. All other students seemed well prepared and answered the question well with reference to the CPR. The highest mark for this question was 90% and the average mark achieved

by candidates was merit level (60-70%). The question was deemed fair by the assessment team.

Q8 – Bill of Costs

This was a compulsory question in section B of the paper and attracted up to 20 marks. Candidates were required to prepare an email to set out what information was required to draft a Bill of Costs and the relevant procedures and next steps. The better performing candidates were able to request suitable information and explain the procedure with reference to the CPR in great detail.

The table below sets out the data on this question.

Number of Candidates	17
Total Fails	2
Total Pass	15
% Pass	88
% Fail	12

Many candidates clearly had the requisite knowledge of the CPR to answer this question well. This is a major topic in costs and therefore it is not a surprise it was answered well with sufficient reference to the CPR where required. The question was, however, answered very well with 88% of candidates achieving the required standard. Some candidates achieved high marks of up to 90% for this question and the average mark was a merit. The weaker responses missed some of the detail of the question and failed to adequately demonstrate the ability to apply the authority to the question posed.

The question was deemed fair by the assessment team.

Q9 – Wasted Costs

This was a compulsory question in section B of the paper and attracted up to 20 marks. Candidates were required to prepare a summary on what is meant by a wasted costs order and when the court may be minded to make such an order.

The table below sets out the data on this question.

Number of Candidates	17
Total Fails	4
Total Pass	13
% Pass	76
% Fail	24

Candidates performed reasonably well on this question with 76% achieving a pass or above. Good performing candidates were able to provide supporting CPR references,

relevant case law and made reference to provisions within the relevant professional conduct rules.

This question was deemed fair by the assessment team.

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Moderator

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