Examination Report

Exam Session:	August 2020
Exam Paper:	Unit 2

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 and marker guidance.

1. Summary of Candidate Performance

This was one of the last exam sittings for this paper so the number of candidates that took the paper was small. Overall performance was reasonable with 100% of candidates achieving a pass mark.

The examination team observed that the marks awarded were largely at pass level because of the lack of application and analysis. The team also observed that there was a lack of structure to some responses and canidates should refrain from simply rote learning and citing the law.

There was a total of 2 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, both papers were selected, representing 100% of the total number of submissions which is in excess of ACLT Guidelines. Only one marker marked the scripts and this ensured consistency in marking.

The table below sets out the data on the paper.

Number of Candidates	2
Total Fails	0
Total Pass	2
% Pass	100
% Fail	0
Classification of Marks Achieved	

% Total in Pass Band	2
% Total in Merit Band	0
% Total in Distinction Band	0

It was evident that candidates had prepared well for the examination despite the unprecedented circumstances they have faced as a result of COVID-19. The candidates should be commended for their performance given the circumstances.

All candidates failed to fully answer at least one of the questions as required which had a significant impact on their overall mark. It appeared to the examination team that all candidates had sufficient time to complete the exam although there were some responses that appeared rushed and it may be that some candidates failed to manage their time appropriately in the exam.

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 four questions on the paper were compulsory for all candidates and carried the lowest marks per question. On the whole, the performance on these questions was reasonable but this was the weaker section in terms of performance. The marks for these questions pre-moderation were fair and in accordance with the marker guidance. For the remaining three questions on the paper, candidates were required to select these from five optional questions.

2. Candidate Performance for Each Question

Q1 – Legal Accounts

This was a compulsory question on the paper, found within section A, the question attracted up to 5 marks. Candidates were required to explain, with reference to appropriate authority, why the Costs Lawyer Code of Conduct prohibits costs lawyers from handling client money.

Number of Candidates	2
Total Fails	1
Total Pass	1
% Pass	50
% Fail	50

This question was well answered with some candidates achieving marks as high as 70%. However, one candidate did not attempt the question and therfore failed the question.

This question was deemed fair by the assessment team.

Q2 – Lawyer and Client

This was a compulsory question in section A of the paper, the question attracted up to 10 marks. Candidates were required to explain when a lawyer may terminate a retainer and outlinine the implications should a retainer be wrongfully terminated by a lawyer. The table below sets out the data on this question.

Number of Candidates	2
Total Fails	2
Total Pass	0
% Pass	0
% Fail	100

This question was answered by 100% of candidates but the pass rate was poor. The average mark for this question was 45%. It was clear that whilst candidates may have prepared for this question there was a lack of understanding or depth of knowledge. The question was deemed fair by the assessment team.

Q3 – Litigation Funding

This was also a compulsory question in section A of the paper and the question attracted up to 10 marks. Candidates were required to distinguish between novation and assignment and explain why these concepts are important when determining how a pre-LASPO CFA has been transferred.

The table below sets out the data on this question.

Number of Candidates	2
Total Fails	1
Total Pass	1
% Pass	50
% Fail	50

This question was answered by 100% of candidates and the pass rate was reasonable with 50% of candidates achieving the required standard. Marks ranged from 45% to 70% (fail to distinction). The candidates that performed well were able to provide good explanations of the concepts and provided a detailed exploration of the principles the courts have considered when applying the law to the cases before them.

The question was deemed fair by the assessment team.

Q4 – Costs in Special Courts

This was a compulsory question in section A of the paper, the question attracted up to 15 marks. Candidates were required to explain the provisions contained within sections 59-65 of the Arbitration Act 1996.

The table below sets out the data on this question.

Number of Candidates	2
Total Fails	1
Total Pass	1
% Pass	50
% Fail	50

Again, the pass rate on this question (at 50%) was reasonable. The highest mark awarded for this question was disappointing at 53%. Candidates must be careful not to simply list provisions of legislation because this can often make their knowledge appear superficial. Sometimes even the simplest of attempts to link the sections and provide commentary on the legislation can improve the marks awarded considerably.

This question was deemed fair by the assessment team.

Q5 – Lawyer and Client

This was an optional question in section B of the paper, like all other questions in this section, the question attracted up to 20 marks. Candidates were required to advise on when a retainer between a solicitor and client may be terminated and what is meant by a final bill. Candidates also needed to explain when a client may obtain a more detailed breakdown of the costs claimed by a solicitor.

The table below sets out the data on this question.

Number of Candidates	2
Total Fails	0
Total Pass	2
% Pass	100
% Fail	0

All candidates answered this question. The range of marks was 55% - 70% (pass to distinction). The candidates that performed well not only referred to the relevant authority but were also able to offer some

logical sound advice based on the information they had been given. The candidates that did not perform as well simply appeared to state the law and , whilst able to demonstrate the level of depth to their knowledge required at level 6, did not appear completely comfortable with structuring their advice on the same.

The question was deemed fair by the assessment team.

Q6 – Special Courts

This was an optional question in section B of the paper and attracted up to 20 marks. Candidates were required to set out the rules in the lower tier tribunals in respect of costs and specifically when a costs order may be made against a claimant. All candidates opted to answer this question making it one of the two most popular questions in Section B of the paper.

The table below sets out the data on this question.

Number of Candidates	2
Total Fails	0
Total Pass	2
% Pass	100
% Fail	0

The range of marks was 50% - 65% (pass to mid-range merit). This question was well answered with all candidates passing and it was clear that candidates had prepared well.

This question was deemed fair by the assessment team.

Q7 – Litigation Funding

Again, this question was one of the optional questions and attracted up to 20 marks. This question was not attempted by any candidates.

The table below sets out the data on this question.

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

The question was deemed fair by the assessment team.

Q8 – Litigation Funding

This was an optional question in section B of the paper, like all other questions in this section, the question attracted up to 20 marks. Candidates were required to prepare a summary of advice on the circumstances in which a litigant might wish to use third party funding, the ethical issues that might arise, the type of proceedings for which funding might be available and what that funding might cover.

The table below sets out the data on this question.

Number of Candidates	1
Total Fails	0
Total Pass	1
% Pass	100
% Fail	0

Only 1 candidate answered this question. The question was, however, answered well with 100% of candidates achieving the required standard. The question was deemed fair by the assessment team.

Q9 – Legal Accounts

This was an optional question in section B of the paper and attracted up to 20 marks. Candidates were required to prepare a summary on money laundering regulations.

The table below sets out the data on this question.

Number of Candidates	1
Total Fails	0
Total Pass	1
% Pass	100
% Fail	0

This question was answered by 50% of candidates. Despite the question being last on the paper it did not appear that candidates ran out of time on this question, all candidates passed the question. It was clear that candidates had prepared well.

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