

Examination Report

Exam Session:	August 2018
Exam Paper:	Unit 3

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 largely due to knowledge and application of relevant authority to the questions. On the whole, the paper was completed well with 78% of candidates passing and 22% of candidates failing.

There was a total of 9 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 56% of the total number of submissions in accordance with ACLT Guidelines. Although this sample was 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. The selected papers were chosen to reflect a range of marks, from the lowest to the highest, from a cross-section of markers. All borderline and fail papers were considered.

The table below sets out the data on the paper.

Number of Candidates	9
Total Fails	2
Total Pass	7
% Pass	78
% Fail	22
Classification of Marks Achieved	
% Total in Pass Band	56
% Total in Merit Band	11
% Total in Distinction Band	11

It was evident that candidates were largely 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 only 11% of candidates achieving distinctions in this exam sitting. Some candidates failed to fully answer some of the questions as required which had a significant impact on the overall mark awarded. Not all candidates attempted the 3 questions required in Section B which meant that some students did not achieve a pass as a result. It appears that all candidates had sufficient time to complete the exam although this may be the reason that at least one student failed to answer the required number of questions in section 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 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 disappointing. 3 out of 4 of the questions saw a pass rate of only 56%. The marks for these questions pre-moderation were fair and in accordance with the marker guidance. Candidates performed best in the section A question on the learning outcome concerning business (i.e question 1) where 70% of candidates achieved a pass or more (50% plus).

For the remaining three questions on the paper, candidates were required to select these from five optional questions. The vast majority of candidates answered questions 5 and 6 which assisted with both marking and moderation in terms of ensuring consistency in marks awarded. The question in section B on Civil Procedure and Protocols to Professional Negligence and Clinical Negligence Claims was the most popular on the paper. Questions 7, 8 and 9 were where candidates performed best on section B.

2. Candidate Performance for Each Question

Q1 – Business Models

This was a compulsory question on the paper, found within section A, the question attracted up to 10 marks. Candidates were required to explain how a law firm may be structured to ensure responsibilities can be divided among functional divisions, so that each employee can focus on certain types of work, whilst the firm retains a core part of their organisation that exerts key influence over those divisions.

The table below sets out the data on this question.

Number of Candidates	9
Total Fails	2
Total Pass	7
% Pass	78
% Fail	22

This question was reasonably well answered with some candidates achieving marks as high as 80%. The average mark on this question was only 52% (pass level) and it is clear that whilst candidates had prepared for the question that they may have been unable to apply their knowledge to the question set suggesting they appeared to have only superficial knowledge of the subject matter. The candidates that performed well were able to outline the different models and relate them back to whether they were appropriate for the structure of a law firm that may need to have divisions. Candidates who struggled simply listed different structures and did not provide any comment on the suitability to fostering for a law firm. This question was deemed fair by the assessment team.

Q2 – Functional Areas of Business Management

This was a compulsory question in section A of the paper, the question attracted up to 10 marks. Candidates were required to explain what a compliance officer is and outline their responsibilities within a firm regulated by the Solicitors Regulation Authority.

The table below sets out the data on this question.

Number of Candidates	9
Total Fails	4
Total Pass	5
% Pass	56
% Fail	44

This question was answered by 100% of candidates but the pass rate (at 56%) was disappointing. Marks ranged from 10% to 70% (distinction). It was clear that some candidates had simply not prepared at all for this question despite the topic having appeared on previous papers and material being included within the revision packs. Whilst the average mark awarded for this question was lower than may have been expected at 47% (a borderline fail), a pleasing 30% of candidates were able to achieve merit level or above for this question (60% or higher).

The question was deemed fair by the assessment team.

Q3 – Impact of External Elements of the Business Environment on the Business

This was also a compulsory question in section A of the paper and the question attracted up to 10 marks. Candidates were required to explain how firms, regulated by the Solicitors Regulation Authority, may demonstrate they are taking a risk-based approach to compliance and managing their business.

The table below sets out the data on this question.

Number of Candidates	9
Total Fails	4
Total Pass	5
% Pass	56

% Fail	44
---------------	-----------

This question was answered by 100% of candidates but the pass rate (again at 56%) was disappointing. The candidates that performed well were able to provide good explanations of the SRA requirements (or lack of) and how a risk management policy could be implemented. Marks ranged from 30% to 70% (distinction). The candidates that achieved a pass were able to demonstrate their knowledge and apply it to the question set. Whilst the average mark awarded for this question was lower than may have been expected at 49% (a borderline fail), a pleasing 30% of candidates were able to achieve merit level or above for this question (60% or higher).

The question was deemed fair by the assessment team.

Q4 – Performance Management

This was a compulsory question in section A of the paper, the question attracted up to 10 marks. Candidates were required to explain the legal considerations for a law firm when implementing strategies to manage individuals to enable them to achieve their goals whilst aligning them with the organisation's objectives.

The table below sets out the data on this question.

Number of Candidates	9
Total Fails	4
Total Pass	5
% Pass	56
% Fail	44

Again, the pass rate on this question (at 56%) was disappointing. The candidates that performed well were able to outline the potential claims of unfair dismissal, discrimination and breach of contract depending on the effectiveness of performance managing individuals. Marks ranged from 10% to 80% (a higher distinction) with the average mark being 49%. Whilst this may indicate students had simply not prepared for this question it is clear that those that had prepared were able to apply their knowledge well with 44% of candidates achieved a merit or above (60% plus) for this question.

This question was deemed fair by the assessment team.

Q5 – Case and Costs Management

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 write the body of a memo of advice to their professional colleague setting out whether an application should be made to amend a budget or if it is a matter best left to assessment. Their advice was required to cover their consideration of the case developments and whether they considered them to be significant enough to justify a departure from the budget.

The table below sets out the data on this question.

Number of Candidates	7
Total Fails	2

Total Pass	5
% Pass	29
% Fail	71

78% of candidates answered this question. This is a topical area for candidates and it was pleasing to see that such a high proportion opted to answer it. The range of marks was 45% - 70% and the average mark was reasonable at 58% (high pass level). 29% of candidates achieved a distinction (70% plus) for this question. 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 – Civil Procedures – Clinical and Professional Negligence

This was an optional question in section B of the paper, and attracted up to 20 marks. Candidates were required to prepare a body of a letter of advice in relation to a potential appeal against a decision made on assessment. The response needed to deal with three particular points in relation to the recoverability of an ATE premium. All candidates opted to answer this question making it the most popular question in Section B of the paper.

The table below sets out the data on this question.

Number of Candidates	9
Total Fails	1
Total Pass	8
% Pass	89
% Fail	11

The range of marks was 40% - 70% and the average mark was 58% (high-range pass). This question was well answered with the majority of candidates passing and it was clear that candidates had prepared well. This is pleasing given the importance of this topic to the day to day work undertaken by costs professionals. This question required knowledge of the pre and post LASPO provisions.

This question was deemed fair by the assessment team and 89% of the papers showed a good performance by the candidates.

Q7 – Civil Procedure – Land and Family

This was an optional question in section B of the paper, again, this question attracted up to 20 marks. Candidates were required to prepare advice setting out how costs in family cases are usually dealt with, candidates were then required to advise on the particular facts of the case and how costs will be dealt with in private Children Act proceedings.

The table below sets out the data on this question.

Number of Candidates	4
Total Fails	0
Total Pass	4
% Pass	100
% Fail	0

This question was attempted by 44% of candidates with an excellent pass rate. Marks ranged from 50% (pass) to 75% (distinction) for this question. The average mark for this question was 59% (high-range pass) which is pleasing given many candidates will have had no practical experience of this niche area of costs.

The question was deemed fair by the assessment team.

Q8 – Civil Procedure – contentious probate and judicial review

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 the statutory tests for costs capping orders in judicial review cases.

The table below sets out the data on this question.

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

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 – Injunctions

This was an optional question in section B of the paper and attracted up to 20 marks. Candidates were required to prepare an advice on whether a costs order would be provided in the circumstances of an interim injunction application.

The table below sets out the data on this question.

Number of Candidates	5
Total Fails	0
Total Pass	5
% Pass	100
% Fail	0

This question was answered by 56% 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 with marks ranging from 55% to 70%. The average mark was 65% (which is a merit) and 40% of candidates achieved a distinction for this question (70% plus). Candidates performed well on this question.

This question was deemed fair by the assessment team, despite the poor pass rate.

Kirsty Allison
Head of Education