

## Examination Report

<b>Exam Session:</b>	February 2023
<b>Exam Paper:</b>	Unit 1
<p>The purpose of the report is to provide feedback to tutors and candidates on the candidates' performance in the examination with recommendations and guidance as to the key points candidates should have included in their answers to the February 2023 examination.</p> <p>This is intended to be a useful document that comments on overall performance by candidates in the February 2023 Unit 1 examination, advises on how performance might be improved and indicates what should be contained in successful answers to the questions in the examination paper. This report should be read in conjunction with the relevant examination paper and marker guidance. The suggested points for responses contained in the marker guidance are points that a response from a good (merit/distinction) candidate would have provided. Candidates will have received credit, where applicable, for other points not addressed by the marking guidance.</p>	
<b>Summary of Candidate Performance</b>	
<p>Within the examination the question paper assessed 100% of the learning outcomes that had not been assessed within assignments on the relevant modules.</p> <p>Overall, performance was reasonable as out of 3 candidates 2 passed the exam which for resits was acceptable. As the candidates were retake students it is to be expected that the performance would result in borderline passes. The failed exam was borderline but could not be moderated to a pass paper.</p> <p>3 candidates took this examination with a pass rate of 67%.</p> <p>Problem questions, found in section B of the paper, required careful and accurate application to the facts in the part B scenarios. If candidates use the knowledge outcomes as a focus in how they structure their answers this will lead them not to make the most of the opportunity for them to demonstrate that they can use the law to solve problems, the main purpose of these questions.</p> <p>The breakdown of the numbers of fails, passes, merits and distinctions are provided in the statistics below, along with a question by question breakdown of the whole paper.</p> <p>For the purposes of moderation, a sample of papers were selected, representing 100% of the total number of submissions which is in excess of the sample required by ACLT Guidelines.</p> <p>Only one marker marked the scripts which made the moderation process easier and ensured consistency in marking.</p>	

The table below sets out the data on the paper.

<b>Number of Candidates</b>	3
<b>Total Fails</b>	1
<b>Total Pass</b>	2
<b>% Pass</b>	67%
<b>% Fail</b>	33%
<b>Classification of Marks Achieved</b>	
<b>% Total in Pass Band</b>	67%
<b>% Total in Merit Band</b>	0%
<b>% Total in Distinction Band</b>	0%

The first four questions on the paper were compulsory for all candidates and carried the lowest marks per question (10 marks). The performance on these questions was mixed ranging from 20% to 100%. An average mark of 5 was scored across all Section A questions.

For the remaining questions on the paper, in section B, candidates were required to select three of these from four optional questions.

### Candidate Performance For Question 1

This was a compulsory question on the paper, found within section A, the question attracted up to 10 marks. Candidates were required to explain the requirement that acceptance must mirror the offer and discuss the general rule that acceptance must be communicated.

<b>Number of Candidates</b>	3
<b>Total Fails</b>	0
<b>Total Pass</b>	3
<b>% Pass</b>	100%
<b>% Fail</b>	0%

Performance on this question was good as all 3 candidates passed. One candidate scored full marks. All students were able to provide the basics of contract to include offer and acceptance. Marks ranged from 50% to 100%

### Candidate Performance For Question 2

This was a compulsory question on the paper, found within section A, the question attracted up to 10 marks. Candidates were required to explain factors the Court will consider when differentiating between representation and a term.

<b>Number of Candidates</b>	3
<b>Total Fails</b>	1
<b>Total Pass</b>	2
<b>% Pass</b>	67%
<b>% Fail</b>	33%

Performance on this question was reasonable as 2 students passed the question with strong marks. One student was a borderline fail. Again, all students were able to provide the basics and most students were able to go beyond the basic requirements to obtain a pass to include legal principles and supporting authority. Marks ranged from 40% to 90%

### Candidate Performance For Question 3

This was a compulsory question on the paper, found within section A, the question attracted up to 10 marks. Candidates were required to identify when an intervening act may break the chain of causation between the Defendant's breach and the Claimant's loss or damage.

<b>Number of Candidates</b>	3
<b>Total Fails</b>	2
<b>Total Pass</b>	1
<b>% Pass</b>	33%
<b>% Fail</b>	67%

Performance on this question was weaker as students focused simply on the test for negligence rather than focusing on the chain of causation. Whilst this approach did allow students to attract some marks, they were unable to gain the full range of marks available. Marks ranged from 20% to 60%. The one student that passed was able to include some detail on the chain of causation and some supporting authority specifically on this point.

### Candidate Performance For Question 4

This was a compulsory question on the paper, found within section A, the question attracted up to 10 marks. Candidates were required to explain the relevance of the standard of care and how the courts would determine if a defendant had breached their duty.

<b>Number of Candidates</b>	3
<b>Total Fails</b>	1
<b>Total Pass</b>	2
<b>% Pass</b>	67%
<b>% Fail</b>	33%

Performance on this question was reasonable, 2 students passed the question and 1 student failed. The students who passed the question obtained borderline pass marks. Marks ranged from 20% to 50%. Students struggled to deal with the topic of the question which was focused on the general duty of care. All students focused primarily on the test for negligence and the duty of care generally rather than the standard of care. The 2 students who passed were able to develop the answers to include dealing with the issue of the duty of care if only minimally.

### Candidate Performance For Question 5 – Contract Law

This was an optional question in section B of the paper and this question attracted up to 20 marks. Candidates were required to advise on the formation of contracts within the provided scenarios.

<b>Number of Candidates</b>	3
<b>Total Fails</b>	1

<b>Total Pass</b>	2
<b>% Pass</b>	67%
<b>% Fail</b>	33%

Performance on this question was mixed, 2 students passed the question and 1 student failed. The students who passed were only borderline passes. The students provided the basic information with respect to contract but failed to sufficiently develop the knowledge and apply it to the question to obtain higher marks. Marks ranged from 45% to 60%

#### **Candidate Performance For Question 6 – Contract Law**

This was an optional question in section B of the paper and this question attracted up to 20 marks. Candidates were required to provide advice on misrepresentation and potential consequences upon a successful claim.

<b>Number of Candidates</b>	3
<b>Total Fails</b>	2
<b>Total Pass</b>	1
<b>% Pass</b>	33%
<b>% Fail</b>	67%

All students attempted this question and performance on this question was weak. Only 1 student passed the question. Students failed to deal adequately with the basics of misrepresentation and the consequences. The answers lacked supporting authority and sufficient detail for markers to justify awarding higher marks. Marks ranged from 25% to 55%.

#### **Candidate Performance For Question 7 – Tort Law**

This was an optional question in section B of the paper and this question attracted up to 20 marks. Candidates were required to advise on the merits of 2 tort claims following a road traffic accident. The question required students to explain how claims for psychiatric harm are dealt with.

<b>Number of Candidates</b>	1
<b>Total Fails</b>	1
<b>Total Pass</b>	0
<b>% Pass</b>	0%
<b>% Fail</b>	100%

Performance on this question was weak as the only student who answered the question failed. The student failed to explain the law on claims for psychiatric harm sufficiently to provide the level of detail on the legal tests to obtain a pass mark. It is possible that time management became a factor if this was the last question to be answered by the student. Marks ranged from 45% to 45%

#### **Candidate Performance For Question 8 – Tort Law**

This was an optional question in section B of the paper and this question attracted up to 20 marks. Candidates were required to advise on liability in tort in a scenario where there may have been a break in the chain of causation.

<b>Number of Candidates</b>	2
<b>Total Fails</b>	1

<b>Total Pass</b>	1
<b>% Pass</b>	50%
<b>% Fail</b>	50%

Performance on this question was reasonable, 1 student passed the question and the second student failed. Both students failed to either provide the basic framework of the law or failed to provide supporting authority for the tests to be applied. It is possible time management became a factor if this was the last question to be answered by the students. Marks ranged from 30% to 55%

**Mark Armstrong**  
**Moderator**