

Examination Report

Exam Session:	December 2023
Exam Paper:	Unit 2
<p>The purpose of the report is to provide feedback to tutors and candidates on the candidates' performance in the examination. This report contains recommendations and guidance as to the key points candidates should have included in their answers in the December 2023 examination.</p> <p>This report is intended to be a useful document that comments on overall performance by candidates in the December examination, advises on how performance might be improved and indicates what should be contained in successful answers to the questions in the examination paper.</p> <p>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 marker guidance.</p>	
Summary of Candidate Performance	
<p>This was the eighth sitting of the Unit 2 examination in this format.</p> <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>A total of 5 candidates sat this paper.</p> <p>Overall, performance was average.</p> <p>60% of candidates passed.</p> <p>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.</p> <p>For the purposes of moderation, 100% of the total number of submissions was moderated, which is the full sample required by ACLT Guidelines for this number of exam papers.</p> <p>One marker marked the scripts which made the moderation process straightforward.</p> <p>The table below sets out the data on the paper.</p>	
Number of Candidates	5
Total Fails	2
Total Pass	3

% Pass	60%
% Fail	40%
Classification of Marks Achieved	
% Total in Pass Band	40%
% Total in Merit Band	20%
% Total in Distinction Band	0%

The first four questions on the paper were compulsory for all candidates and carried the lowest marks per question (10 marks). On the whole, the performance on these questions was average. Marks ranged from 0% to 100% across all Section A questions. Concerns were raised regarding question 3 in this section. As a result, this question was excluded from the final exam mark allocation and overall results. The exam paper was subsequently marked out of a total of 90 rather than 100 points. Further information is provided in Question 3 below.

For the remaining 3 questions on the paper, in section B, candidates were required to select these from 5 optional questions. On the whole, the performance on these questions was average. Marks ranged from 15% to 90% for these Section B 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 what is meant by a default judgment and the circumstances in which a default judgment may be obtained or set aside.

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

Performance on this question was excellent. Marks ranged from 60% 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 asked to outline the changes that were made to the rules on recoverability of ATE premiums from 1 April 2013 and discuss the impact of these changes on the ability of the successful party to recover ATE premiums for policies taken out after this date.

Number of Candidates	5
Total Fails	4
Total Pass	1
% Pass	20%
% Fail	80%

Performance on this question was poor. Marks ranged from 20% to 80%.

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 explain the difference between contentious and non-contentious business in legal work and the significance of these differences in relation to rules about charging fees to clients and/or recoverability of costs from other parties and whether the distinction serves any purpose.

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

Performance on this question was very poor and three of the candidates failed to attempt this question. Of those that did attempt the question, neither achieved a pass mark. Marks ranged from 0% to 40%.

Feedback from candidates indicated that content relating to this question was not covered during the module or revision session. Feedback from the module tutor, exam paper author and external examiner was sought. Feedback indicated that content had been covered in both module and revision session but the question was not worded in such a way as to enable candidates to understand the connection to that content and related learning outcome. In light of this and the fact that this question was mandatory it was recommended that this question and associated marks be disregarded. This recommendation was accepted at the Assessment Board and students notified.

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 what is meant by 'money laundering' and to outline the statutory and non-statutory provisions which regulate the activity, including the impact on lawyers and law firms when dealing with clients' money.

Number of Candidates	5
Total Fails	2
Total Pass	3
% Pass	60%
% Fail	40%

Overall, performance on this question was good. Marks awarded ranged from 40% to 80%.

Candidate Performance For Question 5

This was an optional question in section B of the paper and this question attracted up to 20 marks. Candidates were required to draft a body of an email giving advice on what a summary judgement is, the procedure involved, the chances of success and the likely costs implications of pursuing such an action. All candidates attempted this question.

Number of Candidates	5
Total Fails	1
Total Pass	4
% Pass	80%
% Fail	20%

Performance on this question was very good and marks ranged from 15% to 90%.

Candidate Performance For Question 6

This was an optional question in section B of the paper and this question attracted up to 20 marks. Candidates were required to prepare the body of an email advising on the protection provided by the rules on QOCS and the prospects of being asked to pay for the NHS Trust's costs. Only two candidates attempted this question.

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

Performance on this question was fair and marks ranged from 45% to 60%

Candidate Performance For Question 7

This was an optional question in section B of the paper and this question attracted up to 20 marks. Candidates were required to write an advisory email explaining the legal position on solicitor's fees, the recoverability of costs and any potential remedies that may be open to the client. Only two candidates attempted this question.

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

Performance on this question was fair and marks ranged from 40% to 60%.

Candidate Performance For Question 8

This was an optional question in section B of the paper and this question attracted up to 20 marks. The question required drafting of a memo of advice on a client's position and options open to the client. Four candidates attempted this question.

Number of Candidates	4
Total Fails	2
Total Pass	2
% Pass	50%
% Fail	50%

Performance on this question was fair. Marks ranged from 25% to 80%.

Candidate Performance For Question 9

This was an optional question in section B of the paper and this question attracted up to 20 marks. The question concerned writing a memo to a COFA setting out the management systems the firm should have in place to comply with the regulatory requirements the firm should have in place to comply with the regulatory requirements on handling clients' money and how to deal with financial transactions of this nature, including advice on what steps the firm needs to take to ensure compliance with legal and regulatory requirements. Two candidates attempted this question.

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

Performance on this question was good. Marks ranged from 50% to 65%.

Taking an overall view of the exam marking the moderator was in agreement with the majority of the marks awarded and also agreed with the marker's comments and observations in general.

In conclusion, overall the exam marks are acceptable and the majority of the candidates demonstrated the required legal knowledge.

Geoff Farmer
Moderator

Madeleine Jenness
Head of Education