**LEEDS BECKETT UNIVERSITY**

**POST GRADUATE DIPLOMA IN LEGAL PRACTICE / LEGAL PRACTICE COURSE**

**COURSE ASSESSMENT REGULATIONS**

Covid-19 social distancing measures will be in place for teaching, learning, assessment and student support in 2020/21. This means that there will be operational requirements and protocols in place for the way in which the course is delivered and the way in which University activities, facilities, and spaces operate which students and staff will need to follow.

We may need to implement approved emergency Covid-19 pandemic academic regulations to take account of the impact of Covid-19 general extenuating circumstances.

As the situation evolves, further information on course delivery arrangements will be provided to you via the School.

1. **Definition of terms**
   1. “Academic Award” means the Postgraduate Diploma in Legal Practice awarded by Leeds Beckett University;
   2. “Assessment Offence” means cheating and plagiarism and other attempts at gaining an unfair advantage as defined by Leeds Beckett University;
   3. “Board of Examiners” means a board whose members are constituted in accordance with the requirements of the Solicitors Regulation Authority and Leeds Beckett University Regulations;
   4. “Core Practice Areas” means all or any of the subjects of Business Law and Practice, Litigation and Property Law and Practice;
   5. “Compensation” means the ability to compensate a fail in one assessment with a mark in another;
   6. “Completion Date” means the earliest date on which a student could have potentially successfully completed all assessments for the Course, for example, for a full time student with an enrolment date of September 2020 the Completion Date of the Course will be July 2021, for a part time student with an enrolment date of September 2020 the Completion Date of the Course will be July 2022;
   7. “Condonation” means a discretion to award a pass, where a pass has not been achieved by the student in that subject assessment;
   8. ‘‘Course” means the Postgraduate Diploma in Legal Practice and the Legal Practice Course and applies to both full time and part time modes;
   9. “Course Skills” means all or any of the skills of Writing, Drafting, Practical Legal Research, Advocacy, and Interviewing and Advising;
   10. “Deferred” or “Deferral” means an assessment which is taken or to be taken by a student who, but for mitigating circumstances which have been accepted by the Board of Examiners, is permitted to take the assessment as a first, second or final attempt at a later date than other students;
   11. “External Examiners” means the examiners appointed by the University;
   12. “First Available Opportunity” means the first scheduled summative assessment following enrolment on the course and applies to all assessment subjects in the Core Practice Areas, Vocational Electives, WAE, PCR, Solicitors Accounts and Course Skills;
   13. “Mitigating Circumstances: Fit to Sit Policy” means the policy for submitting mitigation as referred to in these regulations;
   14. “PCR” means Professional Conduct and Regulation;
   15. “RPL” means Recognition of Prior Learning
   16. “SRA” means the Solicitors Regulation Authority;
   17. “Stage 1” means the part of the Course in which students are taught and assessed in each of the Core Practice Areas, WAE, PCR, Solicitors Accounts, Taxation and Course Skills;
   18. “Stage 2” means the part of the Course in which students are taught and assessed in the Vocational Electives;
   19. "Subject Assessment" means any of the assessments set as Stage 1 and/or Stage 2 assessments;
   20. “the University” means Leeds Beckett University;
   21. “the University’s Academic Principles” means the academic principles and general academic regulations concerned with admission to, and the assessment of students enrolled on, programmes of study leading to awards of the University;
   22. “Vocational Elective” means any of the assessments set in the subjects of Commercial Law and Practice, Commercial Dispute Resolution, Commercial Leases, Employment Law, Family Law, Personal Injury and Clinical Negligence, Mental Health Law, Private Acquisitions, and any other Vocational Elective(s) approved by the SRA;
   23. “Vocational Qualification” means the qualification recognised by the SRA as the Legal Practice Course;
   24. “WAE” means the subject of Wills and Administration of Estates.
2. **ASSESSMENTS**
   1. **Stage 1 requirements**

A student must achieve a pass in each of the following units of Stage 1 of the course:

* + 1. Core Practice Areas:

Business Law and Practice: one assessment in two papers

Property Law and Practice: one assessment in two papers

Litigation: one assessment in three papers

(Civil Litigation and Criminal Litigation must be taken within the same period of assessment).

* + 1. Each Core Practice Area assessment shall last a minimum of three hours. The pass mark for each such assessment will be 50%.
    2. Core Practice Area assessments will be structured and weighted as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Core practice area** | **Length of paper** | **Open book/closed book** | **Weighting** | **Overall (pass/fail)** |
| Business Law and Practice (BLP) | Paper 1 – 1 hour  Paper 2 – 3 hours | Closed book  Open book | 30%  70% | 50% of overall marks available |
| Property Law and Practice (PLP) | Paper 1 – 1 hour  Paper 2 – 2 hours | Closed book  Open book | 40%  60% | 50% of overall marks available |
| Litigation | Paper 1 (Civil and Criminal) – 1 hour  Paper 2 (Civil) – 2 hours  Paper 3 (Criminal) – 2 hours | Closed book  Open book  Open book | 20%  40%  40% | 50% of overall marks available |

The marks for the two papers of the BLP and PLP assessments and the three papers of the Litigation shall be aggregated to derive an overall mark for each subject assessment.

A minimum of 5% of marks in each Core Practice Area assessment must be allocated to Professional Conduct and Regulation.

* 1. **Professional Conduct and Regulation**

PCR is assessed in two ways:

* + 1. A discrete open book assessment of 2 hours duration taken at the end of Stage 1 of the Course
    2. By the allocation of 5% of the marks available within each of the three Core Practice Area assessments to Professional Conduct and Regulation. These marks are not aggregated with those of the discrete assessment
    3. A student must pass the discrete assessment in order to achieve a pass in PCR
    4. The pass mark for PCR is 50% of the available marks.
  1. **Solicitors Accounts**

This will be assessed by a discrete assessment lasting for two hours. Students shall be permitted to bring to the assessment a copy of the Solicitors Accounts Rules which may be annotated in advance of the assessment. The pass mark will be 50% of the available marks.

* 1. **Course Skills**

These will be assessed by a separate assessment in each of the following:

* + 1. Advocacy in the context of Civil Litigation
    2. Drafting in the context of BLP
    3. Interviewing and Advising in the context of WAE
    4. Practical Legal Research (free standing)
    5. Writing in the context of WAE

In each of the Course Skills a pass means achieving competence in that Course Skill by reference to the assessment criteria for that skill. On each assessment for each of the Course Skills a student shall be declared “competent’ or “not yet competent”.

* 1. **Wills and Administration of Estates**

This will be assessed by a one hour discrete multiple-choice assessment. The pass mark will be 50%. WAE will also be the context in which the Course Skills of Interviewing and Advising and Writing are assessed.

* 1. **Taxation**

The outcomes for Taxation will be assessed in the context of Business Law and Practice, Property Law and Practice, and WAE but for the avoidance of doubt there is no discrete assessment in Taxation.

1. **Stage 2 Requirements** 
   1. Three Vocational Electives must be passed to achieve Stage 2.
   2. Each Vocational Elective assessment shall last a minimum of three hours. The pass mark for each such assessment will be 50%.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Vocational elective** | **Length of paper** | **Open book/closed book** | **Weighting** | **Overall (pass/fail)** |
| Commercial Law and Practice | Paper 1 – 1 hour  Paper 2 – 2 hours | Open book  Open book | 30%  70% | 50% of overall marks available |
| Commercial Leases | Paper 1 – 1 hour  Paper 2 – 2 hours | Open book  Open book | 30%  70% | 50% of overall marks available |
| Commercial Dispute Resolution | Paper 1 – 1 hour  Paper 2 – 2 hours | Open book  Open book | 30%  70% | 50% of overall marks available |
| Employment | Paper 1 – 1 hour  Paper 2 – 2 hours | Open book  Open book | 30%  70% | 50% of overall marks available |
| Family law | Paper 1 – 1 hour  Paper 2 – 2 hours | Open book  Open book | 30%  70% | 50% of overall marks available |
| Mental Health Law | Paper 1 – 1 hour  Paper 2 – 2 hours | Open book  Open book | 30%  70% | 50% of overall marks available |
| Personal Injury and Clinical Negligence | Paper 1 – 1 hour  Paper 2 – 2 hours | Open book  Open book | 30%  70% | 50% of overall marks available |
| Private Acquisitions | Paper 1 – 1 hour  Paper 2 – 2 hours | Open book  Open book | 30%  70% | 50% of overall marks available |

1. **First attempt at an assessment and defer assessments**
   1. A student’s first attempt at an assessment in any of the Core Practice Areas, Vocational Electives, WAE, Course Skills, PCR or Solicitors’ Accounts should be taken at the First Available Opportunity.
   2. If a student considers that he/she is not fit to sit at the First Available Opportunity in any one or more of the assessments outlined in regulation 4.1 the student must submit mitigation in accordance with the Mitigating Circumstances: Fit to Sit Policy giving a full explanation and providing evidence, including medical evidence where appropriate, as to the reasons why he/she considers he/she is not fit to sit the assessment.
   3. Mitigation will be considered in accordance with the Mitigating Circumstances: Fit to Sit Policy at Regulation 9 below.
   4. A student who successfully mitigates an assessment(s) to be taken at the First Available Opportunity will have that first attempt(s) deferred until the date of the next scheduled assessment in that subject(s).
   5. A student will only be permitted to defer an assessment if he/she satisfies the requirements of the Mitigating Circumstances: Fit to Sit Policy at Regulation 9 below.
   6. In the event that a student has mitigation accepted by the mitigation panel for a first or second or third (and final) attempt at an assessment the student will normally be required to take the deferred first or second or third (and final) attempt at the next available opportunity.
   7. Students who fail a Subject Assessment will be given the opportunity to have feedback from tutors. Feedback will not be given to students for a Subject Assessment where the student has submitted mitigating circumstances after the assessment which have been accepted by the relevant Course mitigation panel. In these circumstances the student is deemed to have not attempted the assessment.
2. **Refer assessments: General**
   1. **Stage 1 Assessment Failure:** 
      1. A student who is deemed not yet competent or fails one or more of the Stage 1 Subject Assessments at the First Available Opportunity shall be referred in that assessment or those assessments (the first referral).
      2. A student who is deemed not yet competent or fails a first referral in one or more of the Stage 1 Subject Assessments will be referred in that assessment or those assessments for a second and final time (the second referral). The second referral is the final referral.
      3. A student who is deemed not yet competent or fails a second referral in one or more of the Stage 1 Subject Assessments shall fail Stage 1 overall:
         1. A student who has failed Stage 1 overall can re-enrol on the Course and repeat Stage 1 with attendance, subject to Regulation 8.
         2. A student who has re-enrolled to repeat Stage 1 and who successfully completes Stage 2 in accordance with Regulation 8 Currency of Assessments and subject to successful completion of Stage 1 will be eligible to be awarded the Vocational Qualification but will not be eligible for the Academic Award.
         3. For the avoidance of doubt Stage 1 assessment results cannot be carried over to the repeat Stage 1 and any fees to the University and the SRA must be paid as required.

* 1. **Stage 2 assessment failure:**
     1. A student who fails one or more of the Stage 2 Subject Assessments at the First Available Opportunity shall be referred in that assessment or those assessments (the first referral).
     2. A student who fails a first referral in one or more of the Stage 2 Subject Assessments will be referred in that assessment or those assessments for a second and final time (the second referral). The second referral is the final referral.
     3. A student who fails a second referral in one or more of the Stage 2 Subject Assessments shall fail Stage 2 overall.
     4. A student who fails a Stage 2 assessment for the third and final time can either re-enrol on the Course for that particular Vocational Elective or start a different Vocational Elective, subject to Regulation 8 Currency of Assessments.
     5. A student who has re-enrolled on the Course and/or taken a different Vocational Elective and who successfully completes Stage 2 in accordance with Regulation 8 Currency of Assessments and subject to successful completion of the Course will be eligible to be awarded the Vocational Qualification but will not be eligible for the Academic Award.
     6. The University reserves the right to levy additional fees associated with costs of re-enrolment on an elective and / or starting a different elective.
  2. **General:**
     1. Students who have failed an assessment must give notice to the University in writing of whether or not they intend to sit a refer assessment at the next available opportunity see Regulation 13 ‘Giving Notice of Intention to Sit’.
     2. The timing of referrals and deferrals shall be at the discretion of the Board of Examiners but in any event in accordance with the usual assessment schedule of the Course.
     3. The University is not required to set separate assessments for students that have not satisfied the requirements of Regulation 6 Timing of Refer assessments: full time students. Students may be required to sit the nearest equivalent assessment being taken by students in the current year. This could mean that students will be examined on a different syllabus as well as on changes in the law.

* + 1. Students may have a maximum of three attempts at any assessment.
    2. If a student fails one or more of the Subject then he or she will be referred in that assessment or those assessments (the ‘first referral’).
    3. Where a percentage mark is given, marks ending in a fraction of 0.5 or more will be rounded up to the next whole number. Marks ending in a fraction of less than 0.5 will be rounded down to the next whole number. For the avoidance of doubt this applies only to the final mark and not to every component mark.
    4. Where a Subject Assessment takes the form of two or more separate papers, then this represents one Subject Assessment. It is not permissible for a student to be referred in one of the papers only. A student who has failed must be referred in the Subject Assessment and take all papers again.
    5. A student who has passed an assessment will not be allowed to retake the assessment in order to improve his/her overall mark.
    6. Condonation or Compensation is not permitted for any assessment.
    7. The referral schedule of assessments will be published on the University’s virtual learning environment at the start of each academic year.

1. **Timing of refer assessments: full time students**
   1. Full time students will normally be required to complete all Stage 1 assessments and the Course Skills by the end of Stage 1 following enrolment.
   2. Stage 1 re-assessment opportunities will be provided during and after the end of Stage 2 for students who have completed Stages 1 and/or 2 and have outstanding assessments in one or more Stage 1 assessments. This will enable a student to complete the Vocational Qualification within one academic year.
   3. Full time students with outstanding Stage 1 assessments following the Completion Date of the Course will have the opportunity for re-assessment in the following academic year as per the assessment timetable.
   4. Full time students will normally be expected to have completed all Stage 1 referrals by the end of July following the Completion Date of the Course.
   5. Full time students will normally be required to complete the Vocational Elective Subject Assessments at the end of Stage 2 following enrolment. Re-assessment opportunities for the Vocational Elective Subject Assessments will be available each September and at the end of each Stage 2 in following academic years.
   6. Full time students will normally be expected to have successfully completed all Vocational Elective Subject Assessments referral by the end of September following the Completion Date of the Course.
2. **Timing of refer assessments: part time students**
   1. In the case of the part time Course where Stages 1 and 2 are combined, Stage 1 re-assessment opportunities will be provided in year 1 and year 2. Students will be counselled as to when to take refer assessments subject to the number of outstanding assessments a student has and the assessment timetable.
   2. Part time students with re-assessment requirements of year 2 Stage 1 Subject Assessments will have the opportunity for re-assessment in year 2 and in the year following year 2 as per the assessment timetable.
   3. Part time students will normally be required to complete the year 1 Vocational Elective Subject Assessments at the end of Stage 2 in year 1, and the year 2 Vocational Elective Subject Assessments at the end of Stage 2 in year 2.
   4. Part time students with re-assessment requirements for Stage 1 and Stage 2 Subject Assessments following the Completion Date of the Course will have the opportunity to sit Stages 1 and 2 Subject Assessment referrals in in following academic years as per the assessment timetable.
   5. Part time students will normally be expected to have successfully completed all Stage 1 and Stage 2 Subject Assessment referrals by the end of September following the Completion Date of the Course.
   6. Where possible, re-assessment points for part time students for the Course Skills will be scheduled to coincide with the full time skills assessment points.
3. **Currency of assessments**
   1. A student must pass all Subject Assessments within a five year period. The date used for determining the start of the five year period is the date on which the student attempted his/her first assessment, whether or not he/she was successful (not the date the results were confirmed or published or the date of enrolment on the course).
   2. This requirement applies to all students, whether studying full-time, part-time or a combination of both.
4. **Mitigating circumstances: Fit to sit policy** 
   1. If a student attends and completes an assessment it will be presumed that there is no reason why the student should not sit the assessment at that time or why the student might subsequently submit a request for mitigating circumstances to be taken into account. This means that a student who attends and completes any assessment is presumed fit to sit the assessment and that any request for reasonable adjustments has already been submitted and considered by the University. Medical or other evidence produced afterwards will only be accepted where there is a good explanation, supported by appropriate evidence, why it was not produced before the assessment, and in accordance with regulation 9.2 below.
   2. A student who takes an assessment and considers that his or her performance may have been affected by medical or other circumstances must inform the invigilator/assessor or the Course Leader during or immediately after the assessment, and submit a mitigation request within five working days of the assessment. Any mark given to the student’s script/recording will not be disclosed to the student until the outcome of the request for mitigating circumstances is known and only if mitigating circumstances are rejected. If mitigating circumstances are accepted, the student will be allowed to defer the assessment(s) but the student will not be entitled to feedback on the assessment(s) and the mark(s) for the assessment(s) will not be released or discussed with the student.
   3. A student who considers he/she is not fit to sit an assessment at the First Available Opportunity must submit mitigation giving a full explanation and providing evidence, including medical evidence where appropriate, as to the reasons why he/she considers he/she is not fit to sit the assessment(s). Mitigation should be submitted to the Course Administrator before the assessment. Mitigation will then be considered at the next mitigation panel. If the mitigation is not accepted by the mitigation panel, the student will be deemed to have failed the assessment(s).
   4. Students will be reminded before each assessment, and each assessment will contain a reminder, that attempting the assessment will be taken as indicating that there is no reason why the student should not sit the assessment.
   5. If a student does not sit any one or more of the Core Practice Areas, Vocational Electives, WAE, Course Skills, PCR or Solicitors Accounts at the First Available Opportunity and does not submit mitigation in accordance with the Mitigating Circumstances: Fit to Sit Policy the student will be deemed to have failed that assessment(s).
   6. Condonation and compensation are not allowed and marks may never be increased in response to successful mitigation or appeal.

1. **Assessment Offences**
   1. Cases of suspected Assessment Offences will be investigated according to University regulations. Where the case is proved, the Board of Examiners will exercise its discretion in relation to the seriousness of the Assessment Offence and in accordance with University regulations relating to students seeking an unfair advantage in an assessment.
   2. If a student is held to have committed an Assessment Offence under the University’s regulations and it is considered to have a bearing upon the character and suitability of a student to become a solicitor then this will be reported by the University to the SRA.
2. **Attendance and Punctuality**
   1. If a student's attendance and punctuality record are considered by the Course Leader to be unsatisfactory, then the student may not be permitted to undertake assessments. A student's attendance record may be considered to be unsatisfactory where the student is absent from ten or more monitored sessions. A student will be notified in advance if this regulation is to be applied in his/her case.
3. **Transcripts**
   1. In accordance with the requirements of the SRA each student will be provided with a transcript for each stage of the Course.
      1. The Stage 1 transcript shall include:
4. percentage marks for the three Core Practice Areas indicating specific marks for Criminal and Civil Litigation and the weightings of each part of the overall litigation assessment;
5. the percentage mark for Professional Conduct and Regulation;
6. the percentage mark for Solicitors Accounts;
7. the percentage mark for Wills and Administration of Estates;
8. competent/not yet competent decisions for each of the five Course Skills;
9. for each assessment the number of the attempt on which the student was successful and the date on which the successful assessment was undertaken.
   * 1. The Stage 2 transcript shall include:
10. percentage marks for each assessed Vocational Elective;
11. for each such assessment the number of the attempt on which the student was successful and the date on which the successful assessment was undertaken.
12. **Giving notice of intention to sit refer/defer assessments**
    1. A student wishing to attempt outstanding assessments in any academic year must give notice to the Course Administrator of his or her intention to do so. A student is deemed to give notice of his or her intention to sit by confirming in writing, either by email or letter, when he/she intends to sit a particular assessment. Notice should be given no later than 3 weeks before the date of the defer and/or refer assessment, preferably by email from the University student email account.
    2. A student who has given notice to the Course Administrator of his or her intention to attempt outstanding assessments must sit the assessment(s) unless prevented by illness or other good cause (evidence of which must be submitted to the Board of Examiners). A student in breach of this requirement will be deemed to have failed the assessment(s) in question.
    3. Failure to give notice may mean that the student is refused entry to the assessment.
    4. Once a student has given notice to the Course Administrator of his or her intention to sit a referred or deferred assessment at the next opportunity the student must attempt the assessment. A student in breach of this requirement will be deemed to have failed the assessment(s) in question.
    5. A student who has given notice in accordance with this regulation and subsequently does not consider himself or herself fit to sit the assessment(s) should inform the Course Administrator in writing before the assessment that he/she no longer intends to sit that assessment. Failure to do so will mean that the student will be deemed to have failed the assessment(s) in question.
    6. It is the responsibility of each student to ensure he/she is aware of the assessment and refer assessment timetable and has complied with the requirements of regulation 13.
13. **Provisions for the Conferment of Final Awards**
    1. The minimum requirements for the award of a Postgraduate Diploma in Legal Practice are a Pass (50% of the marks available) in the Core Practice Area Subject Assessments, three Vocational Elective Subject Assessments, the PCR Subject Assessment, Solicitors Accounts, and WAE and the student having been deemed Competent in the Course Skills.
    2. A student who:
14. has obtained a mark of at least 70% in at least four of the Core Practice Areas and the Vocational Electives Subject Assessments; and
15. has obtained an average of at least 70% in the Core Practice Areas and the Vocational Electives;

(iii) has passed every assessment, at first attempt without reassessment or referral;

shall, subject to Regulation 8, be awarded the Postgraduate Diploma in Legal Practice with Distinction.

* 1. A student who:

(i) has obtained a mark of at least 60% in at least four of the Core Practice Areas and the Vocational Elective Subject Assessments; and

(ii) has obtained an average mark of at least 60% in the Core Practice Area and the Vocational Elective Subject Assessments; and

1. meets the following criteria:
2. has failed no more than one of the following: Solicitors Accounts assessments, one of the Course Skills assessments, Wills and Administration of Estates assessment or PCR assessment at the first attempt; and
3. the fail in the Solicitors Accounts or Course Skills assessments has been made good by reassessment or the fail in the assessment for Wills and Administration of Estates or PCR has been made good by a first referral;

shall, subject to Regulation 8, be awarded the Postgraduate Diploma in Legal Practice with Commendation.

Commendation is not available to a student who has failed more than one assessment at first attempt or who has been referred in an assessment in a Core Practice Area or a Vocational Elective.

1. **Recognition of Prior Learning**

15.1 A student may be awarded Recognition of Prior Learning (RPL) in accordance with the University’s regulations eg for having completed the Bar Professional Training Course (BPTC) or having successfully completed one or two Vocational Elective Subjects Assessments with another provider of the Legal Practice Course.

15.2 For students who have been granted RPL the following provisions apply instead of those at Regulation 15 Provisions for the Conferment of Final Awards.

15.3 For the award of Distinction a student must have:

1. passed all assessments taken at the University at the first attempt; and
2. obtained an average of at least 70% and marks of at least 70% in two-thirds of any of the Core Practice Areas and Vocational Elective Subject Assessments taken at the University.

15.4 For the award of Commendation a student must have:

1. passed all assessments for the required Core Practice Areas and Vocational Elective Subject Assessments taken at the University at the first attempt; and
2. obtained an average of at least 60% and marks of at least 60% in two thirds of any of the Core Practice Areas and Vocational Elective Subject Assessments taken at the University; and
3. not have failed more than one of the other assessments taken at the University at the first attempt.
4. **University Regulations**
   1. The Course will operate its assessment in accordance with the University’s Regulations except where it conflicts with these Course Assessment Regulations.
   2. These Course Assessment Regulations are drafted in accordance with the SRA’s Legal Practice Course Assessment Requirements for the time being in force. In the event of there being any conflict between the University’s Regulations and the assessment regulations of the SRA then the regulations of the SRA take precedence.

16.3 Final decisions of the Board of Examiners will be subject to the University appeals procedure but with the proviso that the requirements of the SRA take precedence should there be any conflict between the University and the SRA as to whom and by what means a successful appellant should be allowed to complete Stage 1 or Stage 2 of the course.

16.4 No appeal against a decision of the Board of Examiners may be submitted if it relates to the academic judgement of the Board of Examiners.