

## **SECTION 5**

### **5. COURSE REGULATIONS 2014/2015 onwards**

#### **5.1 Interpretation**

In these Regulations:

“the University” means The University of the West of England;

“the Bar Professional Training Course” (hereafter referred to as “the course”) means the course validated by Bar Standards Board of the General Council of the Bar as meeting the requirements of its Training Regulations and by the University for the award of its Postgraduate Diploma in Bar Professional Training Course Studies;

“the Bar Standards Board” means the Board established by The Bar Council to oversee the validation monitoring and review of the Bar Professional Training Course;

“the Examining Board” means the Examining Board established as provided by Clause 5.1.3 of these Regulations;

**5.1.1.** The provisions of the Interpretation Act 1978 apply to these Regulations.

#### **5.1.2. Method of Assessment**

- (a) Students on the course will be assessed in accordance with the assessment framework approved by the Bar Council through the Bar Standards Board and the University and in accordance with these Regulations.
- (b) The results of students who have been so assessed are determined by the Examining Board.

#### **5.1.3. Examining Board**

For the purposes of these Regulations “the Examining Board” shall normally meet twice each calendar year to discuss student award and progression (at which all students will be considered by number only to maintain anonymity) and shall consist of:

- (a) the Faculty of Business and Law’s Director of Teaching and Learning
- (b) the Associate Head of Department (BPTC) of the Bristol Institute of Legal Practice;
- (c) the Course Manager (PT) and Support Manger (FT & PT);
- (d) the members of the BPTC teaching staff of the University excluding hourly paid lecturers who teach on either or both modes of the courses;
- (e) the four external examiners for the BPTC appointed by The Bar Standards Board and the University.

The quorum for a meeting of the Examining Board shall be one third of the members eligible to attend. At meetings where results or student progress are to be determined at least two external examiners must normally be present save that for re-assessment examining board meetings it is sufficient if at least one external examiner attends.

**5.1.4.** The Chair of the Examining Board is the Director of Teaching and Learning of the Faculty of Business and Law or her nominee.

**5.1.5.** The decision of the majority of the external examiners for the course shall in relation to matters of assessment be final.

**5.1.6.** The terms of reference of the Examining Board are:

- (a) to ensure all formally assessed exercises and written examinations are properly conducted;
- (b) to ensure that all formally assessed exercises and examination scripts are properly assessed and marked and have been approved by the appropriate external examiner;
- (c) to make recommendations for the award, on successful completion of the course, of the Postgraduate Diploma in Bar Professional Training Course Studies;
- (d) to determine what action shall be taken, in accordance with these Regulations, in the case of a candidate failing or missing part or all of the formally assessed exercises and/or the written examinations, or otherwise failing to comply with the requirements of the Bar Professional Training Course either in relation to attendance or more generally;
- (e) to determine, in accordance with University regulations, what action shall be taken in the case of a candidate found to have committed an assessment offence;
- (f) to be responsible for such other matters as are referred to it by the Bar Standards Board, or the Academic Board or Faculty Board of the University.

**5.1.7.** Save for its responsibility under paragraph 5.1.6(c) above the Examining Board has power to delegate some or all of its other decision-making powers to, the Chair of the Examining Board in matters (where time is of the essence or from time to time as appropriate) or a sub-committee consisting of :

- (a) The Chair of the Examining Board or her nominee;
- (b) The BPTC Associate Head of Department, the Course Manager (PT) and Support Manager (FT & PT); and
- (c) At least one External Examiner.

and the Chair or sub-committee shall have power to make final decisions or make recommendations to the full Examining Board as it considers fit.

**5.1.8** An extenuating circumstances sub-committee of the Examining Board consisting of the following:

- (a) The Chair of the Examining Board or her nominee.
- (b) The BPTC Associate Head of Department, the Course Manager (PT) and Support Manager (FT & PT); and
- (c) At least one External Examiner

shall have power to make final and binding decisions as regards applications by candidates for extenuating circumstances to be considered; save that in any case where it considers it appropriate to do so it may ask the Examining Board to make the decision.

## **5.2 Assessment Framework**

The Assessment Framework stipulated by the Bar Standards Board for the assessment of the course is as follows:

<b>Subject</b>	<b>Assessment</b>	<b>Weighting</b>	<b>% of Total Marks</b>
Civil Litigation, Evidence and Remedies	One assessment comprised of centrally set part A closed book multiple choice questions plus part B closed book short answer questions; both parts must be passed	10	10
Criminal Litigation, Evidence and Sentencing	One assessment comprised of centrally set part A closed book multiple choice questions plus part B closed book short answer questions both parts must be passed	10	10
Civil Advocacy	One Written (skeleton argument) and one Oral	1 x 9	25
Criminal Advocacy	Two Further Oral assessments (examination-in-chief, cross examination)	2 x 8	
Conference Skills	One Oral assessment	5	5
Resolution of Disputes out of Court	One assessment consisting of Multiple choice and short answer questions	5	5
Opinion Writing	One time-constrained written assessment	10	10
Drafting	One time constrained written assessment	10	10
Options	Written or Oral	2 x 10 or 1x 20	20

Professional Ethics	One centrally set assessment comprised of part A closed book multiple choice questions plus part B closed book short answer questions (both parts must be passed) <b>and</b> satisfactory compliance with the requirements of reg 5.11.1.2	5	5
<b>Total</b>	<b>Max of 12</b>	<b>100</b>	<b>100</b>

### 5.3 Passing the Course: Award of Competence

To pass the course a student must, subject to regulations 5.4 to 5.14:

- (a) achieve competence in discrete assessments in the five skills areas assuming no commission of a fatal flaw as defined in regulation 5.11.2 and
- (b) achieve competence in discrete assessments in the knowledge areas and the two options or, if applicable, the one double option selected.

### 5.4 Time Limit for Completion of the Course

Even in cases where there are documented and accepted mitigating circumstances, the course must be completed within a maximum of two years of the originally expected completion date (taken as being the time of the Autumn Examination (resit) Board) (or three years for part time students). (NB in the event of long term illness or disability, a candidate would normally withdraw their registration and suspend study and/or start again *ab initio* or resume at a specified point).

### 5.5 Application of the Regulations

#### 5.5.1 Application of these regulations to previous cohorts of students

Past students who are subject to re-assessment shall be bound by the procedural and evidential requirements relating to extenuating circumstances contained within these regulations (regulation 5.13) whether or not such requirements were applicable during the academic year in which they first enrolled on the course.

#### 5.5.2 Multiple regulations

Where a student stands to benefit from the application of more than one regulation, the Examining Board shall have discretion to apply them in such manner as it considers most benefits the student.

### 5.6 Unfair assessment practice or other inappropriate behaviour

- 5.6.1 Any allegation of unfair assessment practice (whether in a formative or summative assessment) or other inappropriate behaviour as defined in regulation 5.6.2.3 below, committed by a student shall be dealt with as soon as is reasonably practicable in accordance with the current academic regulations of the University.

**5.6.2** The following are examples of unfair assessment practice:

- (a) copying someone else's answer either in whole or in part;
- (b) allowing someone else to look at, use or copy your answer;
- (c) allowing someone else to prepare or write your answer;
- (d) allowing someone else to look at use or copy your assessment question;
- (e) collaborating in the research for, or the preparation or writing of an assessment;
- (f) collaborating with another student in the completion of work which is submitted as that other student's unaided work;
- (g) copying or summarising from a published work without proper attribution;
- (h) making a false declaration that the assessment submission is your own work;
- (i) exceeding any explicit word limit and in such cases making a false declaration as to word total;
- (j) disclosing or discussing details of the content of oral skills assessments unless expressly permitted or required;
- (k) taking unauthorised materials, including any electronically stored information, into an examination;
- (l) communicating with or copying from any other candidate during an examination, written skills assessment or time constrained coursework;
- (m) impersonation or any other deliberate attempt to deceive;
- (n) referring to unauthorised materials during the assessment;
- (o) providing or attempting to provide assistance to another in an assessment or
- (p) making a false declaration in an extenuating circumstances application.

**5.6.3** The following are examples of other inappropriate behaviour:

- (a) a breach of the Bar Council Code of conduct;
- (b) a breach of the obligations in the memorandum of learning obligations;
- (c) dishonest, discourteous or discreditable behaviour unbecoming a student member of the course howsoever and wherever occurring.

**5.6.4** Where an investigation of unfair assessment practice or other inappropriate behaviour is still under consideration by the University at the time of the meeting of the Examining Board that student's results may, without prejudice to the Board's power to make a decision at the Board, be withheld pending the outcome of the decision of the University.

**5.6.5** The Examining Board shall have a discretion (in addition to any sanction imposed or recommended by the University pursuant to regulation 5.6.2.1) in cases of proven or admitted unfair assessment practice or inappropriate behaviour to impose any one or more of the following sanctions, depending on its severity or extent:

- (a) deem the assessment(s) in question a fail, the student being given the opportunity to resit the assessment(s) during the normal reassessment period;
- (b) reduce what would otherwise be an outstanding or very competent overall grading to the next lower grade (or, in the former case, to the grade of competent);
- (c) cancel all the student's marks, the student being given the opportunity to resit the assessment(s) during the normal reassessment period; or

(d) cancel all the student's marks, with no opportunity to resit.

**5.6.6** In addition, the circumstances may be referred to the student's Inn of Court and/or the Bar Standards Board for it to consider whether, by reason of the misconduct, the student is fit to be called to the Bar.

**5.6.7** Where an investigation of unfair assessment practice is under consideration by the Inn of Court and/or the Bar Standards Board at the time of the meeting of the Examining Board that student's results may, without prejudice to the Board's power to make a decision at the Board, be withheld pending the outcome of the decision of the Inn of Court.

**5.6.8** Where an Inn of Court, following investigation of an allegation of unfair assessment practice, decides to withdraw that student's membership of the Inn the Board may, retrospectively if necessary, fail the student and require him/ her to withdraw from the course forthwith and/or alter the results record as appropriate.

## **5.7 Grading and Pass Marks**

### **5.7.1 Grading Boundaries**

Each assessment shall be graded 'Outstanding', 'Very Competent', 'Competent' or 'Not Competent'.

In order to pass an assessment, a student must achieve competence; that is, 60%.

The grading boundaries for all assessments:

Outstanding:	85 - 100
Very Competent:	70 – 84
Competent:	60 – 69
Not Competent (fail):	59 or less

### **5.7.2 The Award of 'Outstanding' and 'Very Competent'**

A student who completes and passes the Course shall be graded either 'Competent', 'Very Competent' or 'Outstanding'. Competence is defined in regulation 5.3.

(a) To be graded 'Outstanding'

- (i) a student must achieve either an aggregate mark of 85% or greater or, SIX or more grades in that category, and
- (ii) all assessments must have been passed at the first attempt

(b) To be graded 'Very Competent'

- (i) a student must achieve either an aggregate mark of 70% or greater or, EIGHT or more grades in the very competent or outstanding categories, and
- (ii) have passed all the assessments; a student may still achieve a very competent grading even though one of the assessments has been passed by way of re-assessment.

## **5.8 Marks for Reassessments and First Attempts**

### 5.8.1 Reassessments

A student who passes an assessment by reassessment shall be awarded a mark of 60%, no matter what actual mark the student achieved.

### 5.8.2 First Attempts

A student who repeats an assessment as a first attempt in consequence of the application of regulations 5.13.2 or 5.13.3 shall be awarded the mark achieved in that first attempt and not the mark achieved in the earlier assessment.

## 5.9 Assessment of the knowledge areas

Assessment of the knowledge areas shall comprise three unseen written examinations as follows:

- (a) civil litigation, evidence and remedies;
- (b) criminal litigation, evidence and sentencing; and
- (c) professional ethics

Each of these three centrally set assessments are comprised of part A closed book multiple choice questions plus part B closed book short answer questions

Each of the separate MCQ and SAQ components must be passed; failure to pass one of these components will be deemed to amount to failure of the assessment as a whole.

## 5.10 Assessment of the skills/option areas

### 5.10.1 Skills Assessments

The assessment of the skills areas shall comprise seven assessment components as follows:

- (a) advocacy: three oral assessments; one including a written component
- (b) conferencing: one oral assessment
- (c) redoc one written assessment comprising both MCQ and SAQ components
- (d) opinion writing: one written assessment
- (e) drafting: one written assessment

The skills assessments may be seen or unseen assessments. A seen assessment means, in the case of a written component, an assessment that is completed otherwise than under supervised conditions and submitted by a specified date. In the case of an oral component, it means an assessment that is prepared otherwise than, but completed under, supervised conditions. An unseen skills component means an assessment that is first seen at the date of the assessment, and which is conducted under supervised conditions.

In the case of unseen skills assessment components, students may be permitted to use those of their own books, notes or other material as are prescribed.

In the case of REDOC it is **not** a requirement that each of the separate MCQ and SAQ components be passed provided an aggregate minimum mark of 60% is achieved.

### 5.10.2 Option Assessments

Students shall take two of the following options:

Commercial Law;  
Criminal Law;  
Clinical Negligence;  
Employment Law;  
Family Law;  
International Trade Law;  
Landlord and Tenant Law;  
Refugee and Asylum Law

These options will be assessed by way of seen or unseen assessment and by demonstration of one or more of the following skills:

Conferencing;  
Mediation;  
Advocacy;  
Opinion Writing and  
Drafting

Note: these options will run subject to viability.

### 5.11 General Assessment Information

#### 5.11.1 The Prescribed Permitted Materials are as follows:

**Civil litigation, evidence and remedies, criminal litigation, evidence and sentencing, professional ethics and REDOC: Both the MCQ and SAQ components of these assessments are closed book so no materials whatsoever may be taken into the assessment.**

**For all other assessments, you will be advised of the permitted materials separately and in advance of the assessment.**

**Any students attempting to use materials in breach of the rules may not only have those materials removed prior to the assessment but be dealt with in accordance with the procedures laid down for assessment offences.**

#### 5.11.2 Fatal Flaw

A student who would by reason of the number of marks attained otherwise pass a skills subject shall nevertheless be deemed to have failed that subject where that student has made a fatal flaw.

The rule must be applied where legal or other analysis by the student is so clearly incorrect that it would:

- put the client(s) interests at risk, and/or
- put the [potential] barrister at risk of liability for negligence.

A 'fatal flaw' is normally defined, for these purposes, as an error of law or



procedure. However, an Ethics issue may also be regarded for consideration as a 'fatal flaw' for example, if there is serious professional misconduct that would result in action by the BSB.

Such errors shall be recorded on any results information as a 'Fatal Flaw' (FF).

### **5.11.3 Penalties for the late submission of written assessments**

Any written assignment submitted after the published time for submission, or not in accordance with the published mode of submission of the assessment, shall be failed with a mark of zero.

### **5.11.4 Penalties for late or non-attendance at assessments**

**5.11.4.1** Where a student arrives late but within the time permitted for completion of the assessment the student will only be allowed the remainder of such permitted time to complete the assessment.

**5.11.4.2** Where a student fails to attend within the time permitted for completion of the assessment the student shall fail the assessment with a mark of zero.

## **5.12 The attendance requirement**

**5.12.1** Satisfactory attendance is defined as follows:

(a) Punctual attendance at all scheduled sessions (as defined in regulation 5.12.6(a) below); including large and small group sessions, formative assessments, practitioner classes; guest lectures, court visits (hereafter referred to as "a scheduled session"); and

(b) Attendance in compliance with the terms of the memorandum of learning obligations

**5.12.2** Failure to attend a scheduled session may, subject to regulation 5.12.5 below, be excused if students provide a written and acceptable reason for such failure to attend and proof that the work required (if any) for the session has been completed to the satisfaction of the relevant subject tutor.

Proof that the required work has been completed may be provided by written notes, a written piece of work or a DVD performance (as appropriate for the missed session); which proof should normally be submitted within 14 days of the date of the missed session but, in any event, no later than 14 days prior to the end of the term in which the absences occur. If the absence occurs within the last 14 days of a term then the work shall be made up no later than the 14<sup>th</sup> day of the beginning of the subsequent term.

It shall be the sole responsibility of the student to monitor his/her attendance and to contact the relevant subject tutor to agree the precise nature of the remedial work to be undertaken.

A copy of the "reasons for non-attendance form" is to be found in section 8 of the course handbook.

**5.12.3** Notwithstanding the provision of reasonable excuse and submission of work, a failure to attend at least **90%** of all scheduled sessions of the

course overall or of the scheduled sessions in any one term of study may, at the discretion of the Examining Board, result in a requirement to withdraw from the course forthwith.

**5.12.4** In exercising any discretion relating to absence under this regulation generally (apart from regulation 5.12.5 as to which there is no such discretion) the Examining Board shall take into account all the circumstances of the case including whether, by reason of the absence, the student has failed to meet the outcomes of the course as a whole or of a particular subject thereof.

**5.12.5** If attendance falls below **80%** of all scheduled sessions over the academic year, it will be deemed that a student will be unable to demonstrate that he/she is able to meet the learning outcomes whether by assessment or otherwise. In such circumstances, a student must be treated as having failed the course and shall be required to withdraw forthwith. Where such absence is due to serious documented and accepted extenuating circumstances the student will be required to withdraw from the course immediately but may be offered the opportunity to start the course afresh the following year.

**5.12.6** For the purpose of this regulation:

- (a) "Scheduled Sessions" shall include all large group sessions, small group sessions (whether delivered face to face or on-line and whether compulsory or option subject), formative assessments, guest lectures, compulsory careers events practitioner-led advocacy classes and court visits and, in calculating the percentage of attendance at scheduled sessions, each session shall count equally whatever the actual duration of the session; and
- (b) Satisfactory attendance shall be calculated on a termly basis in order for warnings to be provided where the student is at risk of falling below the requirement of attendance for the course. The number of missed sessions will be carried forward throughout and includes the option sessions.

### **5.13 Extenuating Circumstances**

**5.13.1** Where medical or other reasons are considered by a student to have affected his/her preparation for an assessment but the student nevertheless proceeds to take the assessment, s/he will be deemed to have been fit to do so and will not, save in the exceptional circumstances referred to in regulation 5.13.1.1 below, be able to rely on such medical or other reasons as extenuating circumstances for his/her performance in that assessment.

**5.13.1.1** The "exceptional circumstances" referred to in regulation 5.13.1 above are where:

- (i) the student is affected by unforeseen circumstances beyond his/her control after starting but before the end of the assessment; or
- (ii) the student is subsequently diagnosed as having been suffering from a condition at the time of the assessment of which s/he was unaware; or
- (iii) at the time of sitting the assessment the student was suffering from a 'condition' which impaired his/her ability to make a rational judgment as to his/her ability to take the assessment.

**5.13.1.2** Where a student comes within regulation 5.13.1 but decides not to take an assessment or takes the assessment but wishes to rely upon “exceptional circumstances” s/he must comply with the following regulations.

**5.13.2.** If a student:

(i) is prevented by illness or other good cause from attempting any assessment on the course; or

(ii) subject to 5.13.1 above, believes that his/her performance in any such assessments is significantly and adversely affected by such illness or other good cause

s/he may submit a claim for extenuating circumstances to the extenuating circumstances sub-committee of the Examining Board as defined by regulation 5.1.8 (hereafter “the sub-committee”). This provision applies whether the assessments in question are first, second or final attempts.

*(Note: The form to be completed is the one that relates specifically to the BPTC and not the University’s extenuating circumstances form.)*

### **5.13.3 Definition of Extenuating Circumstances**

Extenuating circumstances are unforeseen, unexpected, and significantly disruptive and beyond a student’s control and must relate to a specific piece of assessment or examination rather than being problems of a kind that affect a year as a whole or parts of it.

**5.13.3.1** Circumstances that would normally justify extenuating circumstances include:

- serious personal injury, such as a broken limb, or a medical condition requiring hospital attention or one with an incapacitating effect
- an acute illness affecting the time available, so that a reasonable person would have been unable to carry out the assessment task as required
- being the victim of a serious crime, such as robbery, burglary or a violent assault during the period immediately preceding the assessment
- the serious illness or death of a close relative: such as a parent, child, sibling, spouse, partner, grandparent (or other in appropriate cases)
- unforeseen and unavoidable and imposed work pressures serious enough to interfere with the student’s study or ability to meet an assessment deadline or sit an examination
- unforeseen and unavoidable serious difficulties with caring arrangements
- transport difficulties of an unpredictable and uncontrollable nature, where alternative arrangements could not be made (with independent evidence)

**5.13.3.2** Circumstances unlikely to be accepted:

- non serious domestic or personal disruptions such as moving house, holidays and weddings
- the illness of a distant relative
- financial problems or difficulties with housing
- inadequate arrangements for baby-sitters, child-minders or other domestic or work situations
- foreseeable transport difficulties, road works or private transport break downs
- computer problems such as disc corruption, photocopying or printing problems
- problems with handing in work by the given deadline

- any claim not supported by reliable evidence (e.g. a letter from a 'flatmate')
- confusion over time, date or location of the examination on the part of the candidate when this has been clearly notified, and not posed any problem to other students
- cases where medical certificates are retrospective, i.e. dated/issued after a student has completely recovered from the illness claimed
- pre examination anxiety or stress whether supported by medical evidence or not
- panic or anxiety attacks during an assessment no matter how expressed and whether supported by medical evidence or not

**5.13.3.3** Where a student enters upon the course with a pre-existing medical or other condition which may affect performance on the course and/or in an assessment he/she shall be expected to agree a learning disability strategy with the Faculty's disability officer.

**5.13.3.4** Where a student so agrees a learning disability strategy or fails to notify the Faculty's disability officer of such pre-existing condition then the student will not be entitled to rely on that pre-existing condition in any extenuating circumstances application.

**5.13.4** If the sub-committee accepts a claim for extenuating circumstances it may, at its discretion, allow the student to make a deferred attempt at the assessment(s) in question. Such deferred attempt may be a first or final attempt as appropriate. The sub-committee shall have discretion to determine when such deferred attempt(s) should be made.

**5.13.5** Save in exceptional circumstances, a student must support any claim for extenuating circumstances by appropriate written independent evidence to the satisfaction of the sub-committee.

**5.13.6** It is the responsibility of the student to bring extenuating circumstances to the attention of the sub-committee before, or at the time of, or within 14 days after, the assessment(s) concerned and, in any event, prior to publication of the relevant results (whether they be confirmed or unconfirmed by the Examining Board) or to the date of the relevant meeting of the sub-committee, whichever is the sooner.

**5.13.7** If details of extenuating circumstances are submitted more than 14 days after the assessment(s) concerned, the student must satisfy the sub-committee that there was good reason for the delay in submission. If details are submitted after publication of the relevant results, the student must satisfy the sub-committee that there were exceptional circumstances to account for the delay. The sub-committee may refuse a claim for extenuating circumstances which is submitted late without any, or any adequate, explanation for the late submission.

A copy of the extenuating circumstances application form is to be found in Section 8 of the course handbook.

### **5.13.8 Failed Assessment Component(s): First Attempts**

Where a student has failed one or more assessment components and the Examining Board is satisfied that:

- (a) there is clear and sufficient evidence of extenuating circumstances affecting the student's preparation for, performance in or full or partial absence from the failed component(s), and
- (b) these circumstances contributed to the failure(s),

the Examining Board shall offer the student the opportunity to repeat the

component(s) as a first attempt.

Where a student accepts this offer the mark first obtained shall be voided.

#### **5.13.9 Under-performance at Pass level or Better: First Attempts**

Where a student has passed an assessment component and the Examining Board is satisfied that:

- (a) there is clear and sufficient evidence of extenuating circumstances affecting the student's preparation for, performance in or partial absence from that component; and
- (b) these circumstances contributed to the student achieving a lower mark than was expected,

the Board shall NOT, save in exceptional circumstances (and by Chair's action pursuant to written representations submitted by the student to be received within TEN working days of the official date of publication of the final results) offer the student the opportunity to repeat the assessment(s) as a first attempt.

In such exceptional circumstances where a student accepts this offer the mark first obtained shall be voided.

#### **5.13.10 Evidence**

For the purpose of regulation 5.13 evidence is clear where, if it refers to medical extenuating circumstances, it is supported by certified medical evidence or other reliable evidence.

Medical evidence shall normally only be deemed reliable if it consists of a letter from a medical practitioner (rather than a pro-forma sickness note) which details:

- (i) whether the report is based solely on the student's own account of his/her medical condition
- (ii) precise details of the medical condition
- (iii) the extent to which that condition would have affected the student's preparation for and taking of the relevant assessment
- (iv) the dates for which the student would have been so unfit
- (v) the date by which the student would have been fully fit to prepare for and undertake the relevant assessment

In any other case evidence is clear where it is based on independent documentary or otherwise reliable oral or written evidence, including the student's own representations.

### **5.14 Referrals**

#### **5.14.1 Reassessment in Failed Subjects**

At the discretion of the Examining Board, students who fail to satisfy the Examining Board in any of the assessments may be referred for one further assessment during the University's referral period.

#### **5.14.2. Timing of reassessment in Failed Subjects under Regulations 5.14.1**

A student who is to be reassessed by virtue of regulation 5.14.1 in one or more failed subjects shall be assessed during the University's referral period.

### **5.14.3 Failure in a First Attempt Assessment in the Referral Period**

Subject to the Examining Board's discretion, a student who fails an assessment sat as a first attempt under regulation 5.13.4 shall, if he or she should fail that assessment, be referred for further assessment on the next occasion on which the failed subject is assessed within the particular mode (full time or part time) relevant to that student.

### **5.14.4 Marginal Failure at Second Attempt**

Where the course has been failed due to marginal failure in one resit only [at 57 – 59.9%, or due to failure to pass both sections but with a mark of 57% or above for the subject], then one further resit in that failed assessment will be permitted.

### **5.14.5 Failure in a Referred Assessment**

A student who having been referred for further assessment under regulation 5.14.1 or 5.14.4 fails this re-assessment shall be deemed to have failed the Course as a whole and shall be dealt with as specified in regulation 5.15.

### **5.14.6 First Attempts and Reassessments: Subject matter**

The law and procedure to be assessed in any reassessment or any first attempt assessment shall be that prevailing as at 1st October of the preceding calendar year.

## **5.15 Failed Students**

A student who fails the course will not normally be permitted subsequently to apply for and retake the (if the application is successful) *ab initio* at the same or a different provider.

## **5.16 Suspension or expulsion for academic and other reasons**

A student may be suspended or required to leave the course for academic and/or non-academic reasons other than failure in assessment. These reasons may include, inter alia,

- (a) non-compliance with the course requirements and obligations,
- (b) failure to meet or comply with the professional requirements of the course,
- (c) unsuitability to undertake professional practice,
- (d) evidence of professional unsuitability,
- (e) evidence that the student's behaviour is adversely affecting other students on the course,
- (f) evidence that the student's state of health is such that continuance on the course is not in his or her interests,
- (g) admission on the basis of an application which is found to be incorrect in a material particular,
- (h) evidence that the student has acquired a status which renders continuation on the course inappropriate.

A decision for suspension or withdrawal shall be made in accordance with the appropriate University procedures.

## **5.17 Appeals**

The University regulations dealing with a students' appeal against the grading of the Examining board (Academic Regulation G3) can be found in the current UWE Student Handbook.

When, as a result of a successful appeal, a matter is referred back to the Faculty for reconsideration that matter shall be considered by a duly appointed sub-committee of the Examining Board.

### **5.18 Complaints Procedure**

Your attention is drawn to the 'Rules and Regulations' section of the University Student handbook.

In addition, please note:

- (i) initially, all complaints will be dealt with within the Faculty;
- (ii) unless the complaint relates specifically to the Personal Tutor, the matter will be dealt with by him/her at the first instance; the Personal Tutor may pass the matter on to the Associate Head of Department (BPTC) and or Course Manager (PT) as appropriate at the first instance for guidance, advice or handling if problems arise (as may the student);
- (iii) if the complaint relates to the Personal Tutor, the matter will be dealt with by the Associate Head of Department (BPTC);
- (iv) if the complaint relates to the Course Manager (PT) or Associate Head of Department (BPTC), the matter will be dealt with by the Head of the Department of Law (Steve Dinning);
- (v) if the matter remains unresolved, students should be guided by the 'Rules and Regulations' section of the Student Handbook;
- (vi) formal complaints relating to Tutors/Course Manager should be made in writing.