

# **DE MONTFORT UNIVERSITY**

## **LEICESTER DE MONTFORT LAW SCHOOL**

### **Leicester Institute of Legal Practice**

#### **Graduate Diploma in Law**

#### **Assessment Regulations**

##### **1. Interpretation**

###### **(a) In these regulations:-**

“the Assessment Board” means the Graduate Diploma in Law Assessment Board established at the University in accordance with the regulations of the University;

“the Deferrals Panel” means the Business and Law Faculty Postgraduate Deferrals Panel;

“the Management Board” means the Graduate Diploma in Law Course Management Board established at the University in accordance with the regulations of the University;

“the Graduate Diploma in Law” means the course recognised by the Professional Bodies as satisfying the academic stage of training;

“the Professional Bodies” means the Solicitors Regulation Authority and the Bar Standards Board or whichever of those bodies has operational responsibility for the Graduate Diploma in Law from time to time;

“the University” means De Montfort University;

“a full time student” is a student pursuing a Graduate Diploma in Law which has been validated by the Professional Bodies for pursuit on a full time basis;

“a part time student” is a student pursuing a Graduate Diploma in Law which has been validated by the Professional Bodies for pursuit on a part time basis;

“a partial exemption student” is a student pursuing a validated Graduate Diploma in Law on either a full time or part time basis who has studied a minimum number of legal subjects prior to enrolment on the Graduate Diploma in Law and received recognition of those subjects from the University;

“Foundation Modules of Legal Knowledge” means the foundation subjects specified by the Professional Bodies.

“written assessment” means all those assessments other than Examinations as provided for in regulation 8

(b) The provisions of the Interpretation Act 1978 apply to these regulations.

2. Applicability of Academic Ordinances and Regulations of De Montfort University.

The current Academic Ordinances and Regulations of the University shall apply. If there is any conflict between the Academic Ordinances and Regulations and these regulations, these regulations shall prevail. If there is any conflict between the Academic Ordinances and Regulations and these regulations and the requirements of the Professional Bodies, the requirements of the Professional Bodies shall prevail.

3. Conditions of Enrolment

(a) Students are enrolled on the Graduate Diploma in Law on the understanding that they:-

(i) have a law degree from either a UK University, or Republic of Ireland University, or non law degree, which is not a foundation degree, from a UK or Republic of Ireland University. The degree awarded must usually be at least of second class honours standard or equivalent or such other qualifications as the university shall consider appropriate for admission onto the Graduate Diploma in Law;

(ii) have a sufficient command of written and spoken English;

(iii) have satisfied any other requirements prescribed by the University for admission to a course of graduate study;

(iv) have already carried out any prescribed reading; and

(v) have access to a law library.

(b) Where a student has a first degree from a United Kingdom or a Republic of Ireland University or from a country in which English is the official first language it will be presumed that the student has a sufficient command of written and spoken English and no further proof of such competence will be required.

(c) Where a student has a first degree from a country in which English is not the official first language, proof of competence in written and spoken English will be required. This must be in the form of an IELTS band 7 Certificate or above, or a TOEFL score of at least 280 (computer based), 650 (paper based) or 114-115 (internet based) or a grade C or above in English Language at GCSE level.

(d) Where a student does not have a first degree, but is reliant on a Certificate of Academic Standing, the University reserves the right to require proof of

competence in written and spoken English in the form indicated in regulation 3(c).

- (e) An applicant with a Certificate of Academic Standing who is a non-graduate may be interviewed to check that s/he can cope with the academic rigours of the Graduate Diploma in Law.
- (f) The rules, policies and procedures of the Solicitors Regulation Authority and the Bar Standards Board apply in respect of Certificates of Academic Standing.
- (g) A student who has not graduated or who has not obtained a Certificate of Academic Standing, whichever is applicable, before the date of enrolment on the Graduate Diploma in Law, may not be admitted onto the Graduate Diploma in Law but must defer enrolment to the academic year following their graduation or receipt of a Certificate of Academic Standing.
- (h) Recognised Prior Learning of up to 60 credits is available meaning that students must undertake a minimum of 60 credits of study at the University as opposed to 120 credits.
- (i) A student should not normally be admitted onto the full time Graduate Diploma in Law more than 2 weeks after the formal commencement of the course. In the case of the part time Graduate Diploma in Law, a student should not normally be admitted onto the course after the first 3 days of the initial study weekend.

#### 4. Method of Assessment

- (a) Students on the Graduate Diploma in Law must be assessed in accordance with these regulations.
- (b) The results of students who have been assessed are determined by the Assessment Board.

#### 5. Statements of the Professional Bodies

The Assessment Board must act in accordance with the regulations and policy statements made by the Professional Bodies.

#### 6. Rights and Responsibilities of External Examiners

The rights and responsibilities of External Examiners as prescribed by the Professional Bodies shall operate in conjunction with those of the University. If there is any conflict between the rights and responsibilities of those two bodies, those of the Professional Bodies shall prevail.

#### 7. Date of Examinations

- (a) The principal Examinations shall be held at such time as shall be determined by the Assessment Board. The Examination of students who have been referred or who are required to re-sit will be held at such time as the Assessment Board

shall determine being not less than 3 weeks after the publication date of the results of the principal Examinations.

- (b) A student who is prevented by sufficient cause from sitting or completing all or part of the principal Examinations may, at the discretion of the Assessment Board, be allowed to sit or complete the Examinations in the referred Examinations of that year in respect of each part not previously attempted or completed.

## 8. Nature of Assessment

- (a) A student must satisfy the Assessment Board that he has an adequate knowledge of the English Legal System. Such assessment will take the form of an online, multiple choice, "The English Legal System Exercise" comprising thirty multiple choice questions. A student must achieve a mark of 40% or above in order to pass, but the English Legal System Exercise will not count towards the final grade of the award and will be graded on a competent/non competent basis only. This assessment will not carry any credits towards the final award.
- (b) A student must satisfy the Assessment Board that he is competent in legal research. This will take the form of an online test, "The Legal Research Exercise", in such form as the Assessment Board shall from time to time approve. A student must achieve a mark of 40% or above in order to pass but the Legal Research Exercise will not count towards the final grade of the award and will be graded on a competent/non competent basis only. This assessment will not carry any credits towards the final award.
- (c) A student must be assessed in each of the Foundation Modules of Legal Knowledge by a three-hour unseen written Examination (including 15 minutes recommended reading and note-taking time). All Examinations will be closed book and students will only be allowed to take in "permitted materials". A list of permitted materials will be distributed to the students prior to the Examinations. Students must obtain a pass in each written Examination in order to pass the Graduate Diploma in Law.
- (d) A student must be assessed in an eighth module which shall be specified by the Assessment Board or in an eighth module chosen from such modules as shall be approved by the Assessment Board known as the "Project" module. The Project will be a written assessment of no fewer than 4,000 words, but no more than 5,000 words which will carry 15 credits of the overall module. Students must achieve a mark of at least 40% in this element of assessment for this module.
- (e) The pass mark in each Examination and written assessment is normally 40%. Students (other than partial exemption students) may exceptionally be compensated in one Examination or one element of the Project module at a lower mark not below 35% on the basis of tutors' reports, strength in other modules and any other relevant, documented information. Any written work and reports must be available for inspection by the External Examiners. A

student may only be compensated once during the Graduate Diploma in Law. The Assessment Board may compensate a marginal fail of a part time student in accordance with this paragraph at the end of either the first year or the second year of the Graduate Diploma in Law.

- (f) The Graduate Diploma in Law consists of 120 undergraduate credits. The weighting of the marks for the assessed components of the Graduate Diploma in Law shall be as follows:

<b>Form of Assessment</b>	<b>Credits towards Final Award</b>
LGMP3007: English Legal System Exercise	0 credits
LGMP3008: Legal Research Exercise	0 credits
LGMP3009: Project	15 credits
LGMP3000: Foundations of Criminal Law	15 credits
LGMP3001: Obligations I (Contract)	15 credits
LGMP3002: Obligations II (Tort)	15 credits
LGMP3003: Foundations of Property Law	15 credits
LGMP3004: Foundations of Public Law	15 credits
LGMP3005: European Union Law	15 credits
LGMP3006: Foundations of Equity and the Law of Trusts	15 credits

- (g) The Assessment Board may within its discretion prescribe word limits for written assessments and the penalties to be imposed for exceeding any such prescribed word limits.
- (h) The mark for any written assessment submitted late except for good reason will be reduced by 5% for every day after the submission date including the submission date for the written assessment. The Deferrals Panel will decide if the student has good reason for submitting any written assessment late. All such reasons must be submitted in writing and supported by third party evidence as detailed in Regulation 19(c).
- (i) The Project must be submitted to Turnitin, an electronic plagiarism and copying detection device (instructions for which will be supplied to students). The

relevant written assessment will not be marked and will be regarded as a late submission unless this happens by 12 noon on the relevant submission date.

9. Structure of the part time Graduate Diploma in Law

- (a) This regulation applies only to part time students.
- (b) In year one the students will study the English Legal System, and Legal Research for the online test, Obligations I, Obligations II, Foundations of Property Law and Foundations of Public Law in year one of the Graduate Diploma in Law. In year two of the Graduate Diploma in Law students will study Foundations of Equity and the Law of Trusts, Foundations of European Union Law, Criminal Law and the Project.

10. Result of Assessment

A student is entitled to the Graduate Diploma in Law if the student passes all the assessments required under Regulation 8 either at the first attempt or, in accordance with these regulations, at a subsequent attempt.

11. Award of Distinctions and Merits

- (a) A student **must** be awarded a **distinction** where:
  - (i) he/she has passed all elements of the assessments at the first attempt, without any subject being compensated; and
  - (ii) he/she has obtained an overall average of at least 70%.
- (b) A student **may** be awarded a **distinction** where
  - (i) he/she has passed all elements of the assessments at the first attempt, without any subject being compensated; and
  - (ii) he/she has obtained an overall average of at least 70% in at least 50% of the subjects counting towards the final award; and
  - (iii) he/she has obtained an overall average of at least 67%; and
  - (iv) the Assessment Board considers that it is not inappropriate to award a distinction.
- (c) A student will not otherwise be awarded a distinction.
- (d) A student **must** be awarded a **merit** where
  - (i) he/she has passed all assessments at the first attempt, without any subject being compensated; and
  - (ii) he/she has obtained an overall average of at least 60%.
- (e) A student **may** be awarded a **merit** where
  - (i) he/she has passed all elements of the assessment at the first attempt, without any subject being compensated; and

- (ii) he/she has obtained an overall average of at least 60% in at least 50% of the subjects counting towards the final award;
  - (iii) he/she has obtained an overall average of at least 58%; and
  - (iv) the Assessment Board considers that it is not inappropriate to award a merit.
- (f) A student will not otherwise be awarded a merit.
- (g) A student must be awarded a **pass** where they have passed all assessments (achieving at least 40% in each element of assessment), one element of which may have been compensated in accordance with Regulation 8(e). A student will not otherwise be awarded a pass.
- (h) An aggregate pass is not permitted on the Graduate Diploma in Law.

## 12. Failure in Assessments – Full Time Students

- (a) This regulation applies only to a full-time student taking the Graduate Diploma in Law for the first time.
- (b) Subject to Regulation 8(e), a student who fails the Project module shall only be referred in that element.
- (c) Subject to Regulation 8(e), a student who fails any Examination will be referred in that Examination.
- (d) A full-time student must pass the English Legal System Exercise and the Legal Research Exercise. There are no limitation on the amount of times they are both taken.

## 13. Failure in Assessments – Part Time Students

- (a) This regulation applies only to a student in year one or year two of a part time Graduate Diploma in Law.
- (b) Subject to Regulation 8(e), a part time student who fails the Project module shall only be referred in that element.
- (c) Subject to Regulation 8(e), a part time student who fails any Examination in year one or year two will be referred in that Examination.
- (d) A part time student must pass the English Legal System Exercise and the Legal Research exercise. There are no limitations on the amount of times they are taken.

## 14. Referrals where Four or Fewer Modules taken

- (a) Subject to regulation 17(a) a partial exemption student who has taken four or fewer modules and failed an Examination in any one of them will be referred in that Examination.

- (b) Subject to regulation 17(a) a partial exemption student who has taken four or fewer modules and failed the Project will be referred in that written assessment.
- (c) Subject to regulation 17(a) a partial exemption student who has taken four or fewer modules and failed more than one Examination will be referred in the failed Examinations.
- (d) Subject to regulation 17(a) a partial exemption student who has taken four or fewer modules and failed more than one written assessment will be referred in the failed written assessments.

#### 15. Granting a Referral

- (a) In deciding whether or not to refer a student under Regulation 12, 13, and/or 14, the Assessment Board must take into account the extent of the failure, the results in other modules and other relevant considerations.
- (b) A student who fails the Project and/or Examination(s) shall not be entitled to a further attempt in the failed element(s) until that result has been confirmed by the Assessment Board.

#### 16. Re-sit students – Examinations and the Project

- (a) This regulation applies to a student taking an Examination or written assessment following a referral under Regulations 12 to 14 and is subject to Regulation 17.
- (b) A student referred in any Examination or the Project may re-sit the Examination or Project for a final attempt.
- (c) In deciding whether or not to permit a student to re-sit under this regulation, the Assessment Board must take into account the extent of the failure of the referred Examination or Project, the results in other modules (including the result of a referral in another module) and other relevant considerations.
- (d) For part time students this regulation is subject to Regulation 21.
- (e) The Assessment Board may impose on a student permitted to re-sit under this regulation any requirements regarding attendance and the submission of written work, compliance with which will be prerequisite of the permission to re-sit.

#### 17. Maximum Number of Attempts

- (a) For the avoidance of doubt, no student may sit any assessment in any module on more than a maximum of three occasions. A sitting of the Examination at any institution counts for this purpose, but an attempt which is not completed for sufficient cause does not.



- (b) A full time student must complete satisfactorily all the assessments for the Graduate Diploma in Law within three years of initial enrolment.
- (c) A part time student must complete satisfactorily all the assessments for the Graduate Diploma in Law within four years of initial enrolment.
- (d) A partial exemption student must complete satisfactorily, all the outstanding assessments for the Graduate Diploma in Law within the time period stipulated in either 17(b) or 17(c) above, whichever is applicable to that student.
- (e) Where there are exceptional mitigating circumstances of a sufficiently serious nature a student may be granted a maximum of **1 additional year** in which to complete the Graduate Diploma in Law.
- (f) Circumstances of a sufficiently serious nature include the following:
  - (i) A serious health condition, including mental health, which has had a significant impact upon the student;
  - (ii) Pregnancy/childbirth;
  - (iii) A significant change in the financial circumstances of the student, which has had a substantial negative impact upon the student over a significant period of time;
  - (iv) A dependant of the student, for whom the student is the primary carer, developed a serious health condition, which prevented the student from attempting the assessments;
  - (v) The student is the primary carer for a sick dependant, whose condition deteriorated to an extent that the student was unable to attempt the assessments;
  - (vi) Engagement in a military conflict;
  - (vii) Death of a partner;
  - (viii) Death of a dependant for whom the student is the primary carer.
- (g) If the Deferrals Panel is satisfied that there are exceptional mitigating circumstances referred to in (e) above a formal written request for the extension will be made to the Professional Bodies by the University on behalf of the student. The application must set out the exceptional mitigating circumstances relating to the student and must include an unequivocal statement of support from the University and a full transcript of the student's results. The application must be made at least **2 months** in advance of the next resit opportunity, unless strong evidence is provided as to why the application could not be made within this period.

## 18. Limit on Marks

A student taking any Examination and/or Project for a second or subsequent time cannot be awarded a mark in excess of 40% in that Examination and/or Project.

## 19. General

- (a) If in exceptional circumstances the Assessment Board is satisfied that any of these regulations operates unfairly in relation to any student, the Assessment Board may take such decisions as appear to be necessary to achieve the fair operation of the system of assessment prescribed by these regulations. This regulation does not apply to compensations.
- (b) Notice of any decision of the Assessment Board under paragraph (a) above, and of the exceptional circumstances of the decision, must be given to the Professional Bodies by the Chair of the Assessment Board.
- (c) If a student believes that his or her performance in any one or more assessment has been or may be adversely affected by illness or other good cause, it is the student's responsibility to bring such matters to the attention of the Deferrals Panel, supported, where appropriate, with documentation. The student must complete the appropriate form, "Request for Deferral of Examinations and/or Project on Grounds of Extenuating Circumstances", and submit the form as directed together with supporting evidence to the Graduate Diploma in Law Programme Administrator. Claims of extenuating circumstances which are not substantiated by independent evidence from a relevant source will not be considered. The type of third party evidence required will depend on the reason for the request and could include medical evidence or a letter from an employer. If a request is posted it is strongly recommended that a Certificate of Posting from the Post Office, or equivalent for overseas students, is obtained. The student must communicate the extenuating circumstances and independent evidence as soon as they are known and, normally, prior to the relevant submission date if the application relates to a written assessment and prior of the date of the Examination if the application relates to an Examination. The Deferrals Panel is responsible for considering the extenuating circumstances and for coming to a decision. If the independent evidence is accepted by the Deferrals Panel the student will be deferred in the assessment(s) affected. The Assessment Board and Deferral Panel do not have power to increase the mark in the assessment(s) so affected.
- (d) Unless Regulation 17(e) applies, however, a deferral may not be granted under (c) above where, as a consequence, the student would not be able to satisfy Regulation 17(b) or (c).
- (e) Where the Assessment Board wishes to grant a student a deferral of one or more of the assessments but as a consequence of the deferral the student would be unable to satisfy Regulation 17(b) or (c) above, a deferral may only be granted in accordance with Regulations 17(e) to (g).

## 20. Disqualification from Sitting the Written Examination

A student is not eligible to sit the Examinations if attendance is deemed unsatisfactory by the Management Board. For the avoidance of doubt, attendance at 75% or fewer of all available study sessions will normally be considered by the Management Board to be unsatisfactory, in the absence of documentary evidence explaining the relevant attendance to the satisfaction of the Management Board.

21. Two Year Courses: Proceeding from Year One to Year Two

A student taking a two year Graduate Diploma in Law may not proceed to year two of that Graduate Diploma in Law until he/she has passed at least three of the four Examinations and all the written assessments to be taken in year one.

22. Transfers

Transfers are not normally permitted on the Graduate Diploma in Law. Students should normally complete the Graduate Diploma in Law at the institution where they originally enrolled on the course.

23. Students studying the Graduate Diploma in Law by part time mode may normally only transfer to another Graduate Diploma in Law course provider where the following criteria are satisfied:

- (i) they have successfully completed all assessments on the first year of the Graduate Diploma in Law; and
- (ii) there are genuine mitigating circumstances which justify the transfer; and
- (iii) they have obtained the permission of the Professional Bodies.

24. Students studying the Graduate Diploma in Law by part time mode who are unsuccessful in completing year one of the Graduate Diploma in Law may not transfer onto the full time mode. Such students are not prevented from starting the full time mode in accordance with Regulation 28, below.

25. Students studying the Graduate Diploma in Law by full time mode may transfer onto the part time mode where the following criteria are satisfied:

- (i) they are transferring onto the part time mode at the same institution at which they have been studying the Graduate Diploma in Law by full time mode;
- (ii) there are genuine mitigating circumstances which justify the transfer; and
- (iii) they have obtained the permission of the Professional Bodies to transfer.

26. Mitigating circumstances justifying a transfer under Regulations 23 and 25 (above) include the following:

- (i) a relocation to a different part of the country or overseas for domestic or occupational reasons;
- (ii) serious financial hardship, which necessitates the transfer;
- (iii) illness or a disability of a nature which necessitates the transfer;
- (iv) illness or disability of a dependant for whom the student is the primary carer, which necessitates the transfer; or
- (v) a significant change in the student's circumstances, which is sufficiently beyond the control of the student and which necessitates the transfer.

27. Procedure

If the University wishes to admit a transferring student, it must obtain the permission of the Professional Bodies before it may admit the student onto the Graduate Diploma in Law. The University must provide the complete academic profile of the student, including details of the assessments, which the transferring student has successfully completed and for which the University intends to give credit; and details of those subjects, which the student will be required to complete at the University in order to be awarded the Graduate Diploma in Law. In addition, the University must provide details of the mitigating circumstances, which justify the student's transfer.

28. Where a student was previously admitted onto a Graduate Diploma in Law but failed to complete the course, that student may only be admitted to a Graduate Diploma in Law provided that the student:

- (i) has formally withdrawn from the course on which they were originally enrolled (i.e. surrendered any rights to "resits" at the first institution); and
- (ii) applies to enrol on the course in the normal way; and
- (iii) receives no credit for any assessment passed on the first course; and
- (iv) will be treated as a new student and assessed in the normal way [i.e. be entitled to three attempts at each assessment]; and
- (v) is required to attend in the same manner as other students on that course.

29. Assessment Offences

Any allegation of assessment offences committed by a student shall be dealt with in accordance with the Current Academic Ordinances and Regulations of the University. If any allegation is found to be proven, and the offence has a bearing upon the character and suitability of the student to become a barrister or solicitor, the matter will be reported to the Professional Bodies. This may result in further penalties being imposed including denial of entry to the relevant profession.

30. Final Award

Students must have studied and completed at least 50% of the Graduate Diploma in Law at the University to obtain a Graduate Diploma in law. Students who have studied less than 50% of the Graduate Diploma in Law at the university will be awarded Institutional Credits.

- 31 Appeals

These regulations are subject to the appeals procedure of the University.

32. Copies of Regulations

A copy of these regulations must be given to each student on a Graduate Diploma in Law on enrolment or made available to them as soon as practicable thereafter.