

## **UWE BAR TRAINING COURSE COURSE AND ASSESSMENT REGULATIONS**

These regulations determine all matters pertaining to the issues contained in them; the University regulations, where in conflict with these regulations, do not apply.

### **Interpretation**

In these Regulations:

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

“the Bar Training Course” (hereafter referred to as “the BTC”) 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 Training;

“the Bar Standards Board” (hereafter referred to as the BSB) means the Board established by The Bar Council to oversee the validation monitoring and review of the Bar Professional Training Course;

“the Compulsory Modules” means the modules of Civil Litigation, Criminal Litigation, Civil Advocacy, Criminal Advocacy, Conferencing, Professional Ethics, Drafting Opinion Writing and Legal Research

“the Examining Board” means the Examining Board established as provided by Clause 3.1 of these Regulations;

“the UWE BTC Assessment Strategy” is the document that sets out UWE’s approach to assessment and quality assurance;

“the UWE BTC Assessment Competency Mapping document” is the document that matches the required threshold standards against the content and delivery of each module on the BTC;

“permitted materials” denotes those materials students may use in an invigilated assessment on the BTC, as determined by the Assessments manager;

“the University’s Disciplinary procedures” refers to those set out in the University’s Academic regulations and Procedures.

“AETO” means Authorised Education and Training Organisation – a body authorised by the BSB to provide vocational pathways to a career at the Bar.

“Professional Statement” is the document defining the threshold standards for Barristers

### **1. Programmes**

**1.1.** Students will undertake a programme of study validated by the Bar Standards board as meeting the requirements of its Training Regulations.

**1.2.** A student may register with the University to undertake a programme of study in

1.2.1. UWE BTC Combined (PgDip) (FT)

1.2.2. UWE BTC Combined (PgDip) (PT)

1.2.3. UWE BTC Combined (LLM) (FT)

- 1.2.4. UWE BTC Combined (LLM) (PT)
- 1.2.5. UWE BTC Two Part (PgDip) (Part 1 and/or Part 2)

### 1.3. A student may register for

- (a) Part 2 of the BTC having undertaken, and successfully completed, a 60 credit Part 1 programme with another AETO authorised by the BSB.
- (b) The UWE BTC Combined LLM programme to undertake the option/project/dissertation modules having successfully completed Part 1 and Part 2 with any AETO authorised by the BSB

### **Awards**

- 1.4. On successful completion of either Part 1 of the Bar Training Course, a student will be eligible for a Postgraduate Certificate in Legal Knowledge.
- 1.5. On successful completion of either Part 2 of the Bar Training, a student will be eligible for a Postgraduate Certificate in Legal Skills.
- 1.6. On successful completion of the Compulsory Modules, a student will be eligible for a Postgraduate Diploma in Bar Training.
- 1.7. A student will attain the LLM award upon successful completion of the Compulsory Modules a further 60 credits by a combination of the following;
  - 1.7.1. A maximum of 2 specialist options of 15 credits each; and
  - 1.7.2. Bar Professional Practice Portfolio, a 30 credit dissertation module

## 2. **Outcomes**

- 2.1. Students on the course will be assessed in accordance with the Curriculum and Assessment Strategy assessment framework (attached at Appendix A) as approved by the Bar Council through the BSB and in accordance with these Regulations and the UWE BTC Assessment Competency Mapping document.
- 2.2. External examiners will be appointed by the BSB, whose decisions in relation to matters of assessment shall be final.
- 2.3. An external examiner will receive, make recommendations on and approve
  - 2.3.1. Drafts of all BTC assessments for those subjects allocated to that examiner
  - 2.3.2. The corresponding assessment criteria and mark schemes
- 2.4. An external examiner will moderate and approve the marking process and standard in each assessment on the BTC.
- 2.5. The results of students who have been so assessed are finally determined by the Examining Board.

## 3. **Examining Board**

- 3.1.** For the purposes of these Regulations the Examining Board shall normally meet three times 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:
- 3.1.1. Head of Department of Law who will act as Chair of the examination Board or nominate such person to do so in her absence;
  - 3.1.2. Associate Head of Department of the UWE, Bristol Law School
  - 3.1.3. the Course Manager (PT);
  - 3.1.4. the Course Manager (FT);
  - 3.1.5. the members of the BTC teaching staff of the University excluding hourly paid lecturers who teach on the courses;
  - 3.1.6. one of the external examiners for the BTC appointed by The Bar Standards Board and the University.
- 3.2.** 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 one external examiner must normally be present.
- 3.3.** The decision of the majority of the external examiners for the course shall in relation to matters of assessment be final.
- 3.4.** The terms of reference of the Examining Board are:
- 3.4.1. to ensure all formally assessed exercises and written examinations are properly conducted;
  - 3.4.2. to approve the transcript for each student and make recommendations for the appropriate award as outlined in 1.4-1.7 above, on successful completion of the relevant course(s);
  - 3.4.3. 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 Training Course either in relation to attendance or more generally;
  - 3.4.4. 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;
  - 3.4.5. 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.
- 3.5.** Save for its responsibility under paragraph 3.4.2 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 :
- The Chair of the Examining Board or her nominee;
  - The Course Manager (PT)
  - The Course Manager (FT) and
  - 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.
- 3.6.** A personal circumstances sub-committee of the Examining Board consisting of the following:
- The Chair of the Examining Board or her nominee.

The Course Manager (PT)  
 The Course Manager (FT); and  
 At least one External Examiner  
 shall have power to make final and binding decisions about applications by candidates for personal 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.

#### 4. Assessment Framework

##### 4.1. UWE BTC Combined PgDiploma FT+PT

Subject	Assessment	Credit weighting	% of Total Marks <sup>1</sup>
Civil Litigation	Two unseen assessments comprised of one centrally set closed book multiple choice & single best answer question paper and one centrally set open book short answer question paper including rolling case scenarios	35	29
Criminal Litigation	One unseen assessment comprised of a centrally set closed book multiple choice & single best answer question paper	25	21
Civil Advocacy	One assessment comprising written (skeleton argument) and oral components	10	8
Criminal Advocacy	Two oral assessments (examination-in-chief, cross examination)	20	17
Conference Skills	One Oral assessment	10	8
Opinion Writing	One unsupervised take home assessment with a word limit of approximately 4000 words, in which students may use permitted materials	15	8
Drafting	To include assessment of legal research (pass/fail threshold)  One time constrained written assessment	(of which Opinion writing will constitute 67% and Drafting 33%)	4
Professional Ethics	One assessment comprised of multiple choice questions <sup>2</sup>	5	4
<b>Total</b>		<b>120</b>	<b>100</b>

##### 4.2. UWE BTC Two Part PgDiploma - Part 1

<sup>1</sup> This denotes the weighting of individual marks contributing to the overall percentage and final grade

<sup>2</sup> Ethics is a pass/fail threshold, that threshold being 60%. The student will benefit from any mark over and above the threshold by its inclusion in the calculation of the final grade.

Subject	Assessment	Credit weighting	% of Total Marks <sup>3</sup>	% of Total Marks <sup>4</sup>
Civil Litigation	Two unseen assessments comprised of one centrally set closed book multiple choice & single best answer question paper and one centrally set open book short answer question paper including rolling case scenarios	35	58	29
Criminal Litigation	One unseen assessment comprised of a centrally set closed book multiple choice & single best answer question paper	25	42	21
<b>Total</b>		<b>60</b>	<b>100</b>	<b>50</b>

### UWE BTC Two Part PgDiploma - Part 2

Subject	Assessment	Credit weighting	% of Total Marks <sup>5</sup>	% of Total Marks <sup>6</sup>
Civil Advocacy	One assessment comprising written (skeleton argument) and oral components	10	50	8
Criminal Advocacy	Two oral assessments (examination-in-chief, cross examination)	20		17
Conference Skills	One Oral assessment	10	16	8
Opinion Writing	One unsupervised take home assessment with a word limit of approximately 4000 words, in which students may use permitted materials	15 (of which Opinion writing will constitute 67% and Drafting 33%)	17	8
Drafting	To include assessment of legal research (pass/fail threshold) One time constrained written assessment		8	4
Professional Ethics	One assessment comprised of multiple choice questions	5	8	4
<b>Total</b>		<b>60</b>	<b>100</b>	<b>50</b>

### 4.3. Option/Project/Dissertation Modules

<sup>3</sup> This denotes the weighting of individual marks contributing to the overall percentage and final grade of the interim award of PgCertificate in Legal Knowledge

<sup>4</sup> This denotes the weighting of individual marks contributing to the overall percentage and final grade of the interim award of BTC PgDiploma

<sup>5</sup> This denotes the weighting of individual marks contributing to the overall percentage and final grade of the interim award of PgCertificate in Legal Skills

<sup>6</sup> This denotes the weighting of individual marks contributing to the overall percentage and final grade of the interim award of BTC PgDiploma

Subject	Assessment	Credit weighting
Specialist option – clinical negligence	One oral assessment, to include a written element	15
Specialist option – criminal law	One oral assessment, to include a written element	15
Specialist option – family law	One oral assessment, to include a written element	15
Specialist option – employment law	One oral assessment, to include a written element	15
Specialist option – landlord and tenant	One oral assessment, to include a written element	15
Specialist option – refugee and asylum	One oral assessment, to include a written element	15
Specialist option – commercial law	One written assessment	15
Specialist option – international trade	One written assessment	15
Professional Development Portfolio	3-4000 word Project	15
Professional Practice Portfolio	6-8000 word Project	30
Continuing Professional Development	9-12000 word Dissertation	45
Research and Practice Portfolio	12-15000 word Dissertation	60
<b>Total</b>	<b>Max no of assessments - 4</b>	<b>60</b>

4.4. These modules are graded at a pass/fail threshold.

4.5. Students carry forward the grade attained from the Compulsory Modules to determine the final award of LLM.

4.6. A student who fails the LLM elements but has passed the Compulsory Modules will be awarded the BTC PgDiploma

4.7. 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.

4.8. 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.

## 5. Assessment Points

- 5.1. The UWE BTC assessments will take place within any academic year at the times set out in the UWE BTC Assessment Strategy and the UWE BTC Assessments schedule.
- 5.2. A student will be expected to undertake their first or next attempt of an assessment at the first opportunity provided in the UWE BTC Assessment Schedule, unless the student gives a minimum of three working weeks' notice in writing that they intend to defer the assessment.
- 5.3. Where a student gives notice that they intend to defer an assessment in accordance with 5.2 above they will be expected to undertake the assessment at the next available opportunity as provided for in the UWE BTC Assessment Schedule, unless the student gives a minimum of three weeks' notice in writing that they intend to defer the assessment.
- 5.4. Where a student fails to attend an assessment having not provided written notice as per regulation 5.2, the student will be deemed to have failed the assessment by the Examination Board, unless an acceptable explanation by way of a personal circumstances application is provided in accordance with regulation 7.3 below.
- 5.5. 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.
- 5.6. In accordance with regulation 12.6 below, a student may not undertake an assessment if they have failed without good cause
  - 5.6.1. To attend sufficient taught sessions in accordance with regulation 12.1 below
  - 5.6.2. To undertake sufficient and appropriate related studyto the extent that the subcommittee of the Examining Board, in accordance with regulation 3.5, considers that the student will not be able to achieve the relevant Professional Statement threshold standards in that particular subject, irrespective of their performance in the assessment.
- 5.7. The UWE PgDip BTC must be completed within a maximum of five years from the date of enrolment.
- 5.8. A student who has undertaken the UWE BTC Part 1 programme at UWE is not required to pass the Part 1 assessments prior to commencing Part 2.
- 5.9. Having registered on the UWE BTC Part 2 programme, a student will be permitted to attend assessments relating to part 2 of the BTC two part notwithstanding that he/she has not passed the Part 1 assessments.
- 5.10. A student who has undertaken the Part 1 programme at an different AETO is required to have passed the Part 1 assessments prior to commencing Part 2.

## 6. **Fit to Sit**

- 6.1. By attending an assessment a student deems him/herself fit to sit that assessment.
- 6.2. 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

personal circumstances referred to in regulation 7.1 below, be able to rely on such medical or other circumstances for his/her performance in that assessment.

## **7. Personal Circumstances**

**7.1.** The “personal circumstances” referred to in regulation 6.2 above are where:

- 7.1.1. the student is affected by unforeseen circumstances beyond his/her control after starting but before the end of the assessment; or
- 7.1.2. 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
- 7.1.3. 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.

**7.2.** Where a student deems him/herself unfit to sit an assessment and in accordance with regulation 6.1 above, decides not to take an assessment, or takes the assessment but wishes to rely upon “personal circumstances” detailed in regulation 7.1 above, s/he must comply with the following regulations.

**7.3.** If a student:

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

subject to 6.1 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 personal circumstances to the personal circumstances sub-committee of the Examining Board as defined by regulation 3.6 (hereafter “the sub-committee”). This provision applies whether the assessments in question are first, second or final attempts.

**7.4.** Personal 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.

**7.5.** Circumstances that would normally justify personal 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) reasonably proximate in time to the assessment(s) affected
- 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)

**7.6. 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
- pre-booking a holiday when the assessment dates are known in advance

**7.7.** 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 (see regulation 11.2 below).

**7.8.** Where a student so agrees a learning 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 personal circumstances application.

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

**7.10.** For the purpose of regulation 7.9 evidence is clear where, if it refers to medical personal 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:

7.10.1. whether the report is based solely on the student's own account of his/her medical condition

7.10.2. precise details of the medical condition

7.10.3. the extent to which that condition would have affected the student's preparation for and taking of the relevant assessment

7.10.4. the dates for which the student would have been so unfit

7.10.5. the date by which the student would have been fully fit to prepare for and undertake the relevant assessment

**7.11.** 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.

- 7.12. It is the responsibility of the student to bring personal 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.
- 7.13. If details of personal 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 personal circumstances to account for the delay. The sub-committee may refuse a claim for personal circumstances which is submitted late without any, or any adequate, explanation for the late submission.
- 7.14. A copy of the personal circumstances application form is to be found in the course handbook and on Blackboard.

## 8. Reassessment

- 8.1. 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 personal 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 deferred attempt.

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

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

- (a) there is clear and sufficient evidence of personal 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 offer the student the opportunity to repeat the assessment(s) as a deferred first attempt.

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

- 8.3. If an assessment is failed at the first attempt and there are no applicable personal circumstances it may be taken again as a referred attempt on two further occasions. A maximum of three attempts is permitted for any single assessment, excepting where documented and accepted personal circumstances have caused an attempt to be set aside (I.E. not counted towards the maximum number of attempts)

## 9. Grading of the UWE BTC (all programmes)

- 9.1.** Each assessment, save for legal research, shall be graded 'Outstanding', 'Very Competent', 'Competent' or 'Not Yet Competent'.
- 9.2.** The grade boundaries for individual assessments are:
- |                    |            |
|--------------------|------------|
| Outstanding:       | 85-100%    |
| Very Competent:    | 70-84%     |
| Competent:         | 60-69%     |
| Not Yet Competent: | 59 or less |
- 9.3.** To be graded Outstanding overall
- 9.3.1. A student must achieve either an aggregate mark of 85% or greater, or four or more grades in that category, in the Compulsory Modules
- 9.3.2. All assessments must be passed at first attempt
- 9.4.** To be graded Very Competent overall
- 9.4.1. A student must achieve either an aggregate mark of 70% or greater, or six or more grades in the Outstanding or Very Competent category in the compulsory modules.
- 9.4.2. A student can achieve a Very Competent grade overall provided the student only fails one assessment at first attempt.
- 9.5.** Students will otherwise be graded Competent having passed all the Compulsory Modules.
- 9.6.** There will be no condonation or compensation for marks below 60%.
- 9.7.** A student who passes an assessment by reassessment shall be awarded a mark of 60%, no matter what actual mark the student achieved.
- 9.8.** A student who repeats an assessment as a first attempt in consequence of the application of regulation 8.1 shall be awarded the mark achieved in that deemed first attempt and not the mark achieved in the earlier assessment.
- 9.9.** 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.
- 9.10.** A student who having been referred for further assessment under regulation 8.3 fails the re-assessment after a total of 3 attempts (not counting those affected by personal circumstances) shall be deemed to have failed the Course as a whole.

## **10. General Assessment Information**

- 10.1.** The Prescribed Permitted Materials are as follows:
- 10.1.1. Criminal litigation and professional ethics: these assessments are closed book so no materials whatsoever may be taken into the assessment.
- 10.1.2. Civil Litigation: one assessment will be closed book and no materials will be allowed in the assessment, the second assessment will be open book and the permitted materials will be the White Book.
- 10.1.3. For all other assessments, students will be advised of the permitted materials separately and in advance of the assessment.

10.1.4. 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.

10.1.5. Where students receive advanced facts or materials for any skills assessment, students will be required to complete a self-declaration that their preparation for the assessment is their own work. The declaration shall read

*I declare that in preparing my [ ] assessment I have not received any assistance from a fellow student or third party.*

*I am aware that preparing for the assessment with assistance and making a false declaration that I did so unaided will amount to an assessment offence to be dealt with in accordance with the University disciplinary procedures and that it could be reported to the Bar Standards Board and my Inn of Court.*

10.1.6. Students will be required to complete a self-declaration that any skill assessment undertaken in unsupervised conditions is their own work. The declaration shall read

*I declare that the [ ] assessment answer submitted is my own work and I have not received any assistance from a fellow student or third party.*

*I am aware that undertaking the assessment with assistance and making a false declaration that I did so unaided, will amount to an assessment offence to be dealt with in accordance with the University disciplinary procedures, and that it could be reported to the Bar Standards Board and to my Inn of Court.*

## 10.2. 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.

A 'fatal flaw' could be but is not limited to"

- A significant and grave error of law or procedure;
- An error in legal or case analysis that is so clearly incorrect that it puts the interests of the client at risk;
- An error in legal or case analysis that is so clearly incorrect that it puts the barrister at risk of liability for negligence or a disciplinary hearing

An Ethics issue in a skills assessment may also be regarded for consideration as a "Fatal Flaw".

10.3. Past students who are subject to re-assessment shall be bound by the procedural and evidential requirements relating to personal circumstances contained within these regulations (section 7) whether or not such requirements were applicable during the academic year in which they first enrolled on the course.

10.4. A student who fails the course is not precluded from taking the course again from the beginning (subject to acceptance on a course by an AETO and the student having met with any AETO current entry requirements).

- 10.5. 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.
- 10.6. 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.

## **11. Learning strategies and reasonable adjustments**

- 11.1. Reasonable and appropriate adjustments can be made to the teaching, learning and assessment processes to ensure that students on the BTC are not disadvantaged as a result of a disability or other impairment.
- 11.2. Such adjustments will be set out in a formal Learning Strategy (as referred to in regulation 7.7 and 7.8 above) agreed between the University and the student.
- 11.3. A Learning Strategy may provide for adjustments to be made in relation to the conditions in which a student will undertake assessments. For example
- The provision of extra time to prepare in advance of the assessment
  - Provision of extra time to undertake the assessment
  - Additional time to allow for rest breaks during the assessment
  - The use of a computer to type written assessments
  - The provision of a reader or scribe

## **12. Attendance requirement**

- 12.1. Students are expected to attend all scheduled classes and timetabled activities.
- 12.2. There is a discretion to allow attendance at re-scheduled or alternative classes, but only where this will not materially adversely affect the learning environment or outcomes of any student. Attendance at an alternative class must be agreed with tutors in advance of class and will not be permitted for the sole purpose of convenience. Attendance at an alternative class will nonetheless amount to non-attendance but will assist the student in showing that s/he has made up the missed work
- 12.3. There are very limited personal circumstances where non-attendance at the scheduled session may be excused. The personal circumstances are limited to non-attendance at scheduled classes for reasons of:

mini pupillage;  
marshalling,  
pupillage interview  
representing the University at a competition; or  
pre-arranged pro bono work.

In these circumstances, provided the student can demonstrate evidence of the exempted circumstance above and can attend an alternative class, the absence from the scheduled class will not count as an absence.

(Please note that illness is NOT an exempted circumstance.)

- 12.4.** If a student has not prepared for a scheduled session, is more than 5 minutes late, or fails to participate fully in that class, this must count as non-attendance.
- 12.5.** Where a student misses a class, the student must demonstrate that s/he has made up the missed work. This must be done within 7 days of missing the class, the absence form being signed by the relevant tutor and submitted to their personal tutor.
- 12.6.** Where attendance falls below 80%, the student will be required to attend a meeting with their personal tutor and course manager. This level of attendance will inform the eligibility of the student to take some or all of the assessments, on the grounds that with less than 80% attendance it may not be possible to meet the threshold standards, or to demonstrate that they have been met through assessment.
- 12.7.** Regulation 5.6 applies for the purposes of 12.6 above
- 12.8.** For the purpose of this regulation:
- 12.8.1. "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
- 12.8.2. 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 calculated across the entire course.
- 12.8.3. Students must attend at least 80% of classes in each module. If a student misses more than 20% in any one module, s/he will need to satisfy the module tutor that the learning outcomes have been met by submission of non-attendance form(s) and evidence of making up missing work. If the student has been unable to demonstrate satisfactory attendance and or the student has not been able to demonstrate that the relevant learning outcomes have been met, then the student may not be eligible to sit the final assessment.

### **13. Unfair assessment practice or other inappropriate behaviour**

- 13.1.** Any allegation of unfair assessment practice (whether in a formative or summative assessment) or other misconduct as defined in regulations 13.2 and 13.3 below, committed by a student shall be dealt with as soon as is reasonably practicable in accordance with the current academic and/or disciplinary regulations and procedures of the University, in conjunction with the Course Managers, and with express reference to the BSB Professional Statement.
- 13.2.** The following are examples of unfair assessment practice:
- copying someone else's answer either in whole or in part;
  - allowing someone else to look at, use or copy your answer;
  - allowing someone else to prepare or write your answer;
  - allowing someone else to look at use or copy your assessment question;
  - collaborating in the research for, or the preparation or writing of an assessment;

- collaborating with another student in the completion of work which is submitted as that other student's unaided work;
- copying or summarising from a published work without proper attribution;
- making a false declaration that the assessment submission is your own work;
- exceeding any explicit word limit and in such cases making a false declaration as to word total;
- disclosing or discussing details of the content of oral skills assessments unless expressly permitted or required;
- taking unauthorised materials, including any electronically stored information, into an examination;
- communicating with or copying from any other candidate during an examination, written skills assessment or time constrained coursework;
- impersonation or any other deliberate attempt to deceive;
- referring to unauthorised materials during the assessment;
- providing or attempting to provide assistance to another in an assessment;
- making a false declaration in a personal circumstances application.

**13.3.** The following are examples of other misconduct:

- A breach of the Bar Council Code of conduct;
- A breach of the obligations in the UWE BTC Student Code of Conduct;
- Dishonest, discourteous or discreditable behaviour unbecoming a student member of the course howsoever and wherever occurring

**13.4.** Where an investigation of unfair assessment practice or other misconduct 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.

**13.5.** The Examining Board shall have a discretion (in addition to any sanction imposed or recommended by the University 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:

13.5.1. Deem the assessment(s) in question a fail, the student being given the opportunity to resit the assessment(s) during the normal reassessment period;

13.5.2. 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);

13.5.3. Cancel the student's marks, the student being given the opportunity to resit the assessment(s) during the normal reassessment period;

13.5.4. Cancel all the student's marks, with no opportunity to resit.

**13.6.** 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.

**13.7.** 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.

- 13.8.** 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.
- 13.9.** 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.

#### **14. Appeals**

The University regulations dealing with a students' appeal against the grading of the Examining board (Appendix S1 of the University Appeal regulations) can be found via: <https://www1.uwe.ac.uk/students/academicadvice/academicappeals.aspx>

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.

#### **15. Complaints Procedure**

The Complaints and Appeals Team are available to offer advice and guidance to anyone who is left feeling dissatisfied by a University action or decision and, similarly, to those investigating an informal complaint or grievance.

The team is responsible for investigating and responding to formal complaints and appeals, ensuring that the learning points arising from cases are fed back to the relevant department/service.

<https://www1.uwe.ac.uk/about/departmentsandservices/professionalservices/academic/services/complaintsandappeals.aspx>