

**January 2017 Grade Boundaries**

The Qualifications Handbook sets out the notional grade boundaries for the Law and Practice units. Notional grade boundaries offer tutors and students the opportunity to understand the approximate level of achievement necessary to pass and achieve certain grades of success in an assessment. Notional grade boundaries, however, are not fixed boundaries, and, as a part of its ongoing quality assurance of the assessment process, CILEx reserves the right to amend its notional grade boundaries for individual examination sessions.

CILEx takes every precaution to ensure that the level and quality of each of its examination papers is appropriate for students. As a part of its commitment to robust quality assurance at every stage of the examination, CILEx also scrutinises candidate performance before final results are determined. In this way, CILEx can identify and address any issues with the performance of specific examination papers and specific questions on examination papers, and where there are issues that are known to have affected candidate performance adversely, reflect this in the way in which the final grade boundaries for the examination results are set.

The final grade boundaries for the January 2017 examinations are set out in the table below.

Unit No.	Unit Name	Pass Boundary	Merit Boundary	Distinction Boundary
3	The Law and Practice Relating to Road Traffic Accidents	50%	64%	74%
6	Damages, Settlement and Costs in Personal Injury Cases	50%	64%	74%
7	Introductory Considerations for Personal Injury Lawyers	49%	63%	75%
9	Preparations for Personal Injury Trials	50%	64%	74%
10	Resolving a Commercial Dispute in England and Wales	50%	64%	74%
11	Tactics and Costs in Commercial Litigation	49%	65%	74%

**Frequently asked questions about adjustments to grade boundaries made at results determination**

Q) Why has the Results Determination Panel taken this decision?

This decision ensures that this specific question paper is no more difficult or easy to pass than previous, similar question papers. The purpose of the Results Determination Panel is to ensure that a certain level of difficulty is maintained across question papers over time. This is the best way to also ensure the fairest possible outcomes for all students.

Q) Why can't difficult/ambiguous/easier questions be spotted before candidates sit the examination?

CILEx goes to great lengths to quality assure every question paper it produces. Whilst questions are tested by the assessor teams (comprising groups of academics and practitioners) setting and reviewing the question paper, this is not the same as when the question papers are answered by hundreds of students in exam conditions. At this point,

questions may be read and interpreted by students differently to what was intended. Equally, some questions may be found to be more difficult than first anticipated. The purpose of results determination is to identify where this has happened and, where appropriate, to make adjustments to ensure that candidates receive a fair result.

Q) How does the Results Determination Panel reach its decisions?

The Panel considers significant amounts of evidence about the overall performance of the examination before it makes any decision to adjust a grade boundary. Chief Examiner's reports, student queries/feedback, centre feedback, examiner marking performance and past historical performance of the question paper are all considered. The Panel also considers statistical information, including section/question performance both current and historical. The decision is, ultimately, an agreement between the Chief Examiner for the unit, the Chairs of Examiners, the Director of Education and senior Assessment Team staff.

Q) How can it be fair that someone can pass in this session with a lower percentage than I achieved at the last session where I failed?

OR

Q) How can it be fair that I achieved 50% and then failed?

Whilst CILEx sympathises with both these questions, it is important to recognise that the standard of a Pass (expressed as a numerical percentage) is where the Panel consider it best placed to reflect the continuity of the Pass standard at any one time. Therefore, it cannot, for the reasons provided above, be represented as a single, stable percentage over time. In some sessions, therefore, it will remain at 50%, but, in others, to reflect the ease or difficulty of specific question papers, it must move to enable CILEx to arrive at a fair decision. It is important, therefore, that you consider your percentage result only in relation to the examination you have sat and no other.

Q) Why can't 50% always be a Pass?

Because, question papers are subtly different from session to session, depending on how the syllabus has been tested, the choice of questions etc. To simply hold to a Pass percentage of 50% would mean that candidates taking slightly more easy or difficult papers would be treated unfairly. For example, a Pass standard candidate taking a slightly more difficult paper in any one session might then achieve, say, 48% and fail. Adjusting grade boundaries, whilst sometimes appearing unfair, has the advantage that we can respond to these situations and ensure candidates get the result they deserve and standards are maintained over time.

**Explanatory Notes for students and centres relating to the Level 3 January 2017 grade boundaries**

Examination: Unit 7 Introductory considerations for PI Lawyers

The Results Determination Panel identified performance issues with three part questions, 1(e), 1(b) and 2c (ii). The Panel reduced the number of marks available for each of these questions to address the performance issues and to ensure that candidates were not disadvantaged. The Panel applied the notional grade boundaries for the examination. It is noted that in percentage terms the notional grade boundaries for this examination are 49% (Pass boundary), 63% (Merit boundary) and 75% (Distinction boundary) due to the reduced number of marks available for the examination.

Examination: Unit 11 Tactics and costs in Commercial Litigation

The Results Determination Panel identified performance issues with question 4(a). The Panel reduced the number of marks available to address the performance issues linked to this question and to ensure that candidates were not disadvantaged. The Panel applied the notional grade boundaries for the examination. It is noted that in percentage terms the notional grade boundaries for this examination are 49% (Pass boundary), 65% (Merit boundary) and 74% (Distinction boundary) due to the reduced number of marks available for the examination.