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**MARKING AND  
MODERATION  
POLICY**

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## **KAPLAN QLTS MARKING AND MODERATION POLICY**

### **Multiple Choice Test (MCT)**

Each correct response to the MCT will receive 1 mark; no marks will be deducted for incorrect responses. Multiple answers will not be counted. The mark for the 2 parts of the MCT will be aggregated to derive the overall percentage mark. This overall percentage mark is rounded off to the nearest integer.

The pass mark will be determined by a 'Standard Setting Panel' convened by the Solicitors Regulation Authority (SRA) based on the Angoff method supplemented by statistical equating as appropriate.

The standard setting group of solicitors is convened by the SRA to decide, based on the individual questions on the paper, what score differentiates somebody who can be considered to have just reached the standard of a newly qualified solicitor in England and Wales from somebody who has not reached this standard. In reaching this judgment the group will consider competency as defined in the SRA Day One Outcomes and in the narrative description attached. For the avoidance of doubt this narrative description is itself derived from the SRA Day One Outcomes. A correction will be made for error measurement in the test using standard psychometric procedures (SEm). The Angoff method will be supplemented by the use of statistical equating as appropriate. In this way a pass mark which is empirically justified is established. Pass marks, calculated as percentages, are also rounded off to the nearest integer.

Following the examination the MCT will be reviewed statistically to confirm its reliability (coefficient alpha) and accuracy (SEm). Equality impact assessments may be conducted as appropriate.

The exam will be subject to review by the external examiner appointed by the SRA.

### **Objective Structured Clinical Examination (OSCE)**

An assessor who has been trained in playing the role of the client will assess candidates' performance during the interviews. These assessors will mark candidates purely on skills, not on the law. All other exercises will be marked by solicitors and will be marked on both skills and law. They will be marked according to the criteria attached and informed by competency as defined in the SRA Day One Outcomes and the narrative description attached which is itself derived from these Day One Outcomes.

In order to pass the OSCE candidates must obtain the overall pass mark for the OSCE. In calculating a candidate's total score, law and skills will be weighted equally. In order to determine whether or not a candidate has obtained the overall pass mark, the candidate's total percentage mark is rounded off to the nearest integer.

The pass mark will be set using the borderline regression method. In essence an overall view is taken of whether or not a candidate reaches the standard of a newly qualified solicitor in England and Wales. The spread of candidates' marks are then reviewed in the light of these judgements and so a pass mark is determined. A correction will be made for error measurement in the test using standard psychometric procedures (SEm). In this way a pass mark which is empirically justified is established. Pass marks, as percentages, are also

rounded off to the nearest integer.

Following the examination the OSCE will be reviewed statistically to confirm its reliability (coefficient alpha) and accuracy (SEm). Equality impact assessments may be conducted as appropriate.

The OSCE will be subject to review by the External Examiner appointed by the SRA.

Candidates who do not pass the OSCE will be given a breakdown of their marks by subject area and by law and skills. In order to present this breakdown, and because rounding off takes place only on a candidate's total mark, it is necessary to give the results to two decimal places. Nevertheless in order to decide whether a candidate has passed or not, the candidate's total mark is rounded off to the nearest integer. Candidates should also note that the statistical robustness of marks broken down in this way, by subject area and by law and skills, is inevitably less than that of the test as a whole. Our advice is therefore that candidates should not rely solely on these sub scores in deciding what areas to revise to prepare for future attempts at the assessment.

**Objective Structured Clinical Examination Outline Marking Criteria**

- A: Superior performance: well above the competency requirements of the assessment
- B: Clearly satisfactory: clearly meets the competency requirements of the assessment
- C: Marginal pass: on balance, just meets the competency requirements of the assessment
- D: Marginal fail: on balance, just fails to meet the competency requirements of the assessment
- E: Clearly unsatisfactory: clearly does not meet the competency requirements of the assessment
- F: Poor performance: well below the competency requirements of the assessment

G: Not applicable

**Interviewing**

A      B      C      D      E      F      G

Listening and questioning

Language and explanation

Professional manner

Client-focussed

Builds trust and confidence

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**Attendance note**

A      B      C      D      E      F      G

**Non- legal aspects**

Obtained all relevant information

Identified appropriate next steps

Advice is client-focussed

**Legal content**

Legally correct

Legally comprehensive  
including professional conduct where relevant

**Advocacy/Oral Presentation**

A B C D E F G

**Presentation & non legal aspects**

Appropriate language & behaviour

Clear & good structure

Engages decision maker

Persuasive argument

Facts: correct & comprehensive

**Legal Content**

Legally correct

Legally comprehensive  
including professional conduct where relevant

**Legal Research**

A B C D E F G

**Skills**

Advice is client-focussed

Finds important sources  
& authorities

**Legal content**

Legally correct

Legally comprehensive  
including professional conduct where relevant

**Writing**

A B C D E F G

**Style and non-legal content**

Clear, precise & acceptable English

Facts: correct & comprehensive

Content is recipient-focussed

**Legal Content**

Legally correct

Legally comprehensive  
including professional conduct where relevant



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**Drafting**

A B C D E F G

**Drafting Style**

Clear, precise & acceptable English

**Legal Content**

Legally correct

Legally comprehensive  
including professional conduct where relevant

**Descriptive Narrative of Competency for the QLTS Assessment**

A competent newly qualified solicitor will demonstrate a level of knowledge, professional skills and understanding of legal practice and the law that is likely to avoid a negligence claim. In simple cases s/he can identify a client's problem and the main legal issues raised. S/he should be able to recognise and respond appropriately to common situations which raise issues of professional conduct. S/he will normally know his or her limits when ignorant; know to what sources to refer for information; and ask for help when the problem is too difficult to deal with.

The advice s/he gives a client will demonstrably progress the client's matter and be clear enough for the client to understand. It will rarely be wrong. S/he can communicate in a professional and appropriate (though not necessarily sophisticated) way with others including clients, courts, colleagues and other solicitors. His/her use of English is readily comprehensible to clients of any background. Following a meeting most clients will have some confidence in him/her and his/her ability to deal with their legal problem.

S/he can make a reasonably persuasive presentation of his/her case and defend it at least to some extent. S/he can draft simple legal documents effectively and with few mistakes, can review and make an initial judgment about some aspects of more complex legal documents and can progress routine legal transactions.