

No Detriment Policy – Response to Coronavirus (COVID-19)

1. Introduction

- 1.1 In response to the emerging impact of a global Coronavirus (Covid-19) pandemic in early 2020, the University introduced a No Detriment Policy on 18th March 2020.

The University recognised the challenges many students were facing trying to cope with the disruption caused by the pandemic. The No Detriment Policy was implemented to help mitigate the impact of this disruption on students' final averages and awards.

A key feature of this policy was that it would be applicable for a defined period of time, which was in line with sector practice and guidance from regulatory bodies (e.g. QAA).

- 1.2 In recognition of the continued impact of the effects of the pandemic and related government policy on students' ability to engage with assessment, the University decided to keep the No Detriment Policy in place for the remainder of the 2020-2021 academic year, after which time the University would begin a phased return to normal working practices.
- 1.3 The University of Law recognises that central to this policy is its responsibility for assuring and maintaining the academic standards of the awards it grants and the quality of learning opportunities it provides for its students. It is committed to ensuring that:
- (a) rigorous processes to maintain quality and secure standards are maintained or appropriately adapted; and
 - (b) the University uses reliable evidence of student achievement to determine award outcomes; and
 - (c) the management of assessment during this period is in line with sector guidance and expectations.
- 1.4 Responsibility for reviewing and evaluating the effectiveness of the No Detriment Policy lies initially with Registry. Formal responsibility for monitoring and evaluation of implementation lies with the University's Academic Board.

2. Key Principles

2.1 Time Period

The Time Period is defined as being from **18th March 2020 to 31st July 2021**.

For the purposes of this Policy, assessments sat **inside** the Time Period are defined as those assessments sat, or scheduled to be sat, between and including 18th March 2020 and 31st July 2021. Assessments sat **outside** the Time Period are defined as those assessments sat either before 18th March 2020 or after 31st July 2021.

Note that the adjustments to the award provided for by the Policy remain active until the student has completed their course, even if this is after the end of the Time Period.

For the avoidance of doubt, section 2.2 of this Policy applies only to students who have sat and passed one or more assessments between 18th March 2020 and 31st July 2021.

2.2 Adjustments to Final Overall Weighted Average/Award Classification

The No Detriment Policy allows for two distinct adjustment mechanisms to be applied to a student's final overall weighted average or award classification, depending on when that student sat and passed all of their assessments: a "**Safety Net**" algorithm, in the event that some assessments have been sat and passed outside of the Time Period; and a **Discretionary Award** mechanism if all assessments have been sat and passed inside the Time Period.

2.2.1 "*Safety Net*" algorithm

For students who have sat and passed their grade-contributing assessments both inside and outside Time Period, a "Safety Net" algorithm will be applied to their final average.

The "Safety Net" works by ensuring that the average achieved by students for assessments sat at the same level outside of the Time Period cannot be brought down by the results of any assessments they sat inside the Time Period.

The operation of the "Safety Net" algorithm is detailed in **Appendix 1**.

2.2.2 *Discretionary Award Mechanism*

For students who have sat and passed all of their grade-contributing assessments inside the Time Period, a Discretionary Award Mechanism will be applied in lieu of the "Safety Net" algorithm.

The Discretionary Award Mechanism works by considering performance in individual grade-contributing assessments alongside the overall average to determine whether a student is eligible for a higher grade classification.

The operation of the Discretionary Award Mechanism is detailed in **Appendix 2**.

2.2.3 Requirement to Pass All Assessments

For the avoidance of doubt, all students must achieve the minimum pass mark required for each assessment in order to demonstrate satisfactory completion of the learning outcomes for that module. The No Detriment Policy cannot be applied to condone a fail mark (i.e., treat a failed mark as a pass).

2.3 Resitting Students

Students resitting assessments at the second or third attempt during the Time Period will still be subject to the assessment regulations in place for their programme, in particular:

- (a) any module capping rules in place for that programme; and/or
- (b) where it applies, any award criteria requiring students to pass all assessments at first attempt.

2.4 Professional Bodies

Due to variations in recognition of the University's No Detriment Policy by professional bodies offering accreditation to the University's academic provision, the adjustments (2.2) set out in this policy apply to all University of Law programmes except for programmes accredited by the Bar Standards Board (BSB), e.g. the Bar Practice Course (BPC) and the Bar Professional Training Course (BPTC).

Note that the relaxation of concession applications requirements (2.5) do apply to BPC and BPTC students.

2.5 Relaxation of Concessions Application Requirements

Alongside implementation of its No Detriment Policy, the University has decided to continue with relaxing its concession application requirements in respect of **absence** from any assessments undertaken within the Time Period. This means that students can choose not to undertake any scheduled assessments within the Time Period and there will be no penalty.

From 1st August 2021 onwards, the concession application process will revert to normal practice and students will be required to submit an application if they wish to have their absence from any assessment excused. However, from 1st August until 31st December 2021, supporting evidence will not be required and students will be able to self-certify their reasons for absence,

It should be noted that late submission of assessments does not fall under the jurisdiction of this adjustment; students are required to submit a concession application to support any claims of mitigation in relation to assessments submitted late. However, at present and until 31st December 2021, supporting evidence is not required and students can self-certify their reasons for late submission.

Students who sit an assessment but believe that they were unable to perform to their best due to mitigating circumstances, can apply to the exam board for a retrospective not-fit-to-sit, i.e. to void the sitting. While the criteria for this sort of application are normally extremely rigorous, requiring evidence relating to capacity to make a rational decision to sit or not sit, at present and until 31st December 2021 exam boards will consider evidence of other mitigating circumstances in support of an explanation of why their performance was impaired.

3. Reference Points for this Policy

3.1 Internal Reference Points

- [Q1 Programme and Campus Design, Development and Approval Policy](#)
- [Q3 Learning and Teaching Policy](#)
- [Q4 Enabling Student Development and Achievement Policy \(including Safeguarding and Prevent\)](#)
- [Q6 Assessment Policy](#)
- [Q7 External Examiners Policy](#)
- [Q8 Programme Monitoring and Review Policy](#)
- [Q9 Overarching Policy for Academic Appeals and Student Complaints](#)
- [G3 Public Information Policy](#)

3.2 External Reference Points

- [Securing Student Success; regulatory framework for higher education in England](#), Office for Students (OfS) 2017
- [The Frameworks for Higher Education Qualifications of UK Degree Awarding Bodies](#), Quality Assurance Agency (QAA) 2014 Framework for Higher Education Qualifications
- Advice for Higher Education Providers on the 2021 National Lockdown - Safety Net Policies (QAA 18th January 2021)
- Guidance for providers about quality and standards during coronavirus (COVID-19) pandemic (OfS 27th January 2021)

Version history

Version	Amended by	Revision summary	Date
V1.0	Head of Awards Integrity & Standards Assurance	First draft	8 th April 2020
V1.1	Head of Awards Integrity & Standards Assurance	Revisions	1 st October 2020
V1.2	Head of Awards Integrity & Standards Assurance	Revisions	10 th November 2020
V1.3	Head of Awards Integrity & Standards Assurance	Revisions	13 th January 2021
V2.0	Head of Awards Integrity & Standards Assurance	Re-draft	2 nd February 2021
V2.1	Head of Awards Integrity & Standards Assurance	Revisions	1 st March 2021

Appendix 1: “Safety Net” Algorithm – For Students Who Have Sat and Passed Grade-Contributing Assessments Inside and Outside of the Time Period

If you have sat and passed some of your grade-contributing assessments inside the Time Period and some of your grade-contributing assessments outside of the Time Period, then the “Safety Net” algorithm will be applied to your final average.

The “Safety Net” algorithm works by ensuring that the average achieved by students for assessments sat at the same level outside of the Time Period cannot be brought down by the results of any assessments they sat inside the Time Period.

Note that if you perform well in assessments taken during the Time Period then you still have the opportunity to raise your average. Once again, as long as you achieve a pass mark then completing these assessments can only improve your average and cannot lower it.

For Undergraduate Programmes

If you are completing your course of study this academic year then **your award will be determined as follows:**

1) Calculating your Level 5 Average

- (a) Your Level 5 average will be calculated normally, in accordance with your programme’s assessment regulations. This includes the application of the best 5/6^{ths} credits rule, where relevant.
- (b)
 - (i) Your Level 5 average will be calculated again, as in 1(a), but this time all assessments passed inside the Time Period will be excluded from the calculation. The best 5/6^{ths} credits rule, if relevant, will be applied to the remaining assessments that were passed outside the Time Period.
 - (ii) If you did not pass any Level 5 assessments inside the Time Period, then the average from 1(a) will be carried forward to 3) below.
- (c) The higher of the two averages calculated in (a) and (b) above will be carried forward to 3) below.

2) Calculating your Level 6 Average

- (a) Your Level 6 average will be calculated normally, in accordance with your programme’s assessment regulations. This includes the application of the best 5/6^{ths} credits rule, where relevant.
- (b)
 - (i) Your Level 6 average will be calculated again, as in 2(a), but this time all assessments passed inside the Time Period will be excluded from the

calculation. The best 5/6ths credits rule, if relevant, will be applied to the remaining assessments that were passed outside the Time Period.

(ii) If you did not pass any Level 6 assessments inside the Time Period, then the average from 2(a) will be carried forward to 3) below.

(iii) Conversely, if you passed all of your Level 6 assessments inside the Time Period, the average from 2(a) will be carried forward to 3) below and a Discretionary Award Mechanism will be applied as noted in 4) below.

(c) The higher of the two averages calculated in (a) and (b) above will be carried forward to 3) below.

3) Calculating your Overall Weighted Average and Grade Classification

(a) Your overall weighted average will be calculated by adding together the Level 5 average determined in 1(c), multiplied by a weighting of 0.4, and the Level 6 average determined in 2(c), multiplied by a weighting of 0.6.

(b) Your grade classification will be based on this overall weighted average, as defined in your programme's assessment regulations.

4) Students who sat and passed all Level 6 assessments inside the Time Period

If you sat and passed all of your Level 6 assessments inside Time Period then the University will apply the same Discretionary Award Mechanism described in Appendix 2 to the overall weighted average arrived at in 3) above.

For Postgraduate Programmes

If you are completing your course of study this academic year then **your award will be determined as follows:**

(a) Your final overall weighted average will be calculated normally, in accordance with your programme's assessment regulations.

(b) Your final overall weighted average will be calculated again, as in (a), but this time all assessments sat during the Time Period will be excluded from the calculation.

(c) You will receive the higher of the two averages and the Examination Board will award your grade classification accordingly.

Additional Notes

For the avoidance of doubt, assessments which do not contribute to the overall weighted average (e.g. undergraduate Level 4 modules) will not be taken into account when applying the calculation above. Although marks achieved in these assessments will not have any impact on your final grade classification, remember that you are still required to pass them.

If you are not due to complete your course of study this academic year then your overall final average will be calculated once you reach the end of your course. However, the No Detriment Policy will be applied in exactly the same way as described above.

Note that the actual marks you achieve in assessments sat during the Time Period will not change. The marks for these assessments will appear on your final transcript as normal. The only difference is that the final overall weighted average displayed will be the higher of the averages calculated as described above.

Appendix 2: Discretionary Award Mechanism – For Students Who Have Sat and Passed All Grade-Contributing Assessments Inside the Time Period

If you have sat and passed all of your grade-contributing assessments inside the Time Period then a Discretionary Award mechanism will be applied to your overall result in lieu of the “Safety Net” algorithm described in Point 6 (which requires assessments to be sat and passed both inside and outside the Time Period).

The Discretionary Award mechanism considers your performance in individual grade-contributing assessments alongside the overall average to determine whether you are eligible for a higher grade classification.

Undergraduate Programmes

To be considered for a discretionary award at First Class Honours (1st) level, a student must:

- (a) Obtain a rounded overall weighted average of at least 68%; and
- (b) Achieve an average of at least 70% across modules representing at least 50% of the Level 6 credits for their programme*.

To be considered for a discretionary award at Upper Second Class Honours (2:1) level, a student must:

- (a) Obtain a rounded overall weighted average of at least 58%; and
- (b) Achieve an average of at least 60% across modules representing at least 50% of the Level 6 credits for their programme*.

To be considered for a discretionary award at Lower Second Class Honours (2:2) level, a student must:

- (a) Obtain a rounded overall weighted average of at least 48%; and
- (b) Achieve an average of at least 50% across modules representing at least 50% of the Level 6 credits for their programme*.

*If your programme’s assessment regulations specify that the best 5/6^{ths} credits at Level 6 rule is to be applied to the overall weighted average, then this will be taken in account **before** the Discretionary Award mechanism is applied. For example, if you completed 120 credits at Level 6 then the mechanism will look at your average across your best 50 credits rather than 60 credits.

Postgraduate Programmes

To be considered for a discretionary award at Distinction level, a student must:

- (a) Pass all grade-weighted assessments at first attempt;

- (b) Obtain a rounded overall weighted average of at least 67%; and
- (c) Achieve an average of at least 70% across modules representing at least 50% of the credits for their programme.
- (d) Comply with any other requirements in your assessment regulations relating to non grade weighted modules.

To be considered for a discretionary award at Commendation level, a student must:

- (a) Pass all grade-weighted assessments at first attempt;
- (b) Obtain a rounded overall weighted average of at least 58%; and
- (c) Achieve an average of at least 60% across modules representing at least 50% of the credits for their programme.
- (d) Comply with any other requirements in your assessment regulations relating to non grade weighted modules.