

LAW ADMISSIONS CONSULTATIVE COMMITTEE

GUIDELINES FOR INTERPRETING OVERSEAS MARKS AND GRADES

These Guidelines aim to help an Admitting Authority (**Board**) apply item 3.1 of the *Uniform Principles for Assessing the Qualifications of Overseas Applicants (Uniform Principles)*. It provides –

Credit will not be granted for a subject where a result of less than 50 was achieved unless:

- (a) the applicant also supplies an official statement by the relevant institution which explains the marking policy of the institution and the standard of knowledge and competence signified by that result; and
- (b) the Admitting Authority is satisfied that the result is equivalent to a pass mark from an approved Australian educational institution.

1. SUMMARY OF PROPOSED APPROACH

- (a) Each application should be considered on its own particular merits, as revealed by the information provided by the applicant.
- (b) The burden of proving that an overseas mark or grade is equivalent to an Australian pass mark rests with the applicant.
- (c) If an applicant provides the relevant official statement (**marking criteria**), the Board could determine equivalence in the light of that statement, considering such matters as those set out in items 2(c) and 4 (in the case of marks) or item 3 (in the case of grades).
- (d) If the applicant does not provide the relevant marking criteria, a Board may decide to follow one of the approaches outlined in items 2(d) – (f) and 5. If a Board decides to ask an applicant to provide the relevant marking criteria, it may be helpful to send the applicant examples of what the Board requires.
- (e) If an applicant responds to that request, but still cannot provide marking criteria, the Board may choose to search the relevant institution's website or handbook, either to find relevant marking criteria or other indicia of the institution's standards. The Board may then need to decide whether a mark is equivalent based on that information.
- (f) If an applicant does not respond in any way to a request made under paragraph (c) above, it may be prudent for a Board to postpone making any decision about equivalence.

2. DETERMINING EQUIVALENCE WHERE MARKS ARE AWARDED

Many UK institutions award marks, but nominate 40% as the Pass mark.

Where 40% represents a Pass, a Board may choose to adopt the following practices –

- (a) If the mark awarded is 50 or more, it may usually be regarded as acceptable.
- (b) If the mark awarded is less than 40, it may usually be regarded as unacceptable.
- (c) If the mark awarded is in the range 40 – 49, a Board may choose to consider the marking criteria provided to, or obtained by, the Board to decide what would be an acceptable mark.

If the mark awarded is equal to, or above the acceptable mark, credit would be given.

If the mark awarded is below the acceptable mark, subject to paragraph (f), credit would be denied.

Examples of factors that may be relevant to determining an acceptable mark are set out in item 4.

- (d) If the mark awarded is in the range 40 – 49 but no marking criteria have been obtained or provided, a Board may choose to consider existing results of Board determinations of equivalence for that institution. A Board may also wish to consider the record of determinations set out in **Schedule 1**.

It would be prudent only to rely on such an existing determination when an applicant is able to request a subsequent review of the Board's decision, in the light of any more recent evidence of equivalence that the applicant may subsequently provide.

- (e) If the mark awarded is in the range of 40 – 49 and there is no existing determination about equivalence, a Board may choose to consider whether there are any special reasons for accepting a mark below 50.

Examples of special reasons which a Board might consider relevant are set out in item 5.

- (f) If the mark awarded is in the range of 40 – 49 and below the acceptable mark determined under paragraph (c) or (d), a Board may choose to consider whether there are any special reasons for accepting a mark below the acceptable mark.

Examples of special reasons which a Board might consider relevant are set out in item 5.

3. **DETERMINING EQUIVALENCE WHERE GRADES ARE USED**

UK institutions often award either alphabetic or numeric grades; or sometimes award simply a Pass or Fail grade; and sometimes award a numerical mark as well as a grade.

In such cases, a Board would usually determine equivalence by reference to marking criteria provided to, or obtained by, the Board. Such marking criteria often either indicate what grade represents a Pass, or include a table that converts the alphabetic or numeric grade into a percentage mark.

- (a) Where a conversion into a percentage mark is available, a Board may choose to determine equivalence in the way outlined in items 2(c) and 4.
- (b) Where a conversion into a percentage mark is not available, a Board may choose to determine equivalence in the way outlined in item 2(d), (e), or (f).
- (c) When determining whether special reasons make a grade acceptable (in the same way that a mark may be made acceptable under items 2(e) and (f) a Board may wish to start by identifying how far a grade falls short of an acceptable grade (This is the "shortfall" referred to in items 5(a) – (d).) A Board may then–
 - (i) if alphabetic or numeric grades have been used, choose to compare the description attached to the grade awarded with the description attached to an acceptable grade; or

- (ii) if Pass/Fail grades are used, choose to compare the description of passable work with the standard of work that would pass in Australia.

4. **DETERMINING AN ACCEPTABLE MARK**

A Board can usually determine what would be an acceptable mark by closely reading marking criteria provided to, or obtained by, the Board. Such documents need to be read as a whole, as relevant indicia of standards will not necessarily emerge just from the description of the pass mark or grade.

Some examples are –

- (a) If a mark in the range 40 – 49 is for "work that contains serious defects"; or "work that demonstrates only basic comprehension or competency"; or "work that demonstrates only limited knowledge of the subject matter and irrelevant use of materials and poor critical and analytical skills", a mark of 40 would not usually be given credit.
- (b) On the other hand if a mark in the range of 40 – 49 is for "work that shows adequate knowledge"; or "work that indicates that the student has addressed the assessment requirements of the course and has demonstrated an acceptable understanding of the issues involved"; or "work that indicates knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills", a mark of 40 would usually be given credit.
- (c) Where a mark in the range 40 – 49 is for work that "may contain serious defects"; or "may demonstrate only basic comprehension or competency", it would be wrong either to assume that the applicant's work necessarily exhibited these deficiencies, or to give the applicant the benefit of the doubt. Here, in the absence of other indicia, it might be appropriate to adopt 45 as the acceptable mark.

5. **COMPENSATING SPECIAL REASONS**

A Board has a general discretion when determining equivalence. Sometimes special reasons may influence a Board, where marking criteria have not been provided or obtained, and either there is no existing Board determination (item 2(d)) to give credit for a mark, or the mark awarded is below the acceptable mark (item 2(f)). Such compensating special reasons may include –

- (a) Good marks obtained in other subjects.

Sometimes a Board may allow an applicant's good performance in other subjects, or overall performance in the applicant's legal studies, to compensate for failure to attain equivalence in a subject. The greater the shortfall in a subject, however, the less likely it is that credit would be granted.

- (b) Further relevant legal studies

Sometimes an applicant may have successfully undertaken further studies in an area relevant to the subject in which equivalence was not obtained. The results obtained in those further studies would need to be sufficient to compensate for the initial unsatisfactory result. Again, the greater the initial shortfall, the better the subsequent performance would need to be to compensate for that shortfall.

- (c) Subsequent experience

Sometimes an applicant may have had significant post-admission experience working in the area of the subject for which equivalence was not obtained. A Board may choose to give credit if it considers that the subsequent experience is

sufficient to compensate for the initial unsatisfactory result. Again, the greater the shortfall, the more substantial the subsequent experience would need to be.

(d) Illness or misadventure

Usually illness or misadventure experienced by an applicant will have been taken into account by the relevant institution in fixing an initial mark. Occasionally this will not have occurred. The Board may take the view that a narrow failure to achieve an acceptable mark should be offset by the relevant illness or misadventure. Again, the greater the shortfall, the more serious the illness or misadventure would need to be.

SCHEDULE 1

REVIEW OF INSTITUTIONS

This Schedule is primarily based on records of determinations maintained by the Academic Exemptions Subcommittee of the Legal Qualifications Committee of the NSW LPAB as at 1 January 2019. Additional determinations by Boards may be added to the Schedule from time to time.

INTERPRETATION

A or **mark A** means a mark down to 40% is acceptable.

A down to x means a mark or grade down to **x** is acceptable.

PA means a Pass grade is acceptable.

U means a mark below 50% is unacceptable.

U below x means a mark or grade below **x** is unacceptable.

ENGLAND

Anglia

Anglia Polytechnic University (now Anglia Ruskin University) – A

Birmingham

University of Birmingham – A

BPP

BPP Law School (now BPP University) - A down to 45; U below 45.

Bristol

University of Bristol – U

See also West England

Brunel

Brunel University – U

Buckingham

University of Buckingham - A

Cambridge

University of Cambridge – mark A, PA

Canterbury

University of Canterbury – A down to at least C

Central Lancashire

See Lancashire

City

See London

College

College of Law of England and Wales (now University of Law – *see Law*) – U

De Montfort

De Montfort University – A, grade down to D- (40 – 43)

Derby

University of Derby (Before 2013-14 awarded grades, now marks) – A down to 45; U below 45

Durham

University of Durham – A

East Anglia

University of East Anglia – A

East London

See London

Essex

University of Essex – A

Exeter

University of Exeter – U

Greenwich

University of Greenwich – A

Hertfordshire

University of Hertfordshire – U mark; U grade D1 and below

Huddersfield

University of Huddersfield – A

Keele

University of Keele – U

King's

See London

Kingston

Kingston University – A

Lancashire

University of Central Lancashire – A down to at least 47; 46 – 43, no existing decision; U below 43.

Law

University of Law (previously College of Law, *see above*). Prior to end of August 2018, adopted new marking criteria – A down to 45; U below 45

Leeds

University of Leeds – U

Leicester

University of Leicester – A

Lincoln

University of Lincoln – A

Liverpool

Liverpool John Moores University - A

London

City University of London – A down to 45; U below 45

King's College London - A

London Metropolitan University – A

London School of Economics and Political Science (LSE) – PA

London South Bank University - U

Queen Mary College, University of London (now Queen Mary University London) – A down to 45, no decision below 45

University College London – A down to 45, no decision below 45

University of East London – Level 1 subjects, Level 2 subjects and Level 3 subjects all U

University of London (external) - before 2012 examinations U, as of 2012 examinations A

University of West London – A

See also Westminster

Manchester

Manchester Metropolitan University, LLB – A down to 45; U below 45

Manchester Metropolitan University, Common Professional Examinations – A

Manchester Metropolitan University, Hong Kong LLB – A

Middlesex

Middlesex University – Grade 1 down to 16, A

Newcastle

Newcastle University – A

Northampton

University of Northampton – Level 4 subjects A down to D-; Level 5 subjects, A down to D+ (E is U); Level 6 subjects, A down to D+; otherwise no decision

Northumbria

University of Northumbria – U

Nottingham

University of Nottingham – U

Portsmouth

Portsmouth University - A

Plymouth

University of Plymouth – A down to 45; 44 – 41 no decision; U 40

Sheffield

University of Sheffield – 1994 – 2000, A for grades 16 down to 5. Since 2000, marks - U

Suffield

University of Suffield – no credit at all

Southampton

Southampton Solent University – A
University of Southampton – A

Surrey

University of Surrey – U

Sussex

University of Sussex – A down to 45; U below 45

West England

University of the West of England (Bristol) – A down to 45; 44 no decision; U below 44

Westminster

University of Westminster – A

Winchester

University of Winchester - 49 down to 45 no decision, U below 45

Wolverhampton

University of Wolverhampton – A grades down to D6; U D5 and below

HONG KONG

Hong Kong institutions use a Pass mark of 40%, but the equivalence of marks from Hong Kong have not previously been questioned.

IRELAND**Carlow**

Institute of Technology Carlow – A

Cork

University College, Cork (National University of Ireland) – A

Dublin

Dublin Business School – A

Dublin Institute of Technology – A down to 45

Griffith College Dublin - A

University College Dublin (National University of Ireland) – A

Galway

National University of Ireland, Galway – A

Limerick

University of Limerick – A

National

National University of Ireland – A

MALAYSIA

Help University – U

Where a UK degree is partly based on results obtained in Malaysia that are not accepted for admission purposes in Malaysia, a Board may wish to adopt the same approach as for a UK result.

NORTHERN IRELAND

Ulster

University of Ulster – A

SCOTLAND

Aberdeen

University of Aberdeen – A grades from 20 down to 9 or down to D3; A marks down to 40.

Dundee

University of Dundee – A

Edinburgh

Edinburgh Napier University – A down to 45

University of Edinburgh – A

Glasgow

University of Glasgow – A down to grade D

SINGAPORE

Singapore institutions use a Pass mark of 40%, but the equivalence of marks from Singapore have not previously been questioned.

SOUTH PACIFIC COUNTRIES

University of the South Pacific – A grades down to C+; A marks down to 57; otherwise no decision

UNITED STATES OF AMERICA

ABA accredited institutions use a postgraduate Pass mark of 60% or a Pass Grade of D-. The equivalence of these grades and marks have not previously been questioned.

WALES

Aberystwyth

Aberystwyth University - U

Cardiff

University of Cardiff – A

Holborn

Holborn College, University of Wales – U

Swansea

Swansea Metropolitan University – no decision

Swansea University – U

Wales

University of Wales (merged with University of Wales Trinity St David) – U

University of Wales Swansea *see Swansea University*

University of Wales, Swansea Institute of Higher Education *see Swansea Metropolitan University*