

Annex D

Evidence of weak students and the impact on others, derived from recent examiner reports.

Overall observations and recommendations

Please also indicate any areas you feel are in need of improvement, and your recommendations for the further development and enhancement of the BPTC course in general or specifically for the course examined.

It occurs to me that there may be a case for students of lower academic ability to attend a "pre" course form of tuition to increase their awareness of the need for absolute precision in the basic elements of drafting and opinion writing. This would enable them to come to an understanding of the rigours of what will be required during the course and in practice. This could be an academic parallel of the practice of mini-pupillage.

Signed:

Date: 15 September 2011



(Examiner)

This report must be received by 31 August 2010. Payment will be made upon receipt.

Part E – General report, observations and recommendations

Please enlarge on your 'yes/no' responses to the questions on the previous pages, in particular highlighting any areas in need of improvement and enlarging on any negative responses made. Please briefly summarise your overall perception of the standard of student performance in terms of whether their knowledge, skills and understanding were comparable to students on similar programmes of study elsewhere. Please indicate any actions taken by the provider in response to the previous external examiner reports (or lack of action/response)

Advocacy

Civil Advocacy – Adv 1

The assessment here was satisfactory, and many students handled it well. It is the first skills assessment in the year. It finds out very quickly those students whose grasp of English is not sufficiently strong to succeed in the course. Although a number of students fell into this category it appeared that there were fewer than in some previous years. I do not know to what extent this is as a result of overseas students receiving a visit from a senior member of staff concerned with the BPTC in their home country. Such visits afford an opportunity to really impress upon them the importance to them of being truthful in the information they give about their level of English, and the potential impact of being "optimistic" in their estimation of this. If the visits are at least a part of the reason I must applaud the initiative. No one in education wishes to saddle students and their families with debts which will not result in the achievement of the qualification sought.

In relation to this assessment I had to review the performance of a student suffering from the most profound stammer I have ever heard. I was not, at the time of receipt of the sample, told that the Equality Act applied to the individual or the provisions which had been afforded to the student in recognition of the disability. The student did fall to be considered under the provisions of the Act and adjustments (in time allowed) had been made. In future I would suggest that any student to whom the Act applies should be flagged, and the adjustment rehearsed, when the sample is sent.

I took a different view of the student's proper grading from the team at the institution. I felt that the impact on delivery, persuasiveness, cogency (among other criteria) was such that their combined effect should mean that this student failed – as may occur for students falling into the category outlined above with an insufficient grasp of English. The problem is not necessarily in the students' understanding of their task but their ability to perform it. It would be helpful if the BSB could afford an opportunity for teams from different providers to share their experience of dealing with such difficult problems to learn from one another's experiences and also to perhaps seek to define some "best practices". In doing this it would assist the BSB to be able to answer questions about comparability of experience and outcome for students across providers.

I had the opportunity of meeting the course leader for this skill at the conclusion of the year. He expressed himself keen to give students chances to develop some more generic skills, necessary for success in this assessment and indeed in their early practice at the Bar. He was not persuaded that the kind of safe, but often repetitive, types of submission which the students undertook for the Advocacy 1 assessment equipped them best for practice. Nor did he feel that the results of an assessment which was so often a predictable variation on a well-worn theme were as valuable a guide to future aptitude as would be a wider range of less well rehearsed submissions. He realised that student expectations would have to be managed to ensure they felt safe in undertaking more varied submissions, and that staff would also need to feel confident about their ability to manage these sessions. I agree that this assessment has become very predictable – and that his institution was not alone in being susceptible to this possible criticism. I would applaud any attempt to give the students more widely applicable skills, and of course for any external a move away from an application for/opposing early injunctive relief or for summary judgment would be a breath of fresh air.

Advocacy 2 and 3

This year I was particularly impressed by the standard of the students achieving the highest level – and by their number. I say this despite the fact that the turnaround time given to deal with these and 2 other sets of assessment was ridiculously tight. I believe that this may in part have resulted from a decision by the BSB in relation to the date of the Board. The point has been made to the institution and they too were aware of the difficulties so will be working to avoid a repetition. I met the course leader for these skills and she too was alive to the problem and had already planned suggestions for the course team

Areas of good practice

Please provide a description or bullet point list of any particular strengths or distinctive or innovative features or good practice in relation to standards and assessment processes that would be worthy of dissemination to a wider audience.

The BPTC team at UWE remain highly committed to the students' learning experience as well as continuing to provide a high level of excellent and quality pro bono opportunities, and encouragement for students to participate in a number of advocacy competitions. One innovative scheme which the Director of the programme instigated provides students with the opportunity to work closely with local courts on a domestic violence / mediation programme, which is being very well received.

Students always comment very positively about the commitment of the tutors, including their willingness to be available to offer careers advice, and pastoral support more generally. The teaching in all the classes I observed was excellent and the tutors were willing to spend additional time with individual students who wanted more feedback or support.

There were noticeably fewer references from students about issues around poor communication skills of peers for whom English is not their first language. I understand from the Course Director that 'weaker' students are not being recruited simply to bring the numbers up to the full quota. This commitment to high standards is to be commended.

The provision of mediation classes alongside the REDOC option has been well received by those students who take the course. Feedback is that it is taught extremely well. Teaching was supplemented by an additional ADR event with external speakers, which was well attended and received positive feedback from the students.

The exam board was, as always, managed extremely effectively and the continuing robust approach to grading was confirmed.

As far as administration concerning teaching and assessment materials being sent to me on time for comment, this was satisfactory throughout the year.

Overall observations and recommendations

Please also indicate any areas you feel are in need of improvement and your recommendations for the further development an enhancement of the BPTC course in general or specifically for the course examined.

The availability of Blackboard to provide online support / materials for students to access remains a useful tool to share information about the course, as well as assessment strategies and general information. It's particularly useful for the part-time students. Not all of the courses have the materials available online however, so it would be worth seeing if this option could be extended across all of the subjects on the BPTC. The students were keen to have sample / mock papers for formal assessments to be available as early as possible – getting such materials posted up earlier in the term could help alleviate some of the anxiety about the final assessments.

Timetabling was a problem for some students who were travelling in long distances, particularly if they only had one SGS to attend on one day, and especially when this was around assignment time, as they felt this impacted on their time for research for and writing assignments. Conversely, some students felt that they had too many sessions in one day and that it was hard to prepare effectively / equally for each session. Timetabling is always an issue and clearly it's not possible to devise a schedule of classes that will meet everyone's needs; the course administration team have tried to address this as best they can. The main point that could be addressed however is that better notice of cancellations of classes would be appreciated by the students, who at times had already arrived at the University to find late cancellations meant they'd had a wasted journey.

There is an internal student feedback group and this seems to work well for the students and is a good route for direct discussion with tutors about broad issues relating to the course.

Students and tutors alike felt that the assessment strategy for REDOC did not 'fit' well with the subject -

Areas of good practice

Please provide a description or bullet point list of any particular strengths or distinctive or innovative features or good practice in relation to standards and assessment processes that would be worthy of dissemination to a wider audience.

I have been very impressed by the quality and realism of the case papers used for the Immigration Law assessment.

Generally assessment instruments at the College of Law are very well prepared and are supported by a detailed marker's guide which serves the interests of objectivity and consistency in marking.

I support the use of cross-moderation between the two teaching centres.

Overall observations and recommendations

Please also indicate any areas you feel are in need of improvement, and your recommendations for the further development and enhancement of the BPTC course in general or specifically for the course examined.

The dedicated staff of the College of Law provide a stimulating learning environment which, as the students acknowledge, develops very different skills from those obtained through University education. The best students thrive in this challenging environment and develop skills and confidence rapidly. At both centres, there are some students who clearly do not have the aptitude or perhaps commitment to succeed at the BPTC. I suspect that this is a consequence of the devalued currency of the University degree and the fact that at some Universities weak candidates are able to obtain ostensibly good degrees.

The raised pass mark this year has led to a greater proportion of students failing. This is appropriate in view of the professional status of the qualification, but also indicates a need to a second tier qualification for students who have gained significant skills and knowledge whilst falling short of professional standards. This is an issue for the BPTC as a whole rather than just the College of

Law.

I approve the BPTC-wide introduction of SAQs in the compulsory practice modules. These appear to serve in weeding out students who are not able to apply their knowledge.

Signed: 

Date: 8 July 2011
(Examiner)

Please return by 31 August, because if the report is not received by the agreed date it will be difficult for teams to take matters into account as part of their annual monitoring and for preparation for the next year of delivery. Payment for externals will be made on receipt of the report.

<p>4 Resources (especially Staffing and Learning Resources) <i>[Please comment on resources for delivery of the course, especially staffing resources, teaching facilities, IT and library provision, any use of online learning or support materials]</i></p> <p>As in previous years the learning resources were ample and well used.</p> <p>Students reported no difficulty in contacting lecturers about particular issues as when they arose. Lecturers would provide appropriate support.</p>
<p>5 Feedback from students <i>[Please comment on and/or summarise here any other feedback from students - for example on the academic and pastoral support they receive; on induction; on their views of the course so far; and on their involvement in quality assurance, e.g. student representation, committees etc and how they are able to give formal/informal feedback, including examples of responses to issues raised by trainees and how these were acted on. Please note any particular relating to Part time students and their experience here]</i></p> <p>The students were positive about the course and the support that they received from lecturers.</p> <p>Several students raised the issue of the great variation in levels of achievement of students and felt that on occasions small group sessions would sometimes <u>focus upon the weaker students and that this would hamper the progress made by more able students</u>. This is not a new issue and is inevitable in when there are large differences between the abilities of the students. By way of example some <u>students felt that the first conference skills assessments were on occasion dominated by reinforcing the knowledge area of the bail act in criminal litigation rather than focusing upon developing conference skills</u>.</p>
<p>6 Administrative issues <i>[Please comment briefly on any administrative issues, both those affecting your role as External Examiner, but also any wider administrative issues that are noteworthy]</i></p> <p>No areas of concern as in previous years.</p>
<p>7 Areas of good practice <i>[Please highlight areas of good practice so far identified that are particularly worthy of note]</i></p> <p>Please see above for comments regarding the large group sessions for conference skills and professional conduct.</p>
<p>8 Interim observations and recommendations <i>[Please note any recommendations that should be acted on (with timescale) - NB any serious issues should be flagged up as soon as possible to the Education Department at the BSB]</i></p> <p>I have no concerns about the professional conduct or conference skills areas.</p> <p>Given the fact that this is the first year of the course there have been very few teething problems.</p>

Signed:

Date: 27th February 2011

Please return to the Education and Training Department at the BSB by 28 February, so that your comments can be taken into account and a short response provided by the team.

It follows from the above that I have no concern about the standards being achieved by the Nottingham Law School and, as such, have no constructive comments as to how the standards could be improved. The standards are high!
The only matter that is worthy of comment is as follows:

It was reported to me by some of the students that they were concerned about the 'grasp' held by a few of the students on the course for the English language.
They felt that those students were unable to benefit fully from the course because their understanding of English was not good enough.
It appeared that their concern was for those students not benefitting, as opposed to themselves being hindered.
It goes without saying that the selection process should ensure that only students with a good level of understanding of the English language should be admitted.

Signed 
(Examiner)

Date: 23.8.2011

This report must be received by 31 August 2010. Payment will be made upon receipt.

Part E – General report, observations and recommendations

Please enlarge on your 'yes/no' responses to the questions on the previous pages, in particular highlighting any areas in need of improvement and enlarging on any negative responses made. Please briefly summarise your overall perception of the standard of student performance in terms of whether their knowledge, skills and understanding were comparable to students on similar programmes of study elsewhere. Please indicate any actions taken by the provider in response to the previous External Examiner reports (or lack of action/response)

I think that this has been a difficult year for City dealing with 1) a new course (BPTC) and 2) dealing with the run-off of BVC students. This has involved teaching and marking a new course with a new higher pass mark while also marking the BVC re-takes etc. to the "old" standard. There is also the part-time course.

I met with a group of Commercial Law students after a small group session in May 2011. Many of them had very strong opinions about the BPTC at City.

The students asked to send me "their (anonymous) thoughts and experiences of the course this year". I did hear from the co-ordinator of the group by email asking to delay sending their thoughts until after 26 May, when they had finished the course and had more time to devote to this matter, but in the event I heard nothing further.

The students that I met were, for the most part, "high-flyers" most of whom had pupillages lined up at top chambers. I know that such sets often expect top firsts, LLMs etc. I don't think that these students were representative of the intake. Many felt that (commercial law group aside) the pace was geared to the weakest students who really struggled so that these students felt many classes were a waste of time for that reason. They advocated streaming according to ability. They also queried the emphasis on shipping which is not part of the core practice in every commercial chambers.

I think that the mix of ability is inevitable. Furthermore, these particular students may have limited experience of being taught in a more mixed-ability environment.

I was very impressed with the level of teaching and the knowledge of the students in the tutorial group. The interaction was excellent. I thoroughly enjoyed it myself.

My only concern on seeing the draft examination papers (which struck me as being quite difficult) was that these commercial students should be on an even playing field with the "common law" option students i.e. that the markers should be alive to the possibility that the commercial option might be attracting a disproportionately high number of very bright candidates and so one might therefore expect a much higher proportion of "VC" and "Outstanding" than for certain other options.

I corresponded with the relevant people at City about this.

5 Feedback from students

In my meeting with the students at City the following points were raised by the students:

- (a) There was a little disquiet over how the ReDOC module has been conceived and how it is being delivered. It was variously described as, at one moment, very simplistic and, at the next, very interesting but complex. There was some understandable concern over how the skills sessions in the ReDOC module prepared a student for the multiple choice assessment paper that was to follow. In addition, there was some indication that students had experienced very different skills sessions with different tutors, particularly in regard to their organisation and consequently the demands made of students in those sessions. Some students even indicated that they had spoken with staff about the possibility of two assessments, one knowledge based and one skills based. This not, of course, something that City has any control of, but it serves to indicate that students were having real problems with the design of the module.
- (b) Most of the students with whom I spoke also appeared to find the timetable a problem (not understanding what to prepare and when to prepare it for) and many complained that it was both late arriving and incomplete. Some students had come from an under-graduate programme where they had been provided with individual electronic timetables and were frustrated that City had not gone to the same system. I discussed the viability of individual timetables with the Programme Leader at the end of the day and was entirely satisfied with the answers provided, but, of course City does need to keep with matter under review for next year.
- (c) There was some further concern expressed by the home students that a proportion of international students were encountering some language problems and this was perceived as, on occasions, holding the whole class back, so that sessions were taught at a more basic level than was desirable.
- (d) As regards attendance, City has a system that permits students to attend alternative classes where they had good reason to miss a class (e.g. an assessed mini-pupillage), but, while students were appreciative of the flexibility that this provided for them, it was observed that the practice of some students attending at classes than those for which they were listed often upset class dynamics in those that they attended.
- (e) City does offer an internal mooting competition, but the students were disappointed by the numerical limit of 64 which had been imposed on that competition, leaving the later applicants for the competition without a place. Places were awarded, it seems, on a first-come, first-served basis which, while 'fair', left the whole process a little arbitrary.
- (f) Finally, students asked for more feedback on whole drafts in Drafting classes, rather than looking only at sections of drafts.

4 Resources (especially Staffing and Learning Resources)

[please comment on resources for delivery of the course, especially staffing resources, teaching facilities, IT and library provision, any use of online learning or support materials]

It is clearly the case at the Nottingham Law School that the course materials provided are of the highest standard.

The bulk of the materials were provided in paper form but it was evident that there was communication over and above that electronically.

The students appeared satisfied with the way in which the course was presented but some did express the view that they would have preferred the course to be available in its entirety electronically.

However, the students did observe that they had not experienced any difficulty in either the availability or responsiveness of the staff when they sought to contact them.

5 Feedback from students

[please comment on and/or summarise here any other feedback from students Please note any particular comments relating to part time students and their experience here]

The students were clearly more than satisfied with their experience of the Nottingham Law School.

They indicated that they found the Open day informative and the correspondence from the Law School prior to attending of high value.

Although they found the workload at the outset quite demanding, all indicated that it was not beyond them and they well understood that a lot of work had to be covered.

They were more than impressed by the teaching standards and had only positive comments about the staff.

There were no communication difficulties with the teaching staff either during the tutorials themselves or out of tutorial sessions.

Some of the students expressed concern that some of the overseas students struggled with their understanding of English. This was not something mentioned by the teaching staff.

6 Administrative issues

[please comment briefly on any administrative issues, both those affecting your role as External Examiner, but also any wider administrative issues that are noteworthy]

I have not experienced any difficulty concerning administrative issues and none have been brought to my attention.

7 Areas of good practice

[please highlight areas of good practice so far identified that are particularly worthy of note]

I have sought to outline above the many areas where Nottingham Law School impresses as a prime institution.

The course is well devised, well executed and apparently appreciated by the students.


The staff are clearly committed and effective in their teaching.

The Law School is 'fit for purpose' and delivers a high standard of learning.

8 Interim observations and recommendations

[please note any recommendations that should be acted on (with timescale) – NB any serious issues should be flagged up as soon as possible to the Education Department at the BSB]

There are no recommendations that I would wish to detail at this stage. However, if there is any foundation for the criticism that some overseas students have a poor understanding of English, this is an area that requires some attention.

Signed 
(Examiner)

Date: 27.2.2011

Please return to the Education Department at the BSB by 28 February 2011.