

The University of Leeds
EXTERNAL EXAMINER'S REPORT

ACADEMIC YEAR: 2015– 2016

Part A: General Information

Subject area and awards being examined

Faculty / School of:

Law

Subject(s):

Law

Programme(s) / Module(s):

LAW2270 Land Law
LAW3270 Land Law
LAW3240 Equity and Trusts
LAW5670M Equity and Trusts
LAW3320 Dissertations
LAW1075 Introduction to the Law of Obligations

Awards (e.g. BA/BSc/MSc etc):

BA Accounting and Law
LLB English Law with American Legal Studies (Scheme E)
LLB English Law with Australian Legal Studies (Scheme D)
LLB English Law with European Law (Scheme C)
LLB Law
LLB Law (Graduate Programme)
LLB Law and Accounting
LLB Law and Management
LLB Law with French
BA Legal Studies
BA Management and Law
LLM Law

Name and home Institution / affiliation of Examiner

Completed report

The completed report should be attached to an e-mail and sent as soon as possible, and no later than six weeks after the relevant meeting of the Board of Examiners, to exexadmin@leeds.ac.uk.

Alternatively you can post your report to:

Head of Quality Assurance
Room 12:81, EC Stoner Building
The University of Leeds, Leeds LS2 9JT

Part B: Comments for the Institution on the Examination Process and Standards

Matters for Urgent Attention

If there are any areas which you think require urgent attention before the programme is offered again please note them in this box

I have for the last two years expressed my grave concern over the 20-90 marking scale – although I have not had formal correspondence from the central university on the point, I gather that there is to be some reform. On that basis, I do not reiterate for a third time my criticisms of the rule, which I still regard as problematic and distorting. If it is to be abandoned, then that is a good thing.

I noted last year my concern that the dissertation has disproportionate impact on the student's final degree classification – I received a helpful letter explaining this from the Head of School last year, and setting out that it was a university issue that 'Every undergraduate programme contains a 40 credit final year project which is seen to be an essential part of a research intensive institution.' I did not receive a university-level explanation of the justification for, as I set out in my report:

'I do have a concern over the significant value that the 40 credit dissertation has in this respect – in many borderline cases, a student need only get a higher classification in their dissertation plus one other module in order to secure the higher mark. I commend the School for encouraging research skills by requiring the dissertation, but I should urge careful consideration of whether one 12,000 word assignment should really count for so much of a student's final degree (especially in the 1:2 weighting model, where it amounts to 22% - in contrast, the 10,000 word dissertation for Law at Birmingham was worth 20 credits and, with the applicable weighting, amounted to 12.5% of the final

degree average). At present, the dissertation seems in some cases to have a distorting effect on student's profiles.'

I am not aware of other research intensive universities which adopt such an approach that prioritises the dissertation to such an extent.

Finally, the introduction of step marking as a pilot is generally welcome. I do however have major reservations as to how it operated for the marking of presentations in Land Law, where it seems to have enabled students who performed very poorly in the examination to pass overall.

I also think that that a consistent approach to marking of shortweight answers would be sensible (again, I have suggested this in previous years). In particular, the Law of Obligations module should expressly refer to length as a relevant factor in assessment.

Only applicable in first year of appointment

Were you provided with copies of previous relevant External Examiners' reports and the response of the School to these?

N/A

For Examiners completing their term of appointment

Please comment on your experience of the programme(s) over the period of your appointment, remarking in particular on changes from year to year and the progressive development and enhancement of the learning and teaching provision, on standards achieved, on marking and assessment and the procedures of the School

N/A

Standards

1. Please indicate the extent to which the programme Aims and Intended Learning Outcomes (ILOs) were commensurate with the level of the award
- *The appropriateness of the Intended Learning Outcomes for the programme(s)/modules and of the structure and content of the programme(s);*
 - *The extent to which standards are appropriate for the award or award element under consideration.*

I am very satisfied with the overall approach in terms of Aims and Learning Outcomes, both for the individual modules which I examine and the degree as a whole. I note that the marking is always within the reasonable range, and generally at the higher end, so students can be sure that they are given as much credit as possible.

2. Did the Aims and ILOs meet the expectations of the national subject benchmark (where relevant)?
- *The comparability of the programme(s) with similar programme(s) at other institutions and against national benchmarks and the Framework for Higher Education Qualifications.*

Yes, they clearly meet expectations. I noted last year that the BSB and SRA were consulting on reforms to the Academic Stage of professional legal qualification – they are still doing so and have not finalised their approach for the future.

3. Please comment on the assessment methods and the appropriateness of these to the ILOs
- *The design and structure of the assessment methods, and the arrangements for the marking of modules and the classification of awards;*
 - *The quality of teaching, learning and assessment methods that may be indicated by student performance.*

(As I note above, I shall not comment in a detail for a third time on the 20-90 scale, since it is to be reformed, and I shall not again mention the dissertation point).

The module teaching teams across the modules which I examine are very good, reflective teachers, committed to improving the approach to learning and assessment. Great care is clearly taken with the marking, not least with Firsts and Fails. Appropriate marks have been awarded, subject to one reservation.

My reservation relates the manner in which presentations in Land Law have been introduced and assessed. There were two students who wrote very poor examinations (again, given more generous marks by virtue of the 20-90 scale than I would have awarded) – they received 36 in the exam, but then, because of the banding approach to presentations, received 65 in the presentation, and 42 overall. The School should very carefully consider a variety of issues raised by this, which I was not able to resolve for this assessment, and so I agreed to endorse the marks only on the basis that serious review is undertaken in the late of my objections here. I do not believe that the performance of these particular students deserved a pass in Land, which after all is an essential subject for the Qualifying Law Degree, and it risks the integrity of the degree programme in letting such students pass. There are several ways to address the problem. First, the 20-90 scale (again, I have no wish to sound like a broken record, but the modification to the rule to prevent a student *passing* an exam where they did not deserve to do so still had the effect that the student's failing score in the exam was higher than it would be elsewhere). Second, given that it currently enables such poor performance to pass, the School should review whether 20% is an appropriate percentage – it seems quite high and means that a student who gets 36 in the exam can nonetheless pass overall. Third, the approach to banding of marks should be reviewed as it was surprising how dramatically better students did in the presentations when in some cases the exams suggested very limited knowledge. Fourth, every presentation should be recorded and those recordings should be made available to the external as a matter of course, for all samples sent and certainly any students who only pass because of the presentation (that was not apparently possible this year). Fifth, if banding remains and 20% remains, the School should consider require students to pass each element of the assessment (if that rule is not preferred, then the various other elements which I mention should be reviewed again). I note that I of course am quite satisfied that the marking team followed a faithful approach to teaching and marking, but I am very concerned by its results in the case of certain candidates.

More generally, shortweight answers are treated to my mind more favourably at Leeds than at other institutions – I have consistently raised this but cannot see that I have received an explanation of why there is no rubric or what the general approach is. It may be that the move to step marking resolves this issue.

4. Were students given adequate opportunity to demonstrate their achievement of the Aims and ILOs?
- The academic standards demonstrated by the students and, where possible, their performance in relation to students on comparable courses;
 - The strengths and weaknesses of the students as a cohort.

Yes, students are absolutely given sufficient opportunity to demonstrate their achievement of aims and learning objectives. My impression is that standards are broadly comparable with those at other institutions.

5. For Examiners responsible for programmes that include clinical practice components, please comment on the learning and assessment of practice components of the curriculum

N/A

6. Please comment on the nature and effectiveness of enhancements to the programme(s) and modules since the previous year

It would be particularly helpful if you could also identify areas of good practice which are worthy of wider dissemination.

There is good diversity of assessment (though I have reservations as to its operation in practice), and in my three years as external, there has been a general improvement in the overall offering.

I gather that the new module leader plans to revitalise the Law of Obligations course this year.

7. Please comment on the influence of research on the curriculum and learning and teaching

This may include examples of curriculum design informed by current research in the subject; practice informed by research; students undertaking research.

The dissertation (and its heavy weighting) demonstrate Leeds' commitment to the influence of research on the curriculum.

The module leaders for Land and Trusts actively engage with current research, and the curriculum is kept up-to-date and evolves each year. I am grateful to both module leaders for their willingness to engage me in discussion about sharing good practice.

8. Where the programme forms part of an Integrated PhD, please comment on the appropriateness of the programme as training for a PhD

N/A

For Examiners involved in mentoring arrangements

9. If you have acted as a mentor to a new External Examiner or have received mentor support please comment here on the arrangements

N/A, but I should be happy so to act in my final year if it would be of use.

The Examination/Assessment Process

10. The University and its Schools provide guidance for External Examiners as to their roles, powers and responsibilities. Please indicate whether this material was sufficient for you to act effectively as an External Examiner.

Whether External Examiners have sufficient access to the material needed to make the required judgements and whether they are encouraged to request additional information.

Yes. It was sufficient.

11. Did you receive appropriate documentation relating to the programmes and/or parts of programmes for which you have responsibility, e.g. programme specifications or module handbooks, marking criteria?

The coherence of the policies and procedures relating to External Examiners and whether they match the explicit roles they are asked to perform.

Yes.

12. Were you provided with all draft examination papers/assessments? Was the nature and level of the questions appropriate? If not, were suitable arrangements made to consider your comments?

Yes: there were some complications with changes to format of papers from one year to the next year, but these were entirely understandable and swiftly corrected.

13. Was sufficient assessed / examined work made available to enable you to have confidence in your evaluation of the standard of student work? Were the scripts clearly marked/annotated?

Yes (barring the odd example of a marker not leaving comments). It is always helpful to have markers comments for every script which I am sent to review.

I note above the necessity of recording presentations and making them available to the external for review.

14. Was the choice of subjects for dissertations appropriate? Was the method and standard of assessment appropriate?

Yes. I note here that it was much happier this year with the choice of topics by the students, which in previous years I had criticised for not always being sufficiently separate from the module syllabus. The students were clearly very well supervised and there was some very good work.

One sample dissertation received a mark which was entirely appropriate but was clearly lower than the student could have been capable of achieving: given the significance of the dissertation, I should urge all students to take advantage of the valuable supervision offered by the relevant member of staff and to ensure that they act upon any feedback.

15. Were the administrative arrangements satisfactory for the whole process, including the operation of the Board of Examiners? Were you able to attend the meeting? Were you satisfied with the recommendations of the Board?

Yes, I consider that the reforms in respect of anonymity are welcome, in particular.

16. Were appropriate procedures in place to give due consideration to mitigating circumstances and medical evidence?

Yes.

Other comments

Please use this box if you wish to make any further comments not covered elsewhere on the form

I am conscious that I have said it each year but I applaud, and record my gratitude for, the work of the academic and professional services staff, which is good-natured and efficient.

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3 February 2017

Dear <<>>

Many thanks for your efficient work as an external examiner through the previous academic year. The School now has received almost all of the undergraduate and postgraduate external examiners reports so I thought it would be appropriate to take many of the comments together and let you know where we are.

The issue of the University's 20-90 marking scale has been raised in a number of reports, particularly in relation to the potential that the poorer students might have their marks artificially raised by not being given less than 20 in any single question. We have sought to ameliorate this by ensuring that a holistic approach is taken to marking at the bottom end – that means that when a student has just about passed, we look again at any questions that might have received less than 20 (on a 0-100 scale) and take an overall view. This is not ideal but does, I think, help to deal with the few problematic cases we might get. You will be pleased to know I am sure, that the University has committed itself to replacing this system with a 0-100 scale from 2018.

As part of the University reform there will also be a move to banded marking (using 2, 5 and 8). The School has piloted this in a couple of modules and we have found it to be more straightforward. Certainly, whilst it won't remove those difficult decisions at examination boards where a student marginally misses achieving a higher class, it will add greater certainty. I think we can say with greater confidence that the marks of a student who 'just misses' were read generously – they will have benefitted at the marking stage from any generosity.

Increasingly modules are moving to online marking or require VLE access. I recognise that access (or lack of it) has caused problems for some examiners and this is something we will seek to prioritise this year in order to make the process of examining as straightforward as possible.

The internal scrutiny process this year has changed to require the module manager to sign off on the final version of papers in light of external examiner recommendations. As more staff have sought to scrutinise online we have discovered the problems of potentially having several versions of an assessment in circulation at any one time. This ought to now be resolved. Please accept my apologies if your comments may

have appeared to have been ignored on occasion. This is not intentional. We value the comments of our external examiners very highly and where we might have queries we would certainly seek to discuss this with you.

On a more general note we are currently assessment mapping (again) – this time with a view to considering the assessment load on our students. We will consider ways in which we might be able to encourage more formative assessment and ensure that summative assessments are closely matched to learning outcomes. I will, of course, keep external examiners informed of any changes should they occur during your tenure. Given the potential disappearance of the ‘qualifying’ law degree, it is possible that a number of more wide ranging changes will be on the horizon. As part of this review we will also be considering your point regarding the need to pass all aspects of a module’s assessment. This will form part of our mapping learning outcomes to assessment exercise.

Finally, it would be remiss of me not to thank you for the many positive and encouraging comments made in relation to our programmes, students and staff (particularly support staff). Thanks and best wishes.

Yours sincerely

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Director of Student Education