

The University of Leeds

EXTERNAL EXAMINER'S REPORT

ACADEMIC YEAR: 2016-17

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

(NB: There may be other programmes but I do not have a full list)

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

Points of innovation and/or good practice

Please highlight areas of innovation or good practice within the programmes or processes you have been involved with in this box.

I note below the general efficiency of the processes operated by the School is at a very high level indeed. The diversity of assessment is commendable: the inclusion of presentations enhances opportunities for students to demonstrate skills, and also potentially reinforces academic integrity.

Enhancements made from the previous year

Please highlight any enhancements made to the programme(s) or processes over the past year in this box.

General evolutions have followed from last year, including in response to my feedback: Land Law provided recordings of the presentations and I was very happy with that process this year. The general standard of referencing in Introduction to the Law of Obligations seemed to have improved as well.

The programme and processes remain generally of a high standard. At the board, there was a high number of plagiarism cases this year: I discuss this issue further below, but on one level it at least suggests that the School has rigorous detection systems in place.

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

For reasons on which I elaborate below, and which I have raised before, the weighting given to the final year dissertation risks the credibility of degree classifications at Leeds in some instances. I also think that the School/university should revise its approach to plagiarism penalties.

For Examiners in the first year of appointment

1.	Were you provided with an External Examiners Handbook?	N/A
2.	Were you provided with copies of previous relevant External Examiners' reports and the response of the School to these?	N/A
3.	Were you provided with a External Examiner Mentor?	N/A

For Examiners completing their term of appointment

4.	Have you observed improvements in the programme(s) over the period of your appointment?	Y
5.	Has the school responded to comments and recommendations you have made?	Y (generally, not always the centre)
6.	Where recommendations have not been implemented, did the school provide clear reasons for this?	Y
7.	Have you acted as an External Examiner Mentor?	N

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

Overall, I have been very impressed with the team at the School in Leeds. There have been developments and innovations in terms of assessments and consistency. The shift to anonymization has worked well, and I have generally found the individual module leaders receptive to my input, which is very welcome. It has been a very positive experience, on the whole.

In terms of scope for improvement, there has been a tendency for the central university to reply in identikit pro forma terms to my substantive criticisms and suggestions (where I have received a reply). When an external raises legitimate, specific concerns, they deserve specific answers. On the 20-90 scale, for example, I raised new arguments which were initially dealt with in a generic way. I have, as I say, never received a meaningful response to my specific concerns about the weighting of the dissertation.

Standards

8.	Is the overall programme structure coherent and appropriate for the level of study?	Y
9.	Does the programme structure allow the programme aims and intended learning outcomes to be met?	Y
10.	Are the programme aims and intended learning outcomes commensurate with the level of award?	Y
11.	Did the Aims and ILOs meet the expectations of the national subject benchmark (where relevant)?	Y
12.	Is the programme(s) comparable with similar programmes at other institutions?	Y

Please use this box to explain your overall impression of the programme structure, design, aims and intended learning outcomes.

Overall, I am very satisfied with the programme which is coherent and appropriate. Students have a wide range of modules from which to choose and are assessed in varied ways.

13.	Is the influence of research on the curriculum and learning and teaching clear?	Y
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<i>Please explain how this is/could be achieved (examples might include: curriculum design informed by current research in the subject; practice informed by research; students undertaking research)</i>		
It is clear from students' scripts that they are engaged by the staff who teach them, and value the research of academics in the School. The courses are assiduously kept up to date.		
14.	Does the programme form part of an Integrated PhD?	N
<i>Please comment on the appropriateness of the programme as training for a PhD:</i>		
N/A		
15.	Does the programme include clinical practice components?	N
<i>Please comment on the learning and assessment of practice components of the curriculum here:</i>		
N/A		
16.	Is the programme accredited by a Professional or Statutory Regulatory Body (PSRB)?	Y
<i>Please comment on the value of, and the programme's ability to meet, PSRB requirements here:</i>		
Yes, the programme is meeting current expectations for qualifying law degrees as required by the Bar Standards Board and the Solicitors Regulation Authority, and I have no concerns at present. I also know that the School is engaging in the two regulators' consultations concerning future training – I have mentioned these in my previous reports, but the reforms to qualification routes and assessment are still yet to be finalised. They are likely to lead to more flexibility and some different demands on Law Schools, but I regard Leeds as well-placed to address them.		

Assessment and Feedback

17.	Does the programme design clearly align intended learning outcomes with assessment?	Y
<i>Please comment on the assessment methods and the appropriateness of these to the ILOs, in particular: 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.</i>		
The modules are well structured and present ample opportunity for students to succeed. I have consistently raised the point that students are certainly given as much credit as possible: the School generally always stays on the right side of the line of the reasonable range, but it is good to be live to the issue.		
18.	Is the design and structure of the assessment methods appropriate to the level of award?	Y
19.	Were students given adequate opportunity to demonstrate their achievement of the programme aims and intended learning outcomes?	Y
<i>Please comment on 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:</i>		
I consider the performance of the students at Leeds to be very good and, on the core modules for which I am responsible, to be comparable with equivalent institutions. There is some excellent work at the top end and overall performance is at an appropriate level for a School of Leeds' standing.		
<i>Please use this box to provide any additional comments you would like to make in relation to assessment and feedback:</i>		
I gather that banded marking is being trialled. I would still urge consideration (as I have before) of the criteria for shortweight answers. This could be for students in guiding expectations: of course, merely writing three pages does not guarantee a pass mark, but writing under two pages is unlikely to be enough for a student to		

demonstrate that they have met the learning outcomes and doing justice to the question. And it can also be for staff to ensure consistency of standards.

I mentioned above that there were numerous instances of plagiarism mentioned at this year's board. If it is that the School has changed process to catch more courses, that is welcome, but there should be focus on how to prevent it. Especially given the weight placed on research skills throughout the course, it should be particularly alarming for there to be so many cases. The value of academic integrity and the potential professional consequences for a lack of it should be emphasised at Induction each year. The very high scores which students receive for Researching Law should indicate that students do understand how to go about research properly.

Finally on plagiarism, I was uneasy, and confess that I could not understand, the approach to penalties for plagiarism: there were several instances at the Board where a student seemed to be have been given a fail mark somewhere between 20 to 40 for academic misconduct. This seemed arbitrary and made a big difference in some cases to a student's overall degree classification outcome. The panel should not, I believe, be able to set a mark along a scale of failure – where it is judged to be a case of plagiarism gets mark of 0 without or without a right to resubmit for a capped mark. If it is bad academic practice, then that can be taken into account in the marking process.

The Progression and Awards Process

20.	Were you provided with guidance relating to the External Examiners role, powers and responsibilities in the examination process?	Y
21.	Was the progression and award guidance provided sufficient for you to act effectively as an External Examiner?	Y
22.	Did you receive appropriate programme documentation for your area(s) of responsibility?	Y
23.	Did you receive appropriate module documentation for your area(s) of responsibility?	Y
24.	Did you receive full details of marking criteria applicable to your area(s) of responsibility?	Y
25.	Were you provided with all draft examination papers/assessments?	Y
26.	Was the nature and level of the assessment questions appropriate?	Y
27.	Were suitable arrangements made to consider your comments on assessment questions?	Y
28.	Was sufficient assessed work made available to enable you to have confidence in your evaluation of the standard of student work?	Y
29.	Were the examination scripts clearly marked/annotated?	Y
30.	Was the choice of subjects for final year projects and/or dissertations appropriate?	Y
31.	Was the method and standard of assessment appropriate for the final year projects and/or dissertations?	Y
32.	Were the administrative arrangements satisfactory for the whole process, including the operation of the Progression and Awards Board?	Y
33.	Were you able to attend the Progression and Awards Board meeting?	Y
34.	Were you satisfied with the recommendations of the Progression and Awards Board?	Y
35.	Were you satisfied with the way decisions from the School Special Circumstances meeting were communicated to the Progression and Awards Board?	Y
<i>Please use this box to provide any additional comments you would like to make on the questions above:</i>		

It emerged at the Board that there are presentations associated with the Dissertation module: external examiners should have access to recordings of those presentations (as is now the case with Land Law). I found it very helpful to review those recordings in Land.

I was very satisfied with the results of the Special Circumstances meeting – the School takes great care on this matter and appropriately raises anonymised cases with externals for approval where needed. Wherever justified by the circumstances, the School takes action. Even in the case of mitigating circumstances, I should urge caution with the exceptional route of discounting marks for a module (that came up a few times at the Board).

DISSERTATIONS

I have previously raised my concerns about the weighting given to Long Dissertations in the degree. I continue to have major reservations about the excessive weight given to the Dissertation in degree classifications. This is partly in the light of Leeds degree regulations, since students get the benefit of the better of a 1:1 or 1:2 weighting between 2nd and 3rd year (whichever is the more favourable), and then there are special provisions for borderlines. Although degree regulations will necessarily vary from institution to institution, I regard Leeds' regulations as being especially favourable to students, even without the issue of the weighting of the dissertation. But factoring in the dissertation weighting (and indeed sometimes the Researching Law module, on which virtually all students seem to do very well) it becomes problematic and in several cases distorting. Leeds students end up with higher degree classification than they would elsewhere.

I wish to be clear that I understand and applaud the university's commitment to instilling research skills in its students by making a compulsory element of a degree. But I do not think that justifies such weight being given to the dissertation of 40 credits for a dissertation of only 12,000 words.

The weight of the dissertation, and the generous way in which it seems to be marked, means that it can lift a student's average significantly. It is invidious to point to individual students, and so I shall take a hypothetical example – a student who gets all low 2:1s in their modules apart from a very first class high mark in the dissertation and a mark of 70 can benefit from a) the heavily-weighted dissertation raising the average to the within the borderline bracket and b) the dissertation counting for 40 credits when they only need 60 credits at First to get a First overall. Such a student would not, I believe, have the profile of a First class candidate at any other institution. There were numerous examples of students having the 60 credits made up of the dissertation plus one module. I believe that this is a genuine concern for the School and university about the comparability of its degree classifications with equivalent institutions, and should be taken seriously.

One minor way to mitigate the issue, given what I understand to be the university's insistence on the weighting of the dissertations, would be provide that for borderline students to gain the higher classification overall, they must get the higher class mark in three separate modules (ie the dissertation plus two, or three 20 credit modules). I would encourage more serious reflection and reform of the approach to the dissertation, but at the very least I consider that the comparability of profiles should give pause for thought on this specific point.

Other comments

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

After four years as external examiner at Leeds, I should like to record how impressed I have been with the School, and my gratitude to all involved. The professional services team, led by _____, are exemplary in their efficiency and patient assistance: the administration of the exams process is amongst the best that I have encountered at any institution. Similarly, _____ and _____ have organised the academic side of the process very well indeed as Directors of Student Education.

The module leaders and teaching teams for the modules are highly dedicated. The opportunity to have productive, interested and interesting discussions with the module leader about course developments in a collegial is excellent and much appreciated. _____ has developed the Obligations module in a way that ensures appropriate standards. _____ and _____ in Trusts and Land respectively are highly assiduous academics who care passionately about their subjects and students' progress.

I should also like to thank the Head of School, _____, who has also been keen to engage with me as external. _____ replies to me on behalf of the School were always detailed and patient. _____ is committed to identifies ways in which to improve the School's processes beyond the already high standards in place.

Overall, I have felt highly valued in my role as external examiner in a way which is not always the case at universities.

Part C: School Response to External Examiner Report**Name of School and Head of School (or nominee)**

Title and Name of Responder:

Position*:

Faculty / School of:

Address for communication:

Email:

Telephone:

Director of Student Education	
<i>ESSL School of Law</i>	
School of Law University of Leeds Leeds LS29JT	

*If the individual responding to the report is not the Head of School please state their position within the School.

Completing the School response

The completed School response (including the full original report) should be attached to an e-mail and sent to the Pro-Dean for Student Education in the relevant Faculty. Following approval by the Pro-Dean for Student Education, the School must send the response (including the full original report) directly to the External Examiner. A copy must also be emailed to the Quality Assurance Team at qat@leeds.ac.uk. External Examiners should receive a formal response no later than six weeks after receipt of the original report.

Response to Points of innovation and/or good practice

Thank you for your comments in relation to the efficiency and flexibility of the colleagues you have worked with. We are also very pleased that diversity in our assessments is recognised as a positive thing – nevertheless, the assessment portfolio remains under constant scrutiny, particularly with the potential impact of the SQE on the horizon, which may impact on some assessment methods across the degree programmes.

Response to Enhancements made from the previous year

During the Board it was recognised that there appeared to be a large number of plagiarism cases. We ran into some problems the previous year whereby it meant that we didn't allow as much time as we would have liked for considered decision making – this year we made it a priority to get this right, though naturally this has resulted in a series of cases being highlighted at the board. Having reviewed our approach we believe our plagiarism detection is robust and appropriate.

Response to Matters for Urgent Attention

If any areas have been identified for urgent attention before the programme is offered again please provide a specific response to them here:

N/A

Response to questions 1-7 (and related comments)

Schools may provide a general response; however, where Examiners raise specific points these must be addressed individually:

The Dissertation amounts to 40 credits and can be double weighted for degree classification purposes. Some have questioned whether this is too great a proportion of the degree mark. The fact is that these are all University rules about which we are not in a place to make change. Having said that, we are content that as a research intensive institution the dissertation is the capstone of the degree and this is reflected in its overall importance.

The issue of the '20' mark has also been the cause of much discussion. Where it might unduly inflate a poor student's mark we have chosen to take a holistic view of the paper. Of course, this is not entirely satisfactory but you will be pleased to note that the University's 20-90 scale will disappear in the next academic year. The new scale will include a mark of 0 (and others below 20).

Standards

Response to questions 8 to 16 (and related comments)

Schools may provide a general response; however, where Examiners raise specific points these must be addressed individually:

Thank you for confirming the standards of the degree – this is, of course, absolutely at the core of the external examiner process and we are very pleased to have your endorsement on this.

Assessment and Feedback

Response to questions 17 to 19 (and related comments)

Schools may provide a general response; however, where Examiners raise specific points these must be addressed individually:

Referring again to the plagiarism cases – there were more than usual and this is a concern. On closer inspection there was an element of failure to recognise unintentional mistakes earlier in the students' studies such that earlier less formal action could be taken (early remedial action). We have worked on this and continue to keep it under review. There is a compulsory plagiarism online test which students have to take and, in addition, the plagiarism message is supported by more positive messages about the importance and value of referencing work. The intention is to buttress the academic skill rather than simply concentrate on the disciplinary angle. The early signs are much more positive.

There is a vast range of penalties available for plagiarism and in some instances this can lead to what appear to be arbitrary decisions. The University has taken heed of this and a much simplified procedure is being adopted.

The Progression and Awards Process

Response to questions 20-35 (and related comments)

Schools may provide a general response; however, where Examiners raise specific points these must be addressed individually:

Many thanks for your attendance at this year's Board. The attendance of external examiners adds an extra element of scrutiny and accountability which are vital for student confidence in the process.

Other comments

Response to items included in the 'Other Comments' section of the report

Thank you again for your comments, we hugely appreciate the time spent and the feedback you have provided over the course of your external examiner appointment. Your feedback has proven invaluable in developing our programmes and improving our student experience.