

Bulletin 109-January 2002

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Editorial

What happened to 2001? Have we been marking time? There was a great deal of consultation and review during the year, but have we moved forward? Are we still in the trenches, waiting for the whistle? The Quality Assurance Agency (QAA) and HEFCE produced a number of papers about the quality assurance procedure for course reviews. The ALT responded to these documents as you will see elsewhere in the **Bulletin**. There appears to be a positive outcome, as reported in [John Hodgson's article](#).

The further education sector has had to get to grips with the methods of OFSTED inspections and the new qualifications. There was also the Research Assessment Exercise, the results of which are briefly outlined inside. More recently there has been the HEFCE consultation on information on quality and standards of teaching and learning, with a deadline for responses of 21 December 2001.

There has also been a review of training undertaken by the Law Society, and the Bar Council has made its own statements with regard to legal education and training. This all amounts to a lot of pages, meetings and thought, and one can only hope that the rewards will start to come in 2002!

The best way to discuss the impact of all these developments is to attend the ALT's 2002 annual conference at Greenwich. There is a very good range of speakers and a large number of papers covering all aspects of interest to law teachers at all levels and stages of legal education. There is also the networking opportunity of the annual dinner, being held in the Painted Hall in Greenwich where many famous banquets have been held and where Nelson was laid in state on his return from Trafalgar.

Congratulations are due to **Penry Oliver**, who was awarded a Honorary Fellowship by the University of the West of England in November. Penry was head of the law school at the old Bristol Poly from 1974 until his retirement in 1987. During that time the law school had grown to be one of the largest in the UK and offered a comprehensive portfolio of courses for professional legal education. He was also during that time a very active member of the Association. He was chairman in 1980-1981 and organised the 16th annual conference at Trinity Hall Cambridge, where Penry had studied law.

Although the Association cannot give fellowships, honorary or otherwise, the Committee would like to record its grateful thanks to **Christopher Hibbert**, who is stepping down as Membership Secretary. Individual members may not be aware of the work that the Membership Secretary has to do over the years, not only with new members but changes of address, name and demise. All this 'voluntary work' on top of a heavy responsibility load has led Christopher to make this decision. His quiet efficiency will be a hard act to follow and so we now have joint Membership Secretaries! **Barry Harwood** and **Becky Huxley-Binns** are taking over this responsibility.

Mike Cuthbert
University College Northampton

Bar Vocational Course conference, Chester, November 2001

The fourth annual Bar Vocational Course (BVC) conference was held in Chester on the Thursday 15 and Friday 16 November. Delegates attended five streams of presentations, workshops and discussions, addressing matters of common interest. Four streams concentrated on issues of pedagogy and assessment, while the fifth addressed matters of particular relevance to course administrators.

In addition there were plenary sessions, the focus being that of the two keynote speakers, Suzanne Shale (Oxford) and Julie Macfarlane (Windsor Ontario), whose apparently diverse topics (*Work, love, dancing and making a difference* and *Clients, money, emotions and problem solving*) were united by the values they brought to their respective analyses.

A number of themes arose repeatedly. The impact of assessments, application of learning theory to course design and delivery, developing collaborative learning and values and professional ethics became pervasive themes. Some apparently bizarre titles (for example *The strange case of Phineas Gage* and *Klingons on the starboard bow*)

resolved respectively into an exploration of the implications of neuropsychology for learning and assessment and the use of technology in large group sessions. The main concern articulated by delegates was that there were simply too many interesting sessions happening at the same time.

The usual opportunities for providers to share their experiences were available, during breaks around the publishers' stands and during conference meals. Entertainment came in the form of a quiz before the evening meal and a disco after it, where dancing continued into the early hours.

All in all an interesting and enjoyable conference, and one which took further the BVC providers' developing culture of an open sharing of their ideas and methods. The competition between them is tempered by common sense and a desire to provide the best possible experience for their students.

Nigel Duncan

British and Irish Ombudsman Association

Earlier this year the [British and Irish Ombudsman Association](#) (BIOA) circulated a questionnaire to the heads of university law schools, through the office of CHULS, about how much information on ombudsmen is currently included in university courses and whether there are plans to increase the information given to students.

We did not receive a large response to the questionnaire, but the answers we did receive gave a consistent picture:

- the subject of ombudsmen is referred to in some undergraduate and other courses, but is not dealt with in depth, mainly because of pressure on syllabuses
- where specific aspects of the role of ombudsmen and alternative dispute resolution (such as the role of the Parliamentary Ombudsman, ADR as a direct alternative to litigation) are included, this is often in optional or specialised modules and courses
- with only one or two exceptions, there are no plans to increase the information about ombudsmen which is given to students

The Association's Legal Liaison Group has reviewed the responses to the questionnaire and has agreed that information about ombudsmen for the academic legal community should be provided by other means, which are easy to access and do not require changes to current teaching programmes.

We are currently working on extending the Association's website to provide an electronic information pack, including not only details about the Association, ombudsman services and the complaint handling bodies which are members, but also information, such as the guidance notes produced by the Association, references to publications about ombudsman services and ADR, and pointers to information about ombudsman case studies.

When this work is complete and the electronic information pack is available, we plan to send out a publicity leaflet to university law schools and colleges.

We are grateful to those who took the trouble to respond to the questionnaire and hope that the action we are taking will in due course be helpful to law schools and their students.

Ann Abraham

Chair, BIOA Legal Liaison Group

Engaging with first year law undergraduates

This very successful one day ALT conference, organised by **John Hindmoor**, was held at Butterworths, Chancery Lane, London, on Tuesday 4 September 2001.

The main aim of the conference was to share practical ideas about improving institutional retention rates. It began with a review of some of the preliminary findings of the [Law Student 2000](#) project, supporting the perspective given by **Michelle Gay** and **Rebecca Harrison**, students from the University of Central Lancashire. The presentation from the students was very well delivered, and was followed up by a good opportunity for questions and discussion from the law tutors present.

Christine Valleley, Wolverhampton Law School, gave an overview of the work she has done with first year students and the teaching methods used to deliver the various modules. The need to try to understand the profile of the student taking the module had produced some improved performance and retention of students.

Peter Morgan (University of Bradford) is not a law tutor but in his presentation *Thanks for the assignment*, gave a very good insight of methods used to motivate and engage students through the assessment strategy.

Tracey Reeves (University of Central Lancashire) demonstrated the Web-based system developed in the law school to deliver material for the obligations course.



Tracey Reeves

This was followed by the Derby University trio of **Chris Poole**, **Tony Wragg** and **Kevin Bampton**, providing a very effective overview of the first year module they have developed for skills involving a reflective diary.



Chris Poole, Tony Wragg and Kevin Bampton

How do you get and retain the first year student's interest and attention? **Chris Gale** (Leeds Metropolitan University) uses group projects in the public law module as a means of achieving this. Whereas **Lesley Lomax** (Sheffield Hallam University), places the emphasis on student support mechanisms and engagement.



Christine Valleley and Lesley Lomax

Overall a very useful day with plenty of ideas to be taken back to base and considered by course and module teams.

Experiences of AS level

The new AS levels have drawn a lot of comment in recent months, much of it adverse, but our experience of AS level law was very positive.

We are a sixth form college on the edge of Bristol, drawing students aged 16-19 from a wide area and concentrating mainly on A level teaching. We have been teaching A level law for about ten years, and have always had a few students taking the old style AS

exams, but like other schools and colleges throughout the country we had to consider carefully how to implement Curriculum 2000.

The law course team decided that the new AS level should be taken seriously, not just as a halfway house for A level students, but as a coherent course in itself for a substantial number of students. That was a major reason for our choice of the [AQA specification](#), which provides a mixture of procedural and substantive law.

Our view — and it is borne out by students' comments in their course evaluation — is that such a mixture makes the AS level course much more interesting than if it were based on the legal system alone.

We also decided to accept fully the concept of modularity, with students sitting their first unit test in January of the L6 year. We originally intended that this should be unit 2 (dispute solving), but for timetabling reasons one of our four classes started with unit 1 (law making) instead. The results were excellent — over 70 % of students obtained grade A or B in their first unit — and refute the argument that January is too early for a first examination.

Unsurprisingly, almost all students stayed with the course and took two more units to complete the AS level in June. Many students had some difficulty with the problem solving skills required for unit 3 (concept of liability), but the overall AS level results were broadly in line with the good results we have obtained at A level in previous years, and seem to suggest that AS level grades can sensibly be used as a predictor of A level performance.

We expect at least three quarters of our students to continue to A level law in 2002, and our current plan is that they will sit both unit 4 (criminal law) and unit 5 (tort) in January, leaving only unit 6 (concepts of law) to be taken in the summer. We have no desire at all to return to a linear model.

It would be nice to think that law teachers in other schools and colleges have been equally satisfied with the first year of Curriculum 2000; that is certainly true for some, but perhaps not for all. So what is the secret of our success?

Our students are a very mixed bunch in terms of ability, ranging from a few four A level students taking law as a fifth subject to a few taking AS level law alongside three or four GCSE repeats. About ten % are contemplating a career in law, but we encourage students to take the course just for its own interest.

We do not impose any special entry requirement — even GCSE English is only a recommendation — but we do expect students to work, and set weekly or fortnightly essays marked at AS level or A level standard right from the start.

For each topic we provide a carefully planned worksheet, which sets out a few basic facts and rules to be learned by heart, together with background material. It refers to statutes, cases and other authorities, further details of which are given in our webpages, and it includes questions for discussion and (where appropriate) specimen exam questions. These worksheets (there are over a hundred of them altogether) are explained and discussed in class lessons and provide a framework for the students' own notes.

But we are not in the business of 'cramming' for exams, except perhaps in the final revision lessons before unit tests; we try to emphasise chiefly the understanding and application of legal principles. We have even found time this year to include some key skills activities — all students on the AS level law course have had the opportunity of completing a communication skills portfolio through discussion, presentation, reading and writing activities arising naturally from the course.

We are not complacent, and we keep our teaching methods (as well as the legal content) under constant review. We shall make a few modifications to the course for the coming year, no doubt, and we shall have to ensure that our continuing students acquire the additional knowledge, skills and understanding needed for the more demanding A2 units. But to the popular charge that AS level has been a disaster, we say definitely not guilty, M'Lord.

John Deft

St Brendan's Sixth Form College, Bristol

Hip hip hoorae: the Research Assessment Exercise 2001

Just in time for Christmas the results of the [2001 Research Assessment Exercise](#) have been made public. Over the forthcoming weeks and months many universities will be going over their results like the coroner seeking the cause of death. However, in the law subject area we should be very pleased overall with the outcomes, even if they may not lead to more cash! The recognition they give to the area of legal education is also very pleasing now that this is included in the law field and not education.

The results indicate the growth in both quantity and quality of the research being carried out in UK law schools. This growth can be reviewed by looking at the results since the Treasury invented the process.

	RAE 1992	RAE 1996	RAE 2001
1	18	8	0
2	15	7	1
3A	14	13	10
3B		8	2
4	7	15	9
5	6	11	30
5*		2	8
total	60	64	60

(the 3A, 3B & 5* classifications were introduced in 1996)

What do the grades mean?

- 5* - quality that equates to attainable levels of international excellence in more than half of the research activity submitted and attainable levels of national excellence in the remainder
- 5 - quality that equates to attainable levels of international excellence in up to half of the research activity submitted and to attainable levels of national excellence in virtually all of the remainder
- 4 - quality that equates to attainable levels of national excellence in virtually all of the research activity submitted, showing some evidence of international excellence
- 3a - quality that equates to attainable levels of national excellence in over two thirds of the research activity submitted, possibly showing evidence of international excellence
- 3b - quality that equates to attainable levels of national excellence in more than half of the research activity submitted
- 2 - quality that equates to attainable levels of national excellence in up to half of the research activity submitted
- 1 - quality that equates to attainable levels of national excellence in none, or virtually none, of the research activity submitted

Mike Cuthbert

University College Northampton

The Law Society consultation on the training framework

On the 5 October more than 200 solicitors and academics met to discuss the fundamental reform of solicitors' training at a conference held at the University of London. The conference, *Rising to the challenge: legal education in the 21st century*, is the culmination of a process started earlier in 2001, when a consultation paper was issued suggesting the Law Society could establish a training framework based on the knowledge, skills and ethics required of trainees at set stages of the training process.

The proposals reflect the Society's positive attitude in responding to current challenges, such as the rapidly changing profession and the demands of some City firms for an amended Legal Practice Course (LPC).

The *Training framework review* was a detailed 38 page questionnaire seeking responses from all the parties with an interest in the training of solicitors. Below is an extract of the response from the Association, drafted by John Hodgson as the Chair of the Association's Policy Committee.

The Association of Law Teachers welcomes the outcomes/competencies approach to learning which is being utilised by many other professions. The ALT membership includes academics involved at all stages of undergraduate and postgraduate education, as well as a number of practitioners, and is thus interested to be involved in the consultation exercise. Here are some views that we hope will be taken into consideration.

Paragraph 5: Should the Law Society seek to specify the minimum common competencies to be expected of every solicitor at the point of qualification as a way of clarifying training needs both before and after admission?

Yes. This is an important prerequisite for ensuring that education, training and professional development is focused and relevant.

If yes, is the best division of competencies knowledge, skills and ethics?

Ethics is not separate from knowledge or skills, but is more closely aligned with the former. The separation of ethics as a separate 'competency' is probably therefore unnecessary, but it should continue to permeate the learning on the LPC course. We would add that in relation to knowledge and skills competence must include the ability to apply. We would also add that, certainly so far as ethics is concerned, greater co-ordination with the Bar is appropriate.

Paragraph 1: Knowledge: what should be contained in the joint statement regarding the foundations of legal knowledge?

The ALT agree that legal system, and more importantly, legal method, should be explicitly addressed, and note that they may already be counted towards the 50% minimum core coverage. We do not propose or support further foundation subjects.

Recent research (Bermingham V and Hodgson J (2001) 'Desiderata: what lawyers want from their recruits' 35 (1) *The Law Teacher*) showed no strong desire from the profession for any subject to be added to the foundations. Students who wish to study corporate/commercial options are well catered for, and the subject is appropriately covered in the LPC. We also note that the only subject prescribed by the American Bar Association for JD programs is professional responsibility, and the resulting flexibility does not appear to adversely affect US attorneys.

Clearly contractual principles have a special role; they underpin many other areas of law. So do the principles of administrative law. This does not make these subjects more important, but it does mean that attention must be given to progressive incorporation.

For example, contract is routinely taught at level one, largely from the perspective of the 'pathology' of contracts. More attention is required to the transactional aspects of contract. Law degrees may choose to include this, but it is best addressed specifically at the vocational stage. Similarly, attention is needed to the requirements of regulatory bodies, but this is perhaps best addressed in the training contract by reference to regulators directly relevant to the firm's practice.

On qualification, a lawyer should understand the content of and rationale for the law in her chosen fields of practice and be able to research any specific question and provide clear advice where the law is settled and an informed opinion where the law is unclear or in development. Post-qualification maintenance and enhancement of knowledge is best addressed by a comprehensive system of advanced practice and/or academic qualifications and regular monitoring of currency (as is being promoted for the medical profession).

In fields where the solicitor does, or can lawfully, practise, the knowledge required is that of the competent practitioner (including knowledge of when to refer a matter or issue to another lawyer). If qualification carries rights of audience and rights to carry out reserved work this level of knowledge is required 'across the board'. In other areas, all that is required is the ability to recognise issues.

In addition to the topics listed knowledge of regulatory systems is also required, although at the lower level only. It may be that qualification should only carry a licence to practice in areas which have been covered not only on the LPC but also during the training contract, with solicitors wishing to change practice fields later being required to demonstrate specific competence either by obtaining appropriate certification or (possibly) a supplementary training contract.

Paragraph 21: Ethics: should we expand the indicators of ethical behaviour?

The broad thrust of this is correct. While it is desirable that all solicitors should be sensitive to issues of equal opportunities, we consider it essential only for those who (a) practise in relevant fields (b) have practice management responsibilities, and it should form part of the training for the latter.

The Association awaits with interest the next stage of this consultation.

LERP workshop 2001

The [Legal Education Research Project](#) (LERP) ran a focused, highly practical, hands-on workshop on research methods in legal education at the University of Glamorgan on 9-10 July.



The workshop attracted a number of delegates who were either already involved in researching legal education or who were planning to do so as part of their individual or law school research strategy.

For those who wished there was an opportunity to take a trip around Cardiff Bay followed by an opportunity to discuss research outputs over a very sociable meal in a local restaurant.

As a participative workshop there was an opportunity to design/write questionnaires, observe techniques for undertaking interviews face to face and by telephone and to develop techniques of research findings analysis.

The main leaders of the sessions were Phil Harris, Vera Bermingham, Karen Hinett, Pat Leighton and John Hodgson.

Quality assurance in FE colleges and sixth forms

The theory

The [Adult Learning Inspectorate](#) (ALI) and the [Office for Standards in Education](#) (OFSTED) have developed a [common inspection framework](#) for use when inspecting post 16 non-higher education and training. It was designed to meet the requirements of the Learning and Skills Act 2000 and to inform the Secretary of State about the following matters:

- the quality of education
- the standards achieved by those receiving that education and training
- whether financial resources made available to those providing that education and training are managed efficiently and used in a way which provides value for money

This framework has a wider application, as it acts as a guide for other types of inspections, including higher education in further education (FE) colleges. From September 2001 all colleges of further education and sixth form colleges will be inspected on a four year cycle.

Inspections focus primarily on the experience and expectations of individual learners by evaluating all or most of the following:

1. what is achieved - the standards reached and the learners' achievements, taking into account their prior and intended learning goals
2. the quality of teaching, training, assessment and learning
3. other aspects of the provision that contribute to the standards achieved, such as the range, planning and content of courses or programmes, resources and the support for individual learners
4. the effectiveness with which the provision is managed, its quality assured and improved, and how efficiently resources are used to ensure that the provision gives value for money
5. the extent to which provision is educationally and socially inclusive, and promotes equality of access to education and training, including provision for learners with learning difficulties or disabilities

The judgments reached by this process are based on a common grading scale and grading description. The inspection report includes the grades allocated by the inspection team to each of the curriculum areas inspected and also a grade for leadership and management. Grade 1 denotes excellent, 3 good, 5 unsatisfactory and 7 very poor.

Where the overall provision is inadequate or is adequate but has weaknesses, the inspectorates will assess the college action plan and the progress being made through monitoring inspections and re-inspections, where appropriate.

The report produced by the inspection places a heavy emphasis on observing classes, and where necessary other observations outside the college such as in the workplace. Inspectors do not normally grade a curriculum area on the basis of fewer than 12 lesson observations. Like its higher education equivalent, retention rates are important statistics for the inspection team to consider.

The team views samples of student course work, both current and archived. They also hold meetings with students, lecturers, governors and employers. Great emphasis is placed on the plans produced by the college with regard to meeting its objectives or mission statement and the leadership style used.

The practice

A number of inspections have taken place under this procedure and published by [OFSTED](#). A report has also been produced by the [Association of Colleges](#) in July 2001 looking at the first inspections.

This report concentrated on the lessons from the first three inspections in order to alert colleges to the significant features of the inspection process. It stated that "in general colleges felt that the experience of inspection under the common inspection framework was a positive one and that most of the judgments reached were sound, although a significant number of grades were lower than the colleges self assessment. This appears to be due to new OFSTED criteria".

The teams used for these inspections were large. Typically there were 25+ OFSTED and ALI inspectors plus three or four auditors, not easy to accommodate within most colleges! This number would also have an immediate impact on the student body!

As well as the normal data on recruitment, retention etc mentioned above, the inspectors looked for "the use of recognised value added systems and sometimes took their findings into account". This is an interesting development for a much under valued calculation!

Communication between the inspection team and the college staff were not always satisfactory:

Some colleges felt that communications between the inspectorate and the college were one way...meetings with students were sometimes not pre-arranged and took place with little notice. Students were questioned closely about the quality of the teaching and their learning and other experiences at the college.

In the area of 'leadership and management', judgements

...appeared to be greatly informed by interviews with programme managers and course team leaders. Course team reviews were criticised for giving undue emphasis to resources and not focusing sufficiently on the quality of teaching and learning.

In the inspections a large proportion of staff were observed, as many as 75%.

Some teachers were observed four or five times and others not at all...Lessons were given three grades: for teaching, learning and attainment. There was some lack of clarity on the part of the colleges and the inspectorate about the meaning of attainment. It appeared to be based on the level of student responses, questions and discussion in the lesson.

A great deal of student work was examined, with the inspectorate concentrating on the feedback from lecturers to students.

With this background in mind it is very interesting to review the reports on the colleges. The agenda of the inspectorate is obviously in line with the policy emphasis of the government, but the judgment on the 'value for money' of the experience will have to be adjourned until more inspections have taken place. However, it does make the QAA procedures attractive!

Have you any experiences to recount on how this system works? Have you been inspected under this procedure? We would be interested to recount any experiences that members have gained.

Mike Cuthbert
University College Northampton

Response to QAA consultation document on quality assurance in higher education

The Association (ALT) has approximately 800 members engaged in the teaching of law; some in the higher education sector (primarily the post 1992 universities) and others in the further education sector.

Members of the ALT have been directly involved with TQA and subject review, and to a limited extent with institutional audit and continuation audit. As a subject association the ALT is primarily concerned with subject level issues. The ALT has the following observations on the [consultation document on quality assurance](#) issued by the Quality Assurance Agency (QAA) in July 2001.

While accepting the validity of the objectives set out in paragraph 7 of the consultation paper, the ALT believes that, in principle, an effective quality assurance régime should not simply promote high standards, but should actively contribute to the enhancement of quality by identifying and disseminating good practice.

Quality assurance and enhancement must rest on a basis of peer review, carried out in a spirit of collegiality and constructive criticism. The internal quality assurance and enhancement processes of higher education institutions (HEIs) are in principle the correct basis on which to create an independent and publicly accountable framework.

The key defect of previous national quality review mechanisms has been the real or perceived additional burden of preparation, documentation and servicing of the

visitation. ALT welcomes the proposal to focus on the institutional level of review as the primary means of assuring conformity of provision with national standards and requirements.

The ALT welcomes the proposal to require HEIs to provide public information to assist potential students and other stakeholders to make informed choices about the provision offered. Such information is vital to potential students when they are making both preliminary decisions as to AS and A2 studies and the equivalent, and also when making actual choices of HEI and programme.

We do have the following observations:

1. all information must appear in an accessible, comprehensible, user-friendly and honest form. In particular, such information needs to address the orientation and nature of programmes, not just standard indicators of quality.
2. there should not be an excess of information
3. the information should not be susceptible to 'league-table' building; ideally the information should allow cross-reference (not comparison) at the subject level

We recognise that HEIs' internal quality assurance systems should be robust enough to give reliable information on the standards of individual programmes and the presence or otherwise of on-going improvements to ensure currency and relevance. We do however have concerns that the proposed mechanisms for subject level investigation where necessary are inadequately articulated.

In particular it is not clear if the sample 'drilling down' exercises will involve a 'full' investigation by a group of subject specialists following the academic review model, or by some lesser degree of scrutiny from within the institutional review team. If the latter, it is far from clear how it is to be done and what subject expertise the reviewer(s) will have.

Similar observations also apply to other forms of sampling (new provision, thematic sampling, random sampling and 'cause for concern' sampling). We are also concerned that sampled provision will have an unfair advantage over other provision, in that it will be able to boast of recent external confirmation of its quality and standards. This would be a serious disadvantage of any new system, and should be obviated.

We believe that there should be a level playing field for all provision, which could be readily achieved by integrating the regular internal review/revalidation procedures with the external quality review process. This would guarantee that external review complemented internal processes and will minimise additional or duplicated activity. The professional statutory bodies (PSBs) for law are currently consulting over their involvement in quality issues, and we have proposed this approach as a solution to this issue also.

We believe that some relatively minor changes to the usual procedures presently operating should ensure that the current review and revalidation process can stand as the primary public report on the quality and standards of the relevant provision:

- all institutions to agree a common review revalidation period of either five or six years

- review/revalidation to comprise a critical evaluation of the development and achievement of the provision over the preceding period, including student feedback, external examiners reports, evaluation of action taken following annual reviews and other performance indicators, a re-examination of the rationale for the provision and a reconsideration of the appropriateness of module and programme/pathway curricula and delivery
- external peers to be involved with all aspects of the review/revalidation. These should include past and present external examiners and other subject specialists. We would suggest that one or two such be nominated by the QAA from a pool of experienced and trained reviewers and others selected by the HEI from that pool, with the option of nominating non-members of the pool willing to undergo training prior to acting and to join the pool subsequently.
- a QAA nominated reviewer would be responsible for ensuring compliance with QAA requirements and liaison with the HEI
- the QAA would produce additional sections of the code of practice relating to the review/revalidation process, after adopting the normal consultation procedures. HEIs would be responsible for ensuring that their procedures were compliant in principle and the nominated reviewer would vouch for compliance in practice.
- information derived from reviews could be used (with clear indications of its date) to inform stakeholders about the nature quality and achievement of the provision
- where external members of the review team identified commendable or exemplary features worthy of wider dissemination, this should be facilitated, possibly in conjunction with the Institute for Learning and Teaching (ILT), the Learning and Teaching Support Network (LTSN) or with subject level publications.

We assume that, in line with past experience, the vast majority of provision will be found to be robust and effective. Where there are minor defects or limited areas where action is required to maintain the quality and standards of the offering, but these do not suggest that the provision as a whole is failing to provide an adequate and acceptable educational experience, we envisage that this would be dealt with by the HEI's own mechanisms, including satisfying the external reviewers that effective action had been taken.

The HEI itself ought not to revalidate unacceptable provision, but if there were a difference of opinion over whether the provision should be revalidated this would necessitate a full re-examination of the provision by a new team of reviewers wholly nominated by the QAA.

Review/revalidation reports would be routinely distributed to the QAA and to relevant PSBs. If a report contained material inconsistent with its conclusions, or in the event of credible evidence of serious problems with an area of provision (for instance deriving from evidence disclosed to institutional level review, from external examiners or from students) there should be a mechanism for initiating a re-examination.

The QAA has produced a summary of the responses made to the consultation document (see [article by John Hodgson](#) in this Bulletin). Of particular interest are the sections on responses from professional statutory and regulatory bodies (PSRBs) and subject associations.

The proposed new method of QAA review: the saga continues

The consultation period in relation to the Quality Assurance Agency/HEFCE proposals for a replacement new model has expired, and the Scots have made it clear that they want to come into the overall new model. So what is the new model? We now have a [preliminary operational description](#). This assumes that the major premises set out in the July [consultation paper](#) will be endorsed.

There are two systems to consider, firstly that for the three years from 2002, and secondly the final 'steady state' system (although does anyone seriously think that we will ever have a steady state system over more than one review cycle, given the pathological desire of politicians to give the impression that they are doing something?). Only the latter is likely to apply north of the border.

The main quality assurance tool is the institutional audit. This will examine institutional systems, including the systems for reporting from programmes and departments and internal quality assurance systems and also the quality of the information provided to students and others. The audit trail will be followed down to the programme/department level in selected areas by auditors with subject experience.

The audit will result in a judgment on 'confidence' in the soundness of the institution's quality assurance processes. There will be an overall graded judgment, and specific reference to particular areas of concern (or, it would seem, particular areas of strength).

In the initial period, there will be some review activity at subject level (incidentally, the Quality Assurance Agency (QAA) is floating the possibility that their 42 subject areas may go, and may be replaced by the 19 JACS subject groupings or the 24 LTSN groupings, or possibly by a focus on programmes).

This will comprise **limited reviews** and **full reviews**.

Limited reviews (about two days, and focused on the quality and standards of the actual subject/programme, rather than just gathering evidence that the programme/subject demonstrates the effectiveness of institutional quality management systems) of areas not previously covered (for example accountancy), new programmes and areas self-assessed as satisfactory without visit under the old TQA method.

These reviews will take place in those institutions which have a good TQA/subject review record. This is defined as no more than one profile with fewer than 18 points in total and "no more than a single Grade 2 in all its subject profiles". I assume that means no more than one Grade 2 in any profile, rather than no more than one Grade 2 in total, but the phrase could mean either.

Full reviews (apparently to follow the previously published academic review model) will cover the categories of provision above in institutions with a less good TQA/subject review profile and all provision assessed as unsatisfactory in TQA or given a Grade 1 or three or more Grade 2s in subject review. (I assume this refers to the initial grading, since all unsatisfactories and most Grade 1s will have been revisited.)

Voluntary review is possible if an institution considers that the grading for particular provision was unrepresentative. At the last CHULS meeting some heads seemed keen to explore this possibility! These reviews will take place before the institutional audit for those institution in the second and third cycle of audit visits. They may replace discipline level audit in part.

In the steady state, the only subject level activity by QAA will be discipline audit trails. As these are new, I have set out the definition of these from para 47 of the operational description:

- preparation of a **short self-evaluation document** which will be available to the discipline specialist auditors before the briefing visit. A recent internal report on the review of a discipline (or similar) might well be sufficient for this purpose.
- provision of a **limited amount of illustrative documentation** to inform the discipline specialist auditors' discussions. This will not be requested until after the briefing meeting.
- **discussion between members of the audit team and staff and students** about the ways in which the institution's quality assurance policies and practices are implemented and their perceived and actual effectiveness. This element will normally concentrate on a small number of specific topics, but will also allow staff and students to raise their own concerns.
- **examination of the basis of information about the quality and standards of programmes** provided to potential students, employers and other stakeholders. This will involve discussions with staff and students about (amongst other things) the completeness, accuracy and usefulness of the programme specifications.
- **scrutiny**, in which the quality and standards themselves will be discussed, and with some reference to primary evidence, **of the relationship between the programmes being offered and the framework for higher education qualifications, relevant subject benchmark statements, relevant sections of the code of practice and the information produced by external examiners.**

Selection of disciplines will be on the basis that any areas of concern will be looked at, but there will also be random selection, and QAA will want to ensure that some examples of all disciplines are looked at. The auditors will, as can be seen, gather evidence from face to face discussion as well as looking at the documentation.

There is also the possibility of thematic enquiries within the context of institutional audit if QAA perceive a thematic issue (for example use of external examiners) within the institution or across the sector.

The professional bodies are, as you will see from other contributions in this Bulletin, concerned at the loss of full subject review. It would seem that they will be satisfied with sight of institutional review documentation which is robust, and institutions will certainly need to have robust systems in place to satisfy institutional audit requirements and provide the basis for a discipline audit.

Just possibly we may be in sight of a situation where one quinquennial revalidation process supported by efficient annual review and reflection will actually satisfy all the

outside (ie outside the law school) stakeholders, as well as allowing us to develop and enhance our provision. But then Christmas is a time for miracles.

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