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Engaging and motivating students: assessment to aid student learning on a first year core law module

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This article examines changes to a first year module introduced in response to reviewing research evidence on barriers to student learning. The thinking behind the changes is underpinned by research literature in relation to improving student performance and research evidence in the area of consciousness studies. The evidence from research studies is examined both in terms of the nature of transformative learning and the manner in which learning takes place. The article examines how student learning on the course has improved and poses the question whether assessment for and as learning may have a transformative effect.

Introduction – the reasoning behind the intervention

To paraphrase Jane Austen it is a truth universally acknowledged that first year university students lack good research skills. This article examines changes to a first year module introduced following examination of the research into barriers to student learning. The module in question is a first year criminal law module where, in the past, student performance could have been described as reasonably good. However the research evidence suggested and the first student results from the revamped module confirm that improvements may be achieved in student enjoyment, motivation and performance by encouraging students, through providing a more practical, “hands-on” experience of higher level research skills. The lesson that emerges from the first two years of the new module is that modules which are performing moderately well, and certainly in line with other similar modules, may be much improved by assessing students in a way designed to improve their engagement with the course.

From the experience of the past seven years’ teaching on the undergraduate law degree at the University of West of England, it seemed that student results on the module, as a measure of student achievement, were slightly disappointing. The proportion of failing students remained obdurately fixed. The module teaching team were disappointed by the poor attendance record of a significant minority of students at lectures and seminars and by the performance

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of some of the students in their final examinations. Furthermore, some students voiced a desire to do something more exciting at university than they had experienced at A level and were not motivated by the traditional coursework and examination format of assessment.

The structure of this article is to look first at research relating to student engagement. Then it relates the perceived problems for students studying the course to this information. It considers how the course could be adapted to improve engagement and motivation. In writing about these topics it was also necessary to consider other constraints that affect course design. When describing the reasons why particular choices were made in the course design, research into learning and in particular into the effects of prior learning are drawn upon to explain, albeit briefly, the reasoning behind some of the changes. Finally the results for the two years after the intervention was made are set out in chart form and the reader is invited to draw their own conclusions as to whether the intervention was a success.

Engagement

While levels of attendance and engagement were comparable with or better than the other first year modules there was still room for improvement. The degree of disengagement was worse in the second term and was evidenced in some examination scripts by students demonstrating a limited understanding of certain topics covered in that term.

Engagement has clear links with a student’s motivation to learn. Motivation here is used “to refer to those inner processes that determine whether learners will engage in a task, the amount of effort they will expend, the length of time that they will persevere and the persistence they will show when obstacles are encountered”.

Jenkins draws on psychology to make the point that if we are to “facilitate learning” then “motivation is of paramount importance”. Assessment assumes that we know how to measure successful learning accurately. This in itself is a debatable issue. Pinker in his seminal work How the Mind Works states that learning is difficult to measure and defies easy quantification.

Jenkins makes an important point in his consideration of student motivation. He refers to traditional methods of teaching in higher education, where motivating students was not always seen as the task of the university lecturer. He comments that responsibility for learning may traditionally have rested solely with the student and not with the institution, but in his view this is no longer the case. Jenkins asserts that course design which motivates students will result in: “lower rates of failure, less dependence on hard pressed lecturers and better quality

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2Ibid 31–2 both quotations.
All of these goals were worthy aims in themselves but the question remained: what intervention would motivate student learning in the module? There is much research in the field of consciousness studies that shows that emotions and their engagement are an important issue in focusing and retaining attention. The role of emotion, in this context, seems to be to direct our attention. The more relevant something is to our emotional needs then the greater the focus of our attention. As most lecturers realise, “interest, one of the most ubiquitous of emotions, appears to be necessary if learning is to take place at all”. Therefore, to make headway with engagement it was necessary to increase the level of personal interest for students. This was a challenge given the traditional format of delivery, dictated by staff and student numbers and room availability. As a team we had also identified some fairly crucial student skills shortages which we were keen to address and attempt to begin to resolve. These were in the areas of:

1. **Problem solving.** The module team had improved individual student ability to apply relevant law to facts and had succeeded in broadening students’ understanding of problem solving. However, this was still something that needed to be embedded and developed in the module.

2. **Research skills and the related skills of evaluation and analysis.** There was a major problem with first years in getting the majority of the students to display any understanding or interest in these skills. Students needed to improve, grow to understand, reflect on and apply these higher level skills.

3. **A more skilled approach to learning.** It was clear from the examination scripts that many students were unsuccessfully question spotting and appeared to be not starting to revise until a very short time before the examination. We needed to discourage this and to encourage all students to learn the law earlier in the module. Weighed against this for the excellent students we needed to provide a challenge which would not detract from, but would add to, their already excellent performance.

4. **Student confidence.** Students lacked confidence, particularly in the second term. It was likely that this was leading to a massive underperformance by students. One solution which suggested itself was utilising...

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4Supra n. 1, 32.


7There is evidence about the effect of anxiety on students, “anxious students perform particularly badly. They adopt over cautious strategies”: Gibbs, G. and Habbershaw, T., “Preparing to Teach – an Introduction to Effective Teaching in Higher Education” (Bristol, Technical and Education Services, 1989) 38 cited in Gammon, S. and Lawrence, L., “Making Assessments Flow”, in Clegg, K. and Bryan, C. (eds), Innovative Assessment in Higher Education (Routledge, 2006), 134. The authors comment that “On investigation of the literature, relatively little attention had been paid to anxiety and confidence levels linked to assessment strategies employed by students, nor to possible interventions through which anxiety might be addressed.”
group working as a supportive mechanism for developing engagement, confidence and skills in the second term.

(5) **Performance.** There were not enough good performances from the students. This was possibly due to a perception among first years that as degree marks are calculated on the final two years’ performance “first year did not count”, so all they had to do was to pass. Unfortunately a number of them were making gross miscalculations in terms of what was necessary to pass. Giving students an incentive to perform to a higher standard seemed essential.

There is considerable evidence from pedagogic research, particularly that carried out by Gibbs, which suggests that students will only engage where they see a reward for their efforts and understand what is required of them. While it may seem a little Pavlovian, marks are the biggest carrot we have to make students engage and this carrot has to be used creatively and sensitively. Clearly the assessment regime of two coursework exercises and one end of year examination was not stimulating engagement for many students. Despite great efforts in terms of coursework design, and detailed information on expectations and feedback on coursework – a number of students were not being stimulated to engage sufficiently with the module. Worryingly, there was considerable anecdotal evidence that some students, as Gibbs has observed in relation to other courses of study, only “learned the course for the examination”.8 There was some evidence that outside the coursework and examination periods engagement with the module was not a high priority for these students.

There are other barriers to course design. There are limited resources to use to stimulate student learning. In most universities “[t]he student fee income from large courses has been used to cross-subsidise other courses with fewer enrolments (and with more expensive patterns of teaching and assessment), rather than allocating patterns of teaching and assessment where they are earned”.9 This has led to less available time for assessment and for feedback on that assessment. Perhaps more to the point, lecture time and class contact has also been reduced. Gibbs cites as a common example on a 10 credit course actual class contact being 20 hours and expected student input being 100 hours.10

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8Gibbs in the quotation is talking of the results of a questionnaire into student attitudes to assessment. He writes about question spotting. “I once saw data on the distribution of students’ answers for an examination in which they had to answer 3 of fifteen questions. Almost everyone answered the same 3 questions. The topics addressed by the other 12 questions were presumably hardly studied at all.” Gibbs, G., “Why Assessment is Changing?”, in Clegg, K. and Bryan, C. (eds), *Innovative Assessment in Higher Education* (Routledge, 2006), 29.

9Ibid. 12.

10Ibid. 14.
Whatever the particular configuration of teaching contact hours, there is a further distraction from attendance on university courses, that is the demand made upon many students by commitments to part-time work.\footnote{This seems to be an increasing pressure on student time. See the Push website http://www.push.co.uk (accessed 20 August 2008) which indicates that in some universities 60% of the student cohort is in paid part-time employment. The Nat West Student Living Index survey, which is based on 2600 responses, shows that in 2008 “[n]early half (42%) of undergraduates are in part-time employment and earn a combined total of more than £2 billion, while their cost of living has risen to £10.8 billion, an increase of £500 million since 2007”. Extracted from Latest Property and Finance News available at http://firststring.co.uk/articles.asp?pageid=NEWS&articlekey=10259&cat=44-0-0 (accessed 20 August 2008).} The financial advice that students receive may well also place pressures on their availability to learn. Mark West, who is the Head of Student Banking at Nat West, issued the following comment in August 2008:

> Students are increasingly aware of the wider economic climate and this is filtering down into their decisions when they are choosing their university and also whether to take a part-time job during term time. . . . Getting to grips with the costs of being financially independent is key to making the most of your money.\footnote{Ibid.}

Academics might not see financial independence as a key motivator of students. However, it does not take much imagination to realise the pressure this type of advice exerts on students. On average students responding to the Nat West Student Living Index Survey worked 14 hours a week but 25% of those responding worked more than 20 hours a week.\footnote{Ibid.} Perhaps the pressure this places on those designing modules or courses to ensure engagement is not fully appreciated.

Where next?

There are many purposes for assessment.\footnote{See Bloxham, S. and Boyd, P., Developing Effective Assessment in Higher Education (McGraw-Hill/Open University Press, 2007) in particular Chapter 3: “The Conflicting Purposes of Assessment”.} Perhaps one of the more laudable is to promote learning “motivating students by steering their approach to learning and giving the teacher useful information to inform changes – assessment \textit{for and as} learning”.\footnote{Ibid. 31, emphasis in original.} It seemed therefore appropriate and useful to start by considering how assessment might be utilised to improve engagement and add to and develop the students’ existing academic skills.

In fact changing some elements of module delivery and assessment were the only tools available, all other constraints on the module being incapable of being addressed by the module team. It is probably worth outlining here...
some of the constraints. The module is a core first year module studied by about 300 students – the students are largely first year students mostly studying for a qualifying LLB. The module pattern of delivery is fixed: there is one two-hour lecture a week\textsuperscript{16} and a one-hour seminar every fortnight. Outside this students can make appointments to see and discuss their work with the module teaching staff and indeed are encouraged so to do. As at all universities students are expected to function as individual autonomous learners. It is worth noting that at Bristol UWE, in addition to core lectures and seminars, we provide an innovative programme which particularly in the first year aims to integrate students into the life of the university.\textsuperscript{17}

Confidence building and improving engagement – part 1 – a minor change

In previous years students worked in groups to produce an outline answer to a problem question on which both peer and staff feedback was given in seminars. In 2007–2008 students were encouraged to submit an outline draft of their question plan for formal comment by tutors. These were returned within 10 days.\textsuperscript{18} To encourage submission and to enable all students who submitted to receive basic formative feedback on their efforts the students were given 5\% of the mark available for the module.\textsuperscript{19} Students were also required to submit a bibliography so that we could comment on the materials which they were planning to use for their coursework answer.

This enabled the scripts to be turned around very quickly with only limited moderation. Importantly it encouraged students to undertake the task and receive a reward for their effort. Interestingly, colleagues who passed the coursework collection room remarked on the positive reaction of students when picking up their returned papers celebrating their 5\% achievement. The next phase of assessment was that students then wrote up the problem answer, hopefully responding to the comments they had received on the submitted draft. They had less than three weeks to do this. The main aim of this design was to make students reflect on the skills of problem question answering while writing up their own outline answer. Considerable written feedback was given to students including a fully worked-through example of how to

\textsuperscript{16}In 2007–2008 the lecture slot was from 4.30 to 6.30 on a Monday afternoon. This was a time when many students commented in feedback that they found it hard to maintain concentration.

\textsuperscript{17}This programme is called the Graduate Development Programme. This course is specifically designed to facilitate the acquisition and development of certain core skills.

\textsuperscript{18}Earlier return was impossible due to institutional late work rules and in any case would have been problematic for a cohort (n = 274 in 2007–2008, n = 304 in 2008–2009) of this size.

\textsuperscript{19}There was a qualification to this. Students were informed that they must submit an outline answer to the problem question and would receive typed feedback on that answer. For this part of the question provided that the student does submit an answer which is deemed to be a properly constructed answer to the question set and is at least 300 words in length they will receive 5\%. The submitted answer was subject to a word limit of 700 words. By fixing the mark at 5\% or 0\% marking time was cut as there was little to moderate. Feedback, both tick box and written was provided on how to develop the answer appropriately.
approach writing a criminal law problem question answer. This was given on the
handing back of the outline answer, in an attempt to give students feedback at
the most timely moment in their studies. Additionally, although the students’
scripts are always anonymously marked the feedback sheets show the name of
the marker. Students were encouraged to talk to the markers about their sub-
mitted work particularly where their performance in the first task was poor.

Confidence building and improving engagement – part 2 – a major change
The major change was to alter the assessment structure of the module and to
adopt group working in the second term and utilise it as a means of students
supporting, stimulating and demanding engagement of each other. For a
number of years the module leader had, in another module, utilised group
work to stimulate student learning in relation to research, presentation and
higher level skills. The format that had been utilised for that module could be
adapted to suit the requirements of a large module and thereby to improve
the research skills of first year students.

Learning more mindfully
Before examining how this was achieved, it is important to look at why it was
felt to be necessary to change the traditional delivery of the module. Refer-
ence has already been made to the relatively large student cohort and the rel-
atively low teaching staff numbers. Reference has also been made to signs of
lack of motivation among sufficient students to be a cause for concern. How-
ever, there are other and broader issues that need to be considered here, which
apply to most higher education institutions. Against the backdrop of increasing
pressure on financial resources in higher education there is the danger that the
teaching of students becomes viewed as a commodity or product, and that the
matter of delivery is always viewed in terms of the cost rather than in terms of
quality. This of itself is de-motivating. Gibbs has pointed out the risks that this
poses to the quality of assessment and feedback.20 This point is equally well
made by Clegg and Bryan when looking at the need for innovation in assess-
ment and the practical realities of introducing change.21

The innovation had to offer something which is stimulating and interest-
ing to all students, against the background of a diverse student skills and
knowledge base.22 Research underlines that the role that prior knowledge

20Gibbs, supra n. 8.
21Bryan, C. and Clegg, K., “Reflection, Rationales and Realities”, in Clegg, K. and Bryan, C. (eds),
22See Dochy, F., Segers, M. and Buehl, M., “The Relation between Assessment Practices and Out-
comes of Studies: The Case of Research on Prior Knowledge” (1999) 69(2) Review of Educational
plays in determining the assessment outcomes for a student is of great importance.\textsuperscript{23} Academia has arguably moved a long way from the view which was held “[i]n the fifties that more intelligent people could learn things that less intelligent people could not.”\textsuperscript{24} But nonetheless it is worth looking at the empirical basis of intuitions about intelligence and learning. In their review of the research literature in this area for a meta study in relation to assessment and prior learning Dochy \textit{et al.} reached the conclusion that “domain-specific knowledge” was key to success. This factor was more important than intelligence. From this it is possible to see the empirical evidence to support the assertion that academic skills are the foundations of student success in any stage of study. The conclusion to be drawn from this meta study of the research evidence in relation to prior knowledge was that skills deficiencies had to be clearly identified and understood. This meant that more research had to be considered about how this affected engagement and learning. It might then be possible to design an effective intervention. It is not possible in an article of this length to detail all of the relevant research and precisely how it affected the course design, but it is possible to highlight some of the research which was felt to be most noteworthy.

Another interesting factor that emerges from the meta data on prior knowledge comes from surveys that look at whether mistakes in prior knowledge can impair subsequent performance. There does seem to be an empirically demonstrable link between faulty prior knowledge and future performance. Dochy \textit{et al.}’s review shows that in a series of empirical studies where students had inaccurate prior knowledge and were given the correct information, when tested they still relied upon their previous inaccurate prior knowledge, leading to poor performance.\textsuperscript{25} The conclusion from this was that, in order to overcome this, there is a need to raise levels of student confidence to allow them to develop the resilience to challenge the basis of their own learning and to emerge from that experience with greater skill levels which will be more broadly applicable to their future studies.

This therefore raises the question: do academics need to assess students differently in order to alter their expectations of their learning environment and challenge them to reflect on, apply and develop their previous “domain-specific knowledge” through different and more thought provoking assessment challenges? If this is to be achieved though something else needs to be

\textsuperscript{23}Dochy \textit{et al.} define prior knowledge as “the whole of a person’s actual knowledge that (a) is available before a certain learning task; (b) is structured in schemata; (c) is declarative and procedural; (d) is partly explicit and partly tacit; (e) and is dynamic in nature and stored in the knowledge base.” Ibid. 146.

\textsuperscript{24}“If one partials out the influence of prior knowledge, the correlation between intelligence and study results is drastically reduced . . . if intelligence is partialed out the correlation between prior knowledge and performance remains significant. From these findings it appears that domain-specific knowledge can compensate for low intellectual ability, but a high intellectual ability cannot compensate for low prior knowledge.” Ibid. 156.

\textsuperscript{25}\textit{Supra} n. 22, 160.
borne in mind, as Clegg so succinctly puts it, “[b]eing assessed is undoubtedly an emotional business”.26

This being the case, if one of the purposes of the assessment regime is to build student confidence it has to do just that. Therefore students have to recognise that in taking part in that regime and in buying into the values of the module their efforts and responses will be recognised and equitably supported and rewarded. Emotion assists learning, though precisely how is unclear, but experiments demonstrate that the emotion must occur at the right time to assist learning.27

At present much thought in educational terms is being given to the need to assist students to reflect on their own learning. In reality this is to acknowledge that the student is not just ingesting learning materials and acquiring the information that they contain. Rather the student is developing understanding through critically reflecting on the material learnt and this of itself is a transformative process. Mathison and Tosey write: “We became interested in transformative learning because it views learning as a process of change and development rather than knowledge acquisition”.28

Their article explores how prior knowledge can affect how we learn and in fact may become a barrier to learning. Often students will try to impress their teachers. In the article this barrier to learning is described as “having an extra special ‘am I good enough’ crisis where there is no criteria other than, you know she in the middle who must be obeyed . . .”. Removing this barrier is described by Mathison as a “conceptual shift. I realised how blinkered ‘wanting to do it right’ was perhaps as a reversion to a mentality inherited from school.”29

The article analyses this further:

On reflection, this surprised me, because I knew and had written about how the imposition of the concepts of right and wrong, success and failure, could distort people’s approach to learning. The changing awareness of “what’s happening?” could lead to myriads of new things I could notice. Learning became not “getting it right”, but opening my consciousness to feedback about what I was doing, and noticing its effects. Such active awareness of intentions became part of learning more mindfully.30

It is possible that there is some physical evidence that the emergence of skills acquisition causes recognisable changes in the brain. Mathison and

26Bryan, C. and Clegg, K., supra n. 21, 218.
28Mathison, J. and Tosey, P., “Riding into Transformative Learning” (2008) 15(2), Journal of Consciousness Studies 68. Interestingly the authors reach the conclusion that their learning in this case of a skill how to ride a horse was improved and increased by timely questions which provoked thought, and required Mathison, who was taking the lessons, to minutely consider issues such as their muscular posture in relation to the saddle on which they were sitting. This deep concentration on particular issues enabled the student rider to gain a fuller picture of the complexity of the task in hand.
29Ibid. 78.
30Ibid.
Tosey analyse the possibility that emergence is important to learning in the form of autopoiesis; the researchers describe the benefit as “emergence of greater self organisation as the complexity of the task increased”. Rose describes autopoiesis as the process through which human development occurs. “It is through autopoiesis that the to-be-born human constructs herself.” This process is one in which the human self is an “active player” in its own development. The complexity of this development is greatest in terms of explaining changes in brains and in the way that the circuitry of the brain is constructed but it is suggested that some of the plasticity of the brain and the different development of brains may be down to autopoiesis. This means brain structures may change as learning occurs.

This information may be viewed sceptically, but if this is true and learning emerges in this way from brain states there is a need to support students in the preparation and completion of complex tasks. The changes which take place will take time but once the process has taken place then the performance of the task will be quicker and more effective in the future. It may be that students need not only appropriate feedback, but also appropriate amounts of time built into courses for reflection. This may enable them to be more willing to receive and utilise feedback. In other words we need to give them the time to enable them to learn more mindfully.

Reading this literature and looking at the research evidence and commentary on traditional assessment it became clear that traditional assessment regimes could be counterproductive. There was considerable evidence that such methods would not motivate and engage sufficient students, or assist students in achieving a transformative learning experience. Falchikov writes of traditional assessment that it “contains inherent biases, it reinforces the power imbalance between teachers and learners, and is driven by the needs of the teacher rather than the needs of the learner”. As if this were not enough she argues that “it produces passive consumers” which she views as dangerous in the current financial climate and as possibly leading to a belief that “money pays for a degree rather than the opportunity to earn one”. This was something which I definitely wanted to avoid.

There is a growing and complex body of literature on peer assisted learning. Reading this suggested that group work had several roles to play in improving the module – not least in confidence building – providing a safe area where tasks could be discussed and an understanding of the topic studied could be developed. It seemed an area that deserved a place on the module to

31 Ibid. 83.
34 Ibid. both quotations.
35 For further challenging thoughts on traditional assessment see Bloxham, S. and Boyd, P., Developing Effective Assessment in Higher Education (Open University Press, 2007).
assist interpersonal skills development which of itself is extremely important to those who may become practicing lawyers.

Importantly it would also provide a safe arena for students to meet and talk about their criminal law module and the research which they were carrying out. If an innovation was to work in turning around students’ and colleagues’ attitudes to the module then there was something to learn from the aspirations of the Alverno project. That aspiration was “through cycles of self-assessment, reflective learning and envisioning and monitoring their own role performance, students gain a sense of self-confidence rooted in their capacities. The student develops an identity as a learner and a professional.”36 One thing that could be learnt from Alverno was that students seemed more successful when they had to have informal discussions with one another or their tutors about “more than strategies for meeting deadlines or externally motivated goals”.37 The advice from Alverno was to “jump start learning relationships” and to move towards a situation where “faculty members guided students to rely on each other’s expertise, as well as to challenge it”. The key to this was making sure that the teaching staff moved the student focus away from categorisation “of a peer as more or less smart”.38 This was quite a challenge for those used to teaching on a traditional law course.

Making space for the innovation

In order to achieve the time and space to allow students to develop the skills necessary for the final coursework and presentation it was necessary to move most of the content into the first semester. But as attendance in the first semester tended to be considerably better than attendance in the second this had strong advantages. The motivation of students was to be achieved by a mixture of measures but undoubtedly the main carrot was the attachment of 70% of the marks for the module to the research elements. However, only 10% of the mark was given specifically for the group work elements. The reason for this was that, because this was a first year module, clearly there were likely to be issues arising from group working39 that would possibly disadvantage some students if the mark were not kept to a small element of each of the two research assessments. Accordingly the portfolio and the presentation elements of the module each carried 5% of the mark as a group work mark. The

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37Ibid. 55.
38Ibid. all quotations.
remainder of the mark was given as an individual mark based on the student’s own work.40 Students were made aware of the purpose of the assessment and the second term was billed as a research term. Students were asked to form groups at the end of the first term and to submit their group choices formally to the module leader. Where students did not want or were unable to form a group they were allocated to a group. In the case of these allocations to groups student selections were made by the module leader strictly on the basis of seminar attendance.41 The students were divided into groups of five and each student chose one of five tasks.42 Throughout the second term students were encouraged to take responsibility for structuring their own group work and for booking a time for their own assessment under controlled conditions. The ability for groups to contact each other and the module leader easily was essential. Blackboard groups43 were set up for each group, with the facility for group emails, discussion boards and the sharing of documents. This was done prior to the start of the second semester and the groups were issued with the reform topic which would be the subject of their study. A series of emails were sent to groups throughout the second semester informing them that if they were having difficulties or problems they should contact the module leader who would assist them in resolving any difficulties. As might be expected a small number of groups failed to function effectively. The problems for these groups were resolved as expeditiously as possible so as to ensure that no group was unduly prejudiced.

The first seminar of the second term was expanded to two hours and took place in a library seminar room where the students were given a training session in research techniques. The course was slightly adapted by the librarians from the training given to students studying the Bar Vocational Course. First year students were told that they were being given a slightly pared-down version of the training given to those studying for the Bar. They were also reminded that this built upon the hands-on training that they received in the first week of their studies for their Legal Method module. At the beginning of the second term there were four lectures which gave detailed information about the contents of the portfolio and the content of the presentations. These lectures gave information and examples of how the group and individual tasks for the student presentations should be carried out.

40Allocated as to 25% in the case of the presentation and 35% in the case of the portfolio submissions.
41Where students had attended all seminars they were placed in the same group, and so on down to groups of students who had not attended any seminars at all.
42In basic outline these tasks addressed one of the three reform topics. To give some idea of their structure: Task 1 – Introduced the area and identified the issues of concern; Task 2 – Described the current legal position; Task 3 – Identified in detail the problems; Task 4 – Examined at least two reform proposals; and Task 5 – Concluded selecting the most satisfactory reform proposal and explaining why it was the most satisfactory proposal.
43Blackboard is the virtual learning environment used at the University of the West of England.
The final assessment was split into two parts – the first was the submission of a written group portfolio and the second part of the assessment was a presentation. The group’s portfolio contained a written piece analysing the group work element. This took the form of a written submission from the group as to how they felt that they performed as a group, where their performance could have improved and the lessons they had learnt for the future. Then each student submitted two written elements, one covering the content of their presentation and the other a written paper detailing, evaluating and analysing their research methods.44

The results for 2005–2006 and 2006–2007 were broadly similar with over 25% of students failing the module in June and over 50% achieving marks of less than 50%. Less than one in five students in either year achieved a mark of 60% and above and well under one in 20 achieved a mark of 70% or above. The average mark over the two years preceding the change was 44.0%. The results in 2007–2008 were transformed. The average mark shot up to 56.5%. The number of fails more than halved to just 13.1% (n = 36), with well under one in four gaining a mark of under 50% (21.5% (n = 59)) cf. an average of 55.5% in the previous two years. After the introduction of the new focus on research, group working and presentation skills over half (52.9% (n = 145)) the students achieved marks of 60% – a massive improvement on the average over the previous two years which had been just 17.3%. The difference was

![Figure 1. The results in chart form.](image)

44Students were informed that “basically this part of the portfolio should include a written report of your experience in researching the presentation): including inter alia –
(a) the methods adopted for carrying out the research,
(b) written and electronic sources utilised,
(c) an analysis and evaluation of the effectiveness of the techniques which were utilised, and a detailed analysis and evaluation of the sources selected for use in the presentation and a statement of why they were selected and how they were utilised to underpin the argument made.”
most dramatic among the top performers – prior to the changes marks of 70% and above had been very rare (2.3% averaged over the two preceding years). In 2007–2008 almost one in five students (19.3% (n = 53)) achieved a mark of 70% and above – a more than eightfold improvement on the average achieved over the previous two years. These much improved results were bettered in 2008–2009 with well over half (62.8% (n = 191)) of the students gaining marks of over 60% and almost a quarter (24.3% (n = 74)) gaining marks of over 70%.

Conclusions

The first year's work had been very intensive for the module leader being extremely hands-on in terms of availability to students, responding to emails and setting up appropriate systems. In the second year the responsibility for interacting with students had to be more widely shared. There were a number of questions which need to be answered after the first year – not least could it be repeated in 2008–2009? The answer, as may be seen from Figure 1, is most definitely yes.

Looking back on the last two years it is clear that it was a very different teaching experience. The students still seem far more motivated – they are actually surprisingly resilient when dealing with problems within their groups. From a learning and teaching perspective much more was time was given to individual students and student groups. Much more was learnt about the students and their problems because there was more time to devote to the students with the pressure of lecturing and running seminars lightened in the latter part of the second term.45

Without a doubt more of the non-traditional students engaged with staff in terms of seeking help both for criminal law matters and for more general study problems. This raises the interesting question of whether they saw talking about problems with their group work as different in some way and this made teaching staff more accessible. There was a real buzz about the conduct of the controlled element of the module,46 this was perhaps because the experience of the controlled element was shared by lecturers and students.

Colleagues who assisted with assessing the presentation have made some interesting comments. One who teaches on the professional Legal Practice Course remarked that the standard of presentation she had seen compared favourably with that achieved by students at the vocational stage of training.

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45To make the point to students that they were now to work in their groups and develop the ability to function as individual autonomous learners, lectures and seminars ceased six weeks into the second term. From this point on a member of the crime team was available to support the students at an advertised time every day of the working week; this was timed to avoid other first year course lecture commitments. Students were encouraged to keep in email contact with the module leader when necessary to resolve work-related problems as quickly and efficiently as possible.

46The controlled element – the presentation – took place in a formal setting. Students presented as groups to two assessors and were videoed for moderation purposes.
Another colleague, who mainly teaches postgraduate students, made similar comments with regard to the Masters course. One who teaches the same students but on another first year course commented that “the standard of work produced far exceeded that achieved by the same students on a much more traditionally taught and assessed first year module”.

Perhaps the final word should be given to a student who had plaintively drawn my attention to the difficulty of the task on many occasions. After the final element of assessment she sent me the following email:

Hi Lisa,

I just wanted to email you, as I have just done my presentation and thoroughly enjoyed it, so thank you for the opportunity to present it was daunting but enjoyable.

Which, coincidentally, entirely mirrors my own feelings about the module – it is daunting but enjoyable.