

Law

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Preface

Subject benchmark statements provide a means for the academic community to describe the nature and characteristics of programmes in a specific subject or subject area. They also represent general expectations about standards for the award of qualifications at a given level in terms of the attributes and capabilities that those possessing such qualifications should have demonstrated.

This subject benchmark statement, together with others published concurrently, refers to the **bachelor's degree with honours**¹. In addition, some statements provide guidance on integrated master's awards.

Subject benchmark statements are used for a variety of purposes. Primarily, they are an important external source of reference for higher education institutions (HEIs) when new programmes are being designed and developed in a subject area. They provide general guidance for articulating the learning outcomes associated with the programme but are not a specification of a detailed curriculum in the subject.

Subject benchmark statements also provide support to HEIs in pursuit of internal quality assurance. They enable the learning outcomes specified for a particular programme to be reviewed and evaluated against agreed general expectations about standards. Subject benchmark statements allow for flexibility and innovation in programme design and can stimulate academic discussion and debate upon the content of new and existing programmes within an agreed overall framework. Their use in supporting programme design, delivery and review within HEIs is supportive of moves towards an emphasis on institutional responsibility for standards and quality.

Subject benchmark statements may also be of interest to prospective students and employers, seeking information about the nature and standards of awards in a given subject or subject area.

The relationship between the standards set out in this document and those produced by professional, statutory or regulatory bodies for individual disciplines will be a matter for individual HEIs to consider in detail.

This subject benchmark statement represents a revised version of the original statement published in 2000. The review process was overseen by the Quality Assurance Agency for Higher Education (QAA) as part of a periodic review of all subject benchmark statements published in this year. The review and subsequent revision of the subject benchmark statement was undertaken by a group of subject specialists drawn from, and acting on behalf of, the subject community. The revised subject benchmark statement was subject to a full consultation with the wider academic community and stakeholder groups.

QAA publishes and distributes this subject benchmark statement and other subject benchmark statements developed by similar subject-specific groups.

¹ This is equivalent to the honours degree in the *Scottish Credit and Qualifications Framework* (level 10) and in the *Credit and Qualifications Framework for Wales* (level 6).

The Disability Equality Duty (DED) came into force on 4 December 2006². The DED requires public authorities, including HEIs, to act proactively on disability equality issues. The Duty complements the individual rights focus of the *Disability Discrimination Act* and is aimed at improving public services and outcomes for disabled people as a whole. Responsibility for making sure that such duty is met lies with HEIs.

The Equality and Human Rights Commission³ has published guidance⁴ to help HEIs prepare for the implementation of the Duty and provided illustrative examples on how to take the Duty forward. HEIs are encouraged to read this guidance when considering their approach to engaging with components of the Academic Infrastructure⁵, of which subject benchmark statements are a part.

Additional information that may assist HEIs when engaging with subject benchmark statements can be found in the *Code of Practice (revised) for providers of post-16 education and related services*⁶, and also through the Equality Challenge Unit⁷ which is established to promote equality and diversity in higher education.

² In England, Scotland and Wales.

³ On 1 October 2007, the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission merged into the new Equality and Human Rights Commission.

⁴ Copies of the guidance *Further and higher education institutions and the Disability Equality Duty, Guidance for Principals, Vice-Chancellors, governing boards and senior managers working in further education colleges and HEIs in England, Scotland and Wales*, may be obtained from www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/disabilityequalityd/pages/disabilitye.aspx

⁵ An explanation of the Academic Infrastructure, and the roles of subject benchmark statements within it, is available at www.qaa.ac.uk/academicinfrastructure

⁶ Copies of the *Code of Practice (revised) for providers of post-16 education and related services*, published by the Disability Rights Commission, may be obtained from www.equalityhumanrights.com/en/publicationsandresources/Disability/Pages/Education.aspx

⁷ Equality Challenge Unit, www.ecu.ac.uk

Introduction

This subject benchmark statement is divided into two sections. The first section is a short overview of the standards expected of graduates in law and is intended for employers and the general public.

The second section is the more traditional subject benchmark statement intended for use by HEIs that offer degrees in law. It sets out the typical and threshold standards expected of graduates in law.

Throughout this subject benchmark statement, the terms 'law school' and HEI are used interchangeably. Both refer to any institution or organisation with degree awarding powers which provides a programme of study that includes substantial law content. It makes no assumptions about the organisation within that institution through which the programme is delivered.

Section 1: Text for employers and the general public

1 Introduction

1.1 This subject benchmark statement sets out what an employer, student or funder can reasonably expect to be the minimum achievement of a graduate with an honours bachelor's degree in law or legal studies.

1.2 The subject benchmark statement covers all higher education in law and legal studies. It is not limited to qualifying law degrees.

2 Purpose

2.1 This subject benchmark statement sets out the minimum achievement which a student should demonstrate before they are awarded an honours degree in law. The vast majority of students will perform significantly better in many aspects. To gain a more accurate picture of the profile of students from a particular HEI, you are advised to consult the statements of standards produced by the institution, for example, in its published programme specification.

3 To which degrees does this subject benchmark statement apply?

3.1 This subject benchmark statement applies only to those students who have studied at least 180 credits⁸ of legal subjects as part of their programme of study. In relation to other students, you should refer to the subject benchmark statement which the institution states is the most appropriate to their programme of study.

4 Levels of achievement

4.1 The standards set out in the next section are a minimum level of performance required to pass an honours degree in any HEI. A student at the very bottom of the honours class will have satisfactorily demonstrated achievement in each area of performance on a sufficient number of occasions or over a sufficient range of activities to give confidence that they have the ability or skill which is claimed for graduates in law. Each HEI will have its own method of determining what is appropriate evidence of this achievement; the external examiner system may monitor adherence to these minimum standards.

5 Areas of performance

5.1 Any student graduating with honours in law must show achievement in all of the following areas of performance, thereby demonstrating substantially all of the abilities and competences identified in each area.

⁸ Credits: A programme of study is divided into 120 credits per level. For a full-time student, these 120 credits will be studied in a single year. On a traditional three-year, full-time degree programme, a student would study a total of 360 credits worth of courses. On a four-year scheme, the total would be 480 credits.

6 Subject-specific abilities

Knowledge

6.1 A student should demonstrate a basic knowledge and understanding of the principal features of the legal system(s) studied. They should be able to:

- demonstrate knowledge of a substantial range of major concepts, values, principles and rules of that system
- explain the main legal institutions and procedures of that system
- demonstrate the study in depth and in context of some substantive areas of the legal system⁹.

Application and problem solving

6.2 A student should demonstrate a basic ability to apply their knowledge to a situation of limited complexity in order to provide arguable conclusions for concrete problems (actual or hypothetical).

Sources and research

6.3 A student should demonstrate a basic ability to:

- identify accurately the issue(s) which require researching
- identify and retrieve up-to-date legal information, using paper and electronic sources
- use primary and secondary legal sources relevant to the topic under study.

7 General transferable intellectual skills

Analysis, synthesis, critical judgement and evaluation

7.1 A student should demonstrate a basic ability to:

- recognise and rank items and issues in terms of relevance and importance
- bring together information and materials from a variety of different sources
- produce a synthesis of relevant doctrinal and policy issues in relation to a topic
- make a critical judgement of the merits of particular arguments
- present and make a reasoned choice between alternative solutions.

Autonomy and ability to learn

7.2 A student should demonstrate a basic ability, with limited guidance, to:

- act independently in planning and undertaking tasks in areas of law which they have already studied
- be able to undertake independent research in areas of law which they have not previously studied starting from standard legal information sources
- reflect on their own learning, and to seek and make use of feedback.

⁹ The breadth and depth of coverage will vary according to the amount of law studied by the student in his or her programme.

8 Key skills

Communication and literacy

8.1 Both orally and in writing, a student should demonstrate a basic ability to:

- understand and use the English language (or, where appropriate, Welsh language) proficiently in relation to legal matters
- present knowledge or an argument in a way which is comprehensible to others and which is directed at their concerns
- read and discuss legal materials which are written in technical and complex language.

Numeracy, information technology and teamwork

8.2 A student should demonstrate a basic ability:

- where relevant and as the basis for an argument, to use, present and evaluate information provided in numerical or statistical form
- to produce a word-processed essay or other text and to present such work in an appropriate form
- to use the internet and email
- to use some electronic information retrieval systems
- to work in groups as a participant who contributes effectively to the group's task.

Section 2: Text for law schools

1 Introduction

1.1 The purpose of this subject benchmark statement is to:

- guide law schools in reporting clearly and accurately to the wider public (students, parents, teachers, funders and employers) the nature of their provision in a standard way
- provide a basis for institutions to devise their own learning outcomes compatible with the benchmark standards
- set as a minimum certain achievements which a student must demonstrate to be awarded an undergraduate honours degree in law.

1.2 The Benchmarking group for law has decided to set out the national standard for Law through articulation of a threshold statement which equates to the bottom of the honours class for a bachelor's degree. This defines the minimally acceptable standard of achievement of an honours graduate.

1.3 This subject benchmark statement covers all higher education in law and legal studies. It is not limited to qualifying law degrees. The subject benchmark statement is limited to students who take at least 180 credits of legal subjects in their programme. No HEI would be required to demonstrate that other students taking fewer credits in law have met the standards set out here. There may be subject benchmark statements in other subject areas that HEIs teaching a programme with less than 180 credits in legal subjects may choose to refer to.

1.4 Law schools have programme specifications for their programmes of study. These are standard ways of presenting information on what a graduate should be expected to know and be able to do on completion of the programme. The programme specification provides an opportunity for a law school to set out its own statement of standards. The programme specification is also where a law school may state the minimum proportion of legal subjects included in the programme and whether the programme qualifies the student for any specific route towards a career.

The nature of a threshold statement

1.5 Few law schools will probably be content simply to describe the achievements of their students at threshold level. Most will prefer to describe the achievement of a typical student, rather than the minimally acceptable graduate. An example of a typical or modal statement of standards can be found in Appendix A¹⁰. Nothing in this subject benchmark statement precludes a law school from setting out its own statement of standards at this level, provided that this is at least as high as the national threshold statement.

1.6 The benchmark standards within this subject benchmark statement are set out as learning outcomes which must be satisfied by the time a degree is awarded. The standards do not specify the mode of study nor the learning methods by which a student is able to achieve these outcomes. No distinction is made between full-time and part-time study. Some of the outcomes could be achieved by prior learning which is accredited as part of a degree programme (here the awarding HEI warrants that the

¹⁰ See further the *Report on graduate standards in law* (available at www.ukcle.ac.uk/resources/quality/graduate/).

student has achieved the requisite outcome). But, in all cases, these standards are concerned with ensuring that those to whom an honours degree in law is awarded have achieved all the stated requirements by the time the award is made. Prior learning and (in respect of some key skills) study of non-law subjects may be the route adopted by some students, while for others all the learning may be the result of study in the law school. Whatever the route to these outcomes, the degree-awarding HEI must be satisfied that the student has achieved the requisite outcomes. Where achievement is demonstrated through prior learning, an institution is expected to warrant that the achievement is still sufficiently current to feature in a statement of what a student is able to do by the time the degree award is given.

Learning outcomes

1.7 Law schools are familiar with articulating learning outcomes and marking criteria derived from them which are communicated to students. Learning outcomes help to make clear to students what is expected from them and to assist them in measuring their own progress. Some illustrations of how the outcomes might be demonstrated and assessed are included within this text and in appendix B.

2 Levels of performance

2.1 The threshold standard set here at the bottom of the honours class would be treated by many HEIs as disappointing performance, given the entry qualifications of their students, and it is not the outcome expected of them. But, since the students are graduating with an honours degree, which is itself a significant level of educational achievement, this subject benchmark statement tries to set out positively what minimally acceptable graduates are able to do. Relative to other graduates, they may be deficient; but they have demonstrated an important level of attainment which justifies the social standing of a graduate and the public and private investment in higher education. Appendix B illustrates different levels of achievement in the various areas of performance. Appendix C reproduces criteria published in one of the papers for the Higher Education Quality Council (now merged into QAA) Report on graduate standards in law which shows the sorts of criteria which are used by HEIs to award particular classes of degree. These two appendices may help HEIs to relate the benchmark standard to their normal criteria used in assessment.

2.2 The concept of 'satisfactorily' demonstrating achievement is critical and can only partly be captured in words. It depends on the professional judgement of examiners, informed especially by external examiners. They have to review the evidence presented by the student through the structure of the programme followed, the assessment on modules, progress files, student records and other processes and decide whether this is sufficient to meet the claims which this statement of standards makes for the minimum achievement of graduates.

2.3 Each HEI will have to develop its own assessment criteria, appropriate to the activities through which students are expected to demonstrate their achievement in each one or combination of areas. These criteria, agreed with externals, will provide an objective basis on which an institution can claim that its students have reached the requisite standard.

3 Areas of performance

3.1 The standards set out as areas of performance are a minimum level of achievement required to pass an honours degree in any institution. In devising the statements of what their own graduates can do at the end of their own programmes of study, HEIs are expected to include all the features listed below. However, HEIs will also wish to describe the outcomes expected of their students in terms appropriate to their mission.

3.2 This subject benchmark statement does not set out any requirements about the study methods which students will have to adopt in order to achieve these outcomes, nor does it make requirements about the way in which programmes are structured. The activities which students undertake as part of their learning in the law school must, however, be designed in such a way as to provide evidence that the student has attained the requisite standard in all required areas of performance.

Does everything have to be assessed?

3.3 It is for HEIs to decide on the appropriate form of evidence they require to be satisfied that a student has an appropriate level of achievement in a required area of performance. For the statement to be satisfied, it is sufficient that a student has passed the requisite standard in that area. There is no prescription about the form of evidence provided by a student nor of the form of record kept by the institution. In one HEI, a student might show knowledge and general intellectual skills through passing sufficient law subjects, but might show key skills through activities recorded in tutorial reports, a student file, or a record of achievement or progress file. Other HEIs may prefer to integrate assessment of key skills into performance on particular modules. Some outcomes, eg teamworking, may even be demonstrated by extra-curricular activities of which the student has provided sufficient evidence to the law school. The subject benchmark statement expresses no preference as to the form of evidence. In relation to some areas of performance, the structure of the learning activity itself may provide evidence that a student has achieved a requisite level. For example, a dissertation or project module might well be so designed as to require every student to demonstrate the necessary research skills and autonomy in order to pass it. But at all events an HEI must have in place mechanisms which provide it with reliable evidence that students have reached the minimum standard in each area of performance. External examiners will expect to be informed of these mechanisms and to make judgements about their sufficiency.

3.4 As a preliminary exercise in reviewing how their existing programmes relate to these benchmark standards, HEIs may find it useful to map their provision onto the areas of performance. In this way, they would be clearer as to how students are currently required to demonstrate achievement in the relevant areas and whether they do indeed have evidence in relation to all areas.

How much must be achieved?

3.5 The subject benchmark statement makes it clear that a student should demonstrate achievement in all of the seven areas of performance. Within each area of performance there are often a number of specific items. Not all of these items must be demonstrated, but a student must have a sufficient level of achievement in that area taken as a whole and sufficient reliability of performance that a law school can confidently state that they have substantially demonstrated the outcomes of that area of performance. Ultimately the question of sufficiency is a matter of judgement exercised by internal and external examiners.

4 The subject benchmark statement

Knowledge

4.1 **Legal system studied:** This subject benchmark statement applies to the study of any legal system for which an English, Welsh or Northern Irish HEI awards its degrees, even if it is not in the law of that jurisdiction. The panel has not taken a view on the legitimacy of law degrees awarded by an HEI which are not in the law of a United Kingdom jurisdiction. Since validation is recognised as a legitimate activity for HEIs, then institutions may wish to validate law degrees in other jurisdictions. Should this be the case, this subject benchmark statement applies with equal force as in respect of degrees in English and Northern Irish laws.

4.2 Questions have been raised as to whether an ability to compare the law in one jurisdiction with others should be a requirement. We believe this is desirable, but not a minimum requirement for graduation with an honours degree in every HEI.

4.3 The law of the European Union and of the European Convention on Human Rights and Fundamental Freedoms are relevant to most European legal systems as part of their domestic law and are not specified as separate requirements here.

4.4 **Principal features:** The subject benchmark statement requires an overview of the main features and ideas involved in a legal system, rather than requiring detailed knowledge of every major branch of law. Within such a broad framework of knowledge, students can be selective as to the areas in which they engage in detailed study.

4.5 **Study in depth:** Unlike professional requirements, the subject benchmark statement does not require students to demonstrate depth of study in particular branches of law. This is for the student to choose within the framework established by a particular HEI.

4.6 **Study in context:** Within different kinds of degree programme, there will be different emphases on the context of law. Each HEI would specify the kinds of context to which they would expect their students to relate their knowledge of substantive law. A student should be able to demonstrate an understanding, as appropriate, of the relevant social, economic, political, historical, philosophical, ethical, cultural and environmental contexts in which law operates, and to draw relevant comparisons with some other legal systems.

Application and problem-solving

4.7 An ability to apply knowledge and to solve problems need not be demonstrated in relation to each subject studied. It is sufficient that a student can demonstrate with sufficient frequency an ability to apply knowledge. A student might demonstrate application through moots, law clinics, tutorial work, as well as through conventional problem questions in unseen examinations.

4.8 One of the key features of the academic stage of legal education is to develop an ability to handle facts and apply abstract concepts to them. This is certainly one of the aspects which law schools would wish to test in the area of application.

Sources and research

4.9 There are a variety of ways in which this can be demonstrated. A dissertation may well be used in some law schools whereas others will set a number of assignments or projects over the course of the degree which enable a student to demonstrate ability to use primary sources and to undertake legal research. The structure of taught modules may require students to undertake independent research for seminars, even though the final assessment is by terminal written examination. The essential point is the evidence of research activity. In particular areas, it may well be appropriate to require students to engage in research which involves non-legal sources and materials, as well as legal sources.

Analysis, synthesis, critical judgment and evaluation

4.10 These general intellectual skills are likely to be demonstrated pervasively through a programme of study, particularly in the final years. The essential point is that students should be required to undertake exercises (assignments, coursework, or examinations) which enable them to demonstrate that they have such abilities.

4.11 The skill of analysis requires, among other things, that students be able to discriminate between the legally relevant and the irrelevant. Synthesis can be demonstrated through a variety of tasks, whether it be bringing together material studied in lectures, seminars and wider reading, or in bringing together material from different assigned reading or research.

4.12 Critical analysis is recognised as a key attribute of graduates. It involves the ability to identify flaws in an argument. This can be demonstrated in relation to a variety of tasks, eg commentary on a new case or article. In evaluation, ability to offer reasons for a point of view is essential, though the depth and fullness of the justification will not be very great. The panel considers it sufficient that the student can choose between the views of authors by adopting one of the perspectives with limited further justification, rather than requiring a developed personal point of view.

Autonomy and ability to learn

4.13 This is perhaps the key feature of gradueness. The ability to learn and make use of learning in an independent fashion is what is generally taken to distinguish the final-year student from the first-year student. The learning activities required by a law school should be such that students should be required to demonstrate what they can do independently, rather than just demonstrating that they have learnt what they have been told. This can be demonstrated by the structure of a particular module. For example, all students may be required to study a module without lectures and which requires them to prepare material for seminars, not all of which is directed by the teacher. This could provide a basis of evidence on whether individual students are able to learn on their own with limited guidance.

4.14 **Limited guidance:** Obviously, an independent learner will need some support and some broad structure within which to operate. The extent of guidance required will depend on a student's stage of development in the field and the complexity of the material. The independent graduate should be able to take the initiative to seek support and feedback.

4.15 Ability to reflect critically: A student should be able not only to learn something, but to reflect critically on the extent of their learning. At a minimum, a student should have some sense of whether they know something well enough or whether they need to learn more in order to understand a particular aspect of the law.

Key skills¹¹

Communication and literacy

4.16 Law students are expected to be good at both written and oral communication. Whereas written communication is assessed heavily by formal examinations, oral communication is demonstrated by a variety of compulsory and voluntary activities, eg tutorial performance or mooting.

4.17 Law students are expected to be able to read complex primary materials and to find the key statements from them. As such the subject benchmark statement here adds little to the requirement under sources and research, but merely makes clear the broader applicability of the skills used in that activity.

Numeracy

4.18 Typically, law students demonstrate their ability to make use of numerical and statistical information in a variety of ways. Many legal subjects presuppose an ability to understand and make use of numerical and statistical information in sophisticated ways. In company law, succession or trusts, the student needs to be able to understand proportions in order to comment on the allocation of shares in companies, estates or trust arrangements, issues on the measure of damages also require understanding of numerical information. In subjects such as English legal system or criminology, statistics might be used to demonstrate the effectiveness of civil justice or forms of crime prevention. The concern here is not the ability to undertake complex calculations, but to be able to use and evaluate the information provided as the basis of an argument.

Information technology

4.19 Given the background of many students, many aspects of performance may well have been achieved before they arrive at their HEI. The requirement is fairly limited. In terms of word-processing, the essential skills required are to be able to produce a word-processed essay or other text and to present such work in an appropriate form. Standard information retrieval systems would include electronic library catalogues and law databases.

Working in teams or groups

4.20 A variety of activities can be used to demonstrate that students can work together in teams. Group projects are a typical way in which individual students provide evidence of their teamworking skills, but team negotiations or student-led tutorials would be other alternatives. Teamwork can be demonstrated not only by activities in class, but also on work placements or student-led court visits, as well as in some extra-curricular activities.

¹¹ Further articulation of what might be involved in setting standards and assessing key skills can be found in the report of the Law Discipline Network on *General transferable skills in the law curriculum* (available at www.ukcle.ac.uk/resources/ldn/).

Appendix A: Typical statement

Illustration of a possible typical statement (adapted from the *Report on graduate standards in law*).

Subject knowledge

Specialist (single subject)

- Students should have knowledge of the principal features of the legal system studied, including general familiarity with its institutions and procedures.
- Students should know the principles and values in a wide range of topics extending beyond the core.
- Students should have some in-depth knowledge of specialist areas.
- Students should be able to demonstrate insider's understanding of how law fits together and operates.

Several disciplines (mixed degree)

- Students should have knowledge of the principal features of the legal system studied, including general familiarity with its institutions and procedures.
- Students should know the principles in a range of core areas.
- Very little in-depth study is expected.
- Students should be able to demonstrate insider's understanding of how law fits together and operates, but also able to discuss alternative perspectives.

Law as subsidiary

- Students should have accurate knowledge of the rules and legal system in the specific areas which are relevant to their study.
- Students should be able to state rules with accuracy.
- In-depth study will probably not be in legal areas.
- Students should understand the law essentially as data and be able to discuss legal solutions from an external perspective as relates to their field of study.

Vocational

- Students should have a comprehensive knowledge of rules and principles in areas relating to professional practice.
- Students should have accurate knowledge of large range of substantive and procedural topics in terms of their rules and operational technicalities.
- Students should have broad detailed knowledge of practice and procedure in a wide range of subject areas.
- Law is studied as a range of technical rules and procedures which a student is expected to master.

**Subject application/
problem-solving**

Specialist (single subject)

- Students should be able to apply knowledge to situations which engage with doctrinal disputes.
- Students should be able to conceive problems as opportunities to demonstrate familiarity with doctrinal and conceptual difficulties and to provide their own solution to unresolved debates.
- Students should be able to demonstrate this application over a wide number of legal areas.

Several disciplines (mixed degree)

- Students should be able to apply knowledge to fairly standard situations which relate to doctrinal disputes.
- Students should be able to conceive problems as opportunities to demonstrate basic familiarity with doctrinal and conceptual difficulties and to provide their own solution to unresolved debates.

Law as subsidiary

- Students should be able to identify legal solution in straightforward situations.
- Problems should offer opportunities to classify situations in terms of rules learnt and to apply unproblematic solutions to them.

Vocational

- Students should be able to bring together knowledge of law and procedure in complex technical situations.
- Problems offer opportunities to identify relevant legal and procedural issues from a large body of facts which are poorly differentiated. (This may take the form of a live legal clinic situation.)

**Subject sources
and research**

Specialist (single subject)

- Students should be able to identify and use primary legal sources and journals relevant to topic under study.
- Students should be able to identify contemporary debates and engage with these while accurately reporting the law in an area.

Several disciplines (mixed degree)

- Students should be able to use primary legal sources as directed and to supplement these.
- Independent research expected only to encompass a limited range of areas of law.

**Analysis, evaluation,
critical judgement
and synthesis**

Law as subsidiary

- Students should be able to work from secondary sources (textbooks) and to use these efficiently to identify appropriate rules of law.

Vocational

- Students should be able to find technical solutions to complex problems with independence and accuracy from a wide range of professional texts and information retrieval systems.
- Research working is within a clearly defined framework.

Specialist (single subject)

Students should be able to:

- identify issues in terms of policy and doctrinal importance
- produce clear doctrinal synthesis and summary of policy issues
- evaluate law both independently in terms of doctrinal coherence and in relation to other policy perspectives which have been taught specifically
- create new or imaginative solutions through approaching a problem or using material in different ways.

Several disciplines (mixed degree)

Students should be able to:

- identify issues in terms of policy and doctrinal importance
- produce doctrinal synthesis and summary of basic policy issues
- evaluate law in terms of doctrinal coherence within the framework of core subjects and in terms of policy perspectives from their other disciplines
- create new or imaginative solutions through approaching a problem or using material in different ways.

Law as subsidiary

Students should be able to:

- identify central features of the area of law studied; able to produce a coherent summary of material drawn from a variety of secondary sources
- offer reasoned criticism from own disciplinary background
- use this background to offer new or imaginative solutions or approaches to problems.

Vocational

Students should be able to:

- identify issues in technical terms and to integrate new material
- evaluate in terms of doctrinal and practical coherence; able to present alternatives from a client's perspective
- create new or imaginative solutions through approaching a problem or using material in different ways.

Autonomy

Specialist (single subject)

- Students can act independently in planning and managing tasks with limited guidance in areas which they have studied.
- Students are able to identify their own resources.
- Students can reflect on their own learning.
- Students can seek and make use of feedback.

Several disciplines (mixed degree)

- Students can act independently in planning and managing tasks with limited guidance in areas which they have studied.
- Students are able to identify own resources.
- Students can reflect on their own learning.
- Students can seek and make use of feedback.

Law as subsidiary

- Students work within a strongly directed framework; self-motivated.
- Students can reflect on their own learning; can seek and make use of feedback and guidance.

Vocational

- Students can act independently in planning and managing complex tasks with limited guidance within a defined framework.
- Students are able to identify their own resources.
- Students can reflect on their own learning.
- Students can seek and make use of feedback.

Communication and literacy

Specialist (single subject)

- Students can engage in academic debate in a professional manner.
- Students are able to use a range of formats, mainly written, to present specialist material.

- Students are able to write fluent and complex prose, using legal terminology correctly.
- Students are able to read a range of complex works within and about law and to summarise their arguments accurately.

Several disciplines (mixed degree)

- Students can engage in academic debate in a professional manner.
- Students are able to use a range of formats, mainly written, to present specialist material.
- Students are able to write fluent and complex prose, using legal terminology correctly.
- Students are able to read a range of complex works within and about law and to summarise their arguments accurately.

Law as subsidiary

- Students conform to general academic standards in professional manner.
- Students are able to present knowledge clearly and accurately.
- Students are able to write fluent and complex prose, using basic legal terminology with reasonable accuracy.
- Students are able to read basic legal texts and to summarise accurately.

Vocational

- Students are able to present knowledge with range of professional presentation skills (oral and written) demonstrated.
- Students are able to write fluent and technically sophisticated prose, using legal terminology accurately.
- Students are able to read a range of complex works within and about law and to summarise their arguments accurately.

Other key skills

Specialist (single subject)

- Students have proficient use of word-processing, standard library and information retrieval systems, and internet resources.
- Students are able to specify technological tools needed for personal support.
- Students can identify and collate relevant statistical or numerical information and use in a report.
- Students are able to work in groups as a participant who contributes effectively to the group's task (low priority area).

Several disciplines (mixed degree)

- Students are able to specify technological tools needed for personal support.
- Students can identify and collate relevant statistical or numerical information and use in a report.
- Students are able to work in groups as a participant who contributes effectively to the group's task (low priority area).
- Proficient use of word-processing; standard library and information retrieval systems, and internet resources, and computer-aided learning packages. Able to specify technological tools needed for personal support.

Law as subsidiary

- Students can identify and collate relevant statistical or numerical information and use in a report.
- Students are able to work in groups as participants who contribute effectively to the group's task (low priority area).
- Students have proficient use of word-processing, standard library and specialist information retrieval systems, and internet resources, and have familiarity with spreadsheets. They are able to specify technological tools needed for personal support in a professional environment.

Vocational

- Students can identify and collate relevant statistical or numerical information and use in a report.
- Students are able to take initiative in team as a member or leader.
- Students are able to set deadlines and identify resources others will needs.
- Students are able to perform team role recognising the roles and responsibilities of others.

Appendix B: Learning outcomes

Knowledge

Very proficient

Students should be able to:

- demonstrate knowledge and understanding of a wide range of legal concepts, values, principles and rules of English law and able to explain the reasons for the relationships between them in a number of complex areas
- give reasons for the major legal institutions and procedures of English law
- demonstrate a comprehensive and accurate knowledge and understanding of the detail of the law and the theoretical issues involved in areas studied and their relationship to the relevant economic, social, commercial or political context.

Proficient

Students should be able to:

- demonstrate knowledge and understanding of a wide range of legal concepts, values, principles and rules of English law and able to explain the relationships between them in a number of particular areas
- explain accurately the major legal institutions and procedures of English law
- demonstrate a sound and generally accurate knowledge and understanding of the law and its context in relation to most areas of law which have been studied.

Pass

- Students should have passed modules which, taken together, require identification and explanation of principal major concepts, values, principles and rules of English law.
- Students can explain the basic structure of courts, legal professions and main features of criminal, civil and administrative law procedures.
- Students should be able to demonstrate some general knowledge and understanding of some areas of English law which includes most of the major principles, supported by some important case-law and statutes and with appropriate, though brief, references to their economic, social, commercial or political context.

Application

Very proficient

- Students should be able to apply knowledge to difficult situations of significant legal complexity, to analyse facts and to produce well-supported conclusions in relation to them.

Proficient

- Students should be able to apply knowledge to complex situations, recognise potential alternative conclusions for particular situations and provide supporting reasons for them.

Pass

- Students should be able to apply existing knowledge to situations of limited complexity and produce arguable conclusions, treating the situation as an exemplification of established rules and lacking awareness of more sophisticated issues.

Sources and research

Very proficient

- Students should be able to recognise sophisticated legal and related non-legal issues and to formulate a clear and coherent research plan.
- Students should be effective in using a range of research sources to produce up-to-date information.
- Students should be able to produce a clear and accurate presentation of the law on a topic directly from primary sources and to use techniques of legal interpretation to complex issues arising from them.

Proficient

- Students should be able to select key relevant issues for research and to formulate them with clarity.
- Students should be effective in the use of standard paper and electronic resources to produce up-to-date information.
- With the assistance of secondary sources, students should be able to integrate material from primary sources using standard techniques of legal interpretation to provide a substantially accurate picture of the state of the law.

Pass

- Students should be able to identify principal issues for research on the basis of similarity to previously encountered situations or those well-established in case-law or doctrine.
- With substantial reliance on secondary sources, students should be able to read cases and statutes and identify the principal rules which they lay down and to apply basic techniques of legal interpretation to them.

**Analysis, synthesis,
critical judgement
and evaluation**

Very proficient

Students should be able to:

- produce and justify own ranking of relevance and importance of issues
- demonstrate insight in presenting materials drawn from a wide variety of primary and secondary sources and doctrinal commentary
- produce a synthesis of doctrinal and policy issues in relation to a topic which offers a personal perspective on a topic
- offer a personal and informed criticism in relation to arguments arising in wider reading, including comments on reliability, validity and significance; able to come to conclusions based on contradictory or incomplete information.

Proficient

Students should be able to:

- rank relevance and importance within unfamiliar arguments in the light of the established law
- bring together and present in a coherent way materials from various primary and secondary sources in an integrated way
- offer an accurate summary of the current state of doctrinal and policy debate in an area
- make a personal and reasoned judgement based on an informed understanding of standard arguments in the area of law in question.

Pass

Students should be able to:

- rank relevance and importance of standard arguments based on well established orthodoxies in the area of law
- bring together mainly relevant materials from cases and statutes but not in a well focused way
- produce a brief statement of the principal doctrinal and policy issues in relation to a topic drawn exclusively from secondary sources
- see flaws in an argument in a well-established area of law
- make a choice between positions based on the adoption of the arguments of one of the protagonists with limited supporting reasons.

Autonomy

Very proficient

- In areas of law which they have already studied, students should be able to take initiative in the design of their own project and find their own sources (both legal and non-legal).
- In areas of law which they have not previously studied, students should be able to use a wide range of information (both legal and non-legal) sources and able to identify complex issues in a topic.
- Students should be able to make independent assessment of their own progress, present work in timely fashion for feedback and assistance, and establish a programme of action based on feedback given.

Proficient

- In areas of law which they have already studied, students should be able to negotiate the definition of their own project and to identify independently a wide range of legal materials and standard non-legal sources.
- In areas of law which they have not previously studied, students should be able to use a full range of legal sources to identify the principal controversial issues in a topic.
- Students should be able to make a reasonably accurate assessment of their own progress, identify and formulate issues on which assistance is needed, and act on feedback given.

Pass

- Students should have a basic ability, with limited guidance, to produce their own information (cases, statutes and bibliography) from a standard within the framework of an agreed task in areas of law which they have already studied.
- In areas of law which they have not previously studied, students should be able to use basic sources (eg textbooks, Halsbury's Laws and current law) to identify the principal legal rules on a topic.
- Students should have a basic ability to make some assessment of their own progress, ask for help when needed and follow guidance given by way of feedback.

Communication and literacy

Very proficient

Students should be able to:

- use the English language and legal terminology at all times with scrupulous care and accuracy
- present arguments to a variety of audiences and moderating presentation to suit the needs of each
- read with care and discuss a range of complex works about law and other subjects.

Proficient

- Students should be able to write and use orally fluent and complex prose, using legal terminology correctly.
- Students can relate material appropriately to the concerns of the intended audience.
- Students should be able to read a range of complex works within and about law and to summarise their arguments accurately.

Pass

Students should be able to:

- understand presentations in English using legal terminology, to write and speak in generally comprehensible English using legal terminology with satisfactory accuracy
- present largely expository material such that the major points are focused relevantly on the question asked
- read and discuss the contents of standard legal textbooks, cases and statutes showing a basic understanding of their content.

Other basic skills

Proficient

Students should be able to:

- make relevant use in an argument of numerical and statistical information derived from primary sources
- conduct efficient searches of websites to locate relevant information; able to exchange documents by email and manage information exchanged by email
- use a wide range of formatting and other techniques within a standard software package; able to make limited use of spreadsheets
- conduct searches efficiently using a number of electronic retrieval systems
- work in groups as a participant who contributes effectively to the group's task.

Pass

Students should be able to:

- make some relevant use in an argument of numerical and statistical information derived from secondary sources
- locate websites from given web addresses and retrieve information from them; send and receive basic email messages
- produce the text of an essay with footnotes and basic formatting using a standard software package
- perform basic searches on standard electronic retrieval systems in the institution
- perform adequately assigned tasks within a group setting and to take part in group discussion.

Appendix C: Levels of graduate achievement

(From *Assessment in Higher Education and the Role of Graduatness*, the Higher Education Quality Council, 1997)

Appendix C presents an example of contemporary guidance on, and of the characteristics seen as defining, levels of graduate achievement. It comes from one of the HEIs whose law faculties formed part of the sample and has been adopted by many law schools as the basis for their assessment of programmes. It could have come from any of them; indeed with a few changes of reference, it corresponds closely to the guidance of 'class' characteristics distributed by central administrations in all the universities visited.

Example 1

First class

A first class answer has a thoughtful structure, a clear message displaying personal reflection informed by wider reading of articles and/or other commentaries and a good grasp of detail (as evidenced by the choice of relevant examples which are well integrated into the answer's structure). Complete with no errors or omissions.

First class answers are ones that are exceptionally good for an undergraduate and which excel in at least one and probably several of the following criteria:

- comprehensiveness and accuracy
- clarity of argument and expression
- integration of a range of materials
- evidence of wider reading
- insight into the theoretical issues.

Excellence in one or more of these areas should be in addition to the qualities expected of an upper second class answer. Although there is no expectation of originality of exposition or treatment, a first class answer is generally expected to spot points rarely seen. A high first is expected to display originality and excel in most if not all the aforementioned criteria.

Upper Second class

An upper second class answer generally shows a sound understanding of both the basic principles and relevant details of the law, supported by examples which are demonstrably well understood and which are presented in a coherent and logical fashion. The answer should be well presented, display some analytical ability and contain no major errors or omissions. Not necessarily excellent in any area.

Upper second class answers cover a wider band of students. Such answers are clearly highly competent and typically possess the following qualities:

- generally accurate and well-informed
- reasonably comprehensive
- well-organised and structured

- provide evidence of general reading
- demonstrating a sound grasp of basic principles
- demonstrating a good understanding of the relevant details
- succinctly and cogently presented
- displaying some evidence of insight.

One essential aspect of an upper second class answer is that it must have competently dealt with the question asked by the examiner. In problem questions all the major issues and most of the minor issues must have been spotted; the application of the legal rules must be accurate and comprehensive; the application of the legal rules must be insightful (ie, the candidate must demonstrate that s/he can both distinguish cases on their facts and argue by analogy); there should be a conclusion that summarises the legal position of the relevant parties.

Lower Second class

A substantially correct answer which shows an understanding of the basic principles.

Lower second class answers display an acceptable level of competence, as indicated by the following qualities:

- generally accurate
- providing an adequate answer to the question based largely on textbooks and lecture notes
- clearly presented
- no real development of arguments
- may contain some major error or omission.

A lower second class answer may also be a good answer (ie an upper second class answer) to a related question but not one set by the examiner.

Third class

A basic understanding of the main issues but not coherently or correctly presented.

Third class answers demonstrate some knowledge or understanding of the general area but a third class answer tends to be weak in the following ways:

- descriptive only
- does not answer the question directly
- misses key points
- contains important inaccuracies
- covers material sparsely, possibly in note form
- assertions not supported by authority or evidence.

Pass

A pass represents the minimum acceptable standards at the bottom of the third class category.

There is just sufficient information to indicate that the student has a general familiarity with the subject area. Such answers typically:

- contain very little appropriate or accurate material
- only cursorily cover of the basic material
- are poorly presented without development of arguments.

Borderline fail

Not a category as such but answers in the range usually contain some appropriate material (poorly organised) and some evidence that the student has been to one or two lectures and done a bare minimum of reading.

Appendix D: Membership of the review group for the subject benchmark statement for law

M Cuthbert	University of Northampton
A Dugdale	University of Keele
Professor M Gunn (Chair)	Nottingham Trent University
A Wilton	University of Newcastle upon Tyne

Appendix E: Membership of the original benchmarking group for law

Details below appear as published in the original subject benchmark statement for law (2000).

Professor S Bailey	University of Nottingham
Professor J Bell	University of Leeds
Professor A Bensted	University of the West of England, Bristol
Mr J Campbell	The Law Society of Scotland
Mr M Cuthbert	University College Northampton
Professor C Gane	University of Aberdeen
Professor D Hayton	King's College London
Professor R Hepple (Chair)	Clare College, University of Cambridge
Mr J Hodgson	The Nottingham Trent University
Professor B Lee	University of Wales, Cardiff
Mr A O'Donnell	Glasgow Caledonian University
Professor A Paterson	University of Strathclyde
Professor A Sherr	Institute of Advanced Legal Studies

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