



Joint Academic Stage Board

Consultation paper – collaborative arrangements

Once completed please return to Lucy Russell, Secretary to the Joint Academic Stage Board, Education Standards, Bar Standards Board, 289-293 High Holborn, WC1V 7HZ or forward an electronic copy to LRussell@BarStandardsBoard.org.uk

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5 Consultation questions

We have found some difficulty in establishing exactly what the scope of these proposals is. The consultation, from its title, is concerned with matters relating to collaborative arrangements. However many of the issues actually raised appear to relate more specifically to delivery by flexible and distance learning. These are not at all the same thing. We are aware that there are programmes offering qualifying law degrees and the CPE by distance learning with no element of collaboration, and also collaborations where there is no distance learning.

We cannot see that there is any case for imposing additional requirements in relation to elements of collaboration which entail distance learning which do not apply to all distance learning provision. In so far as the consultation envisages additional formalities to be complied with, this should properly be the subject of a specific consultation rather than piggy-backed onto an entirely different one.

There is also a largely implicit suggestion that non UK located students and institutions are somehow inherently untrustworthy. This has worrying implications for equality of opportunity and treatment.

Finally, there is minimal reference in the document to the very extensive arrangements which all UK HEIs are obliged by QAA to put in place to monitor and supervise collaborative arrangements. There are a number of points made in the consultation paper which are valid in the abstract, but where any actual implementation would simply duplicate to no good purpose the mechanisms already in place. We have sought to indicate where this is the case in our responses. In such cases we urge the JASB to accept the documentation that the HEIs produce as part of their own quality assurance mechanisms, which are informed by the QAA's Code of Practice. This has the

advantage of enabling the JASB to evaluate the rigour of the institution's own quality regime and avoids an additional drain on resources.

Mode of delivery
1) Do you agree that awarding institutions should be required to provide a clear rationale for the chosen mode of delivery?
Response: Yes – although the parent HEI will routinely require a business and academic case to be made before initiating the formal validation process and this will be addressed at this point. The documentation relating to these should normally be adopted by the JASB.
2) What might be considered appropriate/inappropriate justification for (i) introduction of collaborative arrangements, and (ii) delivery by flexible and distance learning?
Response: It is impossible to answer this in the abstract, and it is in any event two unconnected questions. In principle we consider collaborative arrangements should be welcomed. It is for the institutions concerned to then demonstrate a convincing business, regulatory and academic case. The precise rationale will vary depending on the nature of the provision and its target market.

Validation
<p>3) Do you think there should be a limit on the initial period of validation for newly validated programmes delivered under collaborative arrangements? If so, how long should this period be e.g. one full cohort of students? Should new modes of study at existing providers be excluded from any such requirement?</p>
<p>Response:</p> <p>It is normal for initial validation to be for a full cohort, certainly for 3/4 year degree programmes. A similar period would also be appropriate for CPE programmes, although it would cover more than one cohort. This reflects the need for greater scrutiny of a new provision, and the rationale may not apply to a variation of provision. The level of scrutiny should also take into account the rigour and transparency of the HEI's own scrutiny and the success of its provision.</p>
Examinations
<p>4) Do you agree that there should be a requirement for all students to be physically present for all examinations?</p>
<p>Response:</p> <p>We consider that all examinations should be sat in properly monitored conditions, but many institutions have established satisfactory arrangements with, e.g. the British Council and HEIs in various places. The only requirement should be that the provider can demonstrate the integrity of the arrangements in place.</p>
<p>5) Do you have any comments on particular issues that might apply to overseas provision in this respect? (NB it may be possible to involve the British Council in overseas arrangements for examinations).</p>
<p>Response:</p> <p>As stated above, provided there is a clear articulation of arrangements which satisfactorily assure the integrity of the process, it should not matter where the examination is sat.</p>

Assessments	
6)	Do you agree that all assessments must be set and marked by the awarding institution?
	<p>Response:</p> <p>It is essential that the awarding institution takes responsibility for the level and standard of the award. At a minimum this will require that, where there are not common assessments, those drafted by the collaborator should be approved by the awarding institution (and its external examiners where appropriate). We do not see that marking needs to be reserved to the awarding institution as a matter of principle, although all assessments, whether common or not, must be moderated by the awarding institution and approved by external examiners where appropriate.</p>
7)	Do you agree that Foundation subjects for QLD programmes must be assessed by no more than 40% coursework and 60% examination?
	<p>Response:</p> <p>We see no basis for treating collaborative provision differently to any other. Exactly the same considerations apply.</p>
Skills	
8)	How best do you think panels may assure themselves that skills are being taught and assessed in line with QAA Subject Benchmark statements?
	<p>Response:</p> <p>This should be addressed in validation documentation, through annual monitoring and the external examiners' reports. Many of these skills – research, oral presentation and formal written presentation are in fact best addressed in coursework assessments.</p>

QAA Code of Practice	
9)	Do you agree that it should be a requirement of approval for all collaborative arrangements that the awarding institution should provide the JASB with a matrix mapping their practices to the precepts in part A of the Quality Assurance Agency Code of Practice for the assurance of academic quality and standards in higher education Section 2: <i>Collaborative provision and flexible and distributed learning (including e-learning)</i> , and, for any arrangements involving flexible and distributed learning, also to include a mapping to the precepts in part B? (see attached Appendix A for precepts).
Response:	
We cannot conceive of circumstances in which a reputable UK HEI would not have incorporated all these requirements into its own validation procedures for collaborative arrangements. This will be set out in the HEI's Academic Standards and Quality Handbook (or similar document) and there is no need to set any additional requirements or exercises on the part of JASB.	
Staffing	
10)	Do you agree that visiting panels must be provided with full details of all support staff and academic staff associated with the collaborative programme?
Response:	
HEIs would usually require sight of CVs of academic staff, and a clear business plan and structure for the overall establishment. This documentation should suffice.	
11)	Do you agree that visiting panels must have sight of some or all of the following in relation to academic staff: (i) CVs, (ii) contracts, (iii) person specifications, (iv) job descriptions?
Response:	
Only the CVs, in the first instance. Additional information might be required if the business plan and structure lacked robustness.	

12) Do you agree that anyone teaching and assessing on a QLD must have qualifications in and/or experience of UK legal education at university level? If yes, how can panels assure themselves that staff teaching and assessing QLDs have adequate knowledge and experience of UK higher education in law?

Response:

UK law schools include many academics who were educated, and in many cases commenced their careers, in other jurisdictions throughout the world. Likewise many UK educated academics have made a successful career abroad. There has been no suggestion that these persons are not competent to play a full part in the assessment and delivery of all kinds of degree programmes. It would clearly be inappropriate to approve a collaborative provision where there was no, or negligible, relevant expertise, but delivery and assessment by, for example, Australian, New Zealand or Hong Kong educated legal academics should not be problematic. There should at most be a general requirement that the documentation demonstrate that there is relevant expertise in the subject matter of the degree and, between awarding and collaborating institution, sufficient available expertise in the assessment and quality assurance processes.

Library resources

13) Do you agree that panels should assure themselves that there are adequate physical and electronic library resources for all students, and that if these need to be accessed through the parent institution, the panel should require full details of the arrangements and evidence that the arrangements do not disadvantage students in the collaborative partner?

Response:

Yes, subject to the observation that electronic provision is now significantly more important, not least through the work of BAILII and its partner institutes, and that the focus should be on the availability of relevant materials for the programmes as designed and delivered..

14) Do you agree that the SLS Statement on Library Resources should be adopted as the appropriate standard for resourcing QLDs?

Response:

This statement is predicated on a 'full-service' law school, with significant post-graduate provision. As noted above, the emphasis needs to be on materials relevant to the programmes in question, including those in the public domain. This may be satisfied by library resources which do not correspond with the full SLS Statement.

Technical specifications
15) Do you agree that panels should be provided with evidence that students are adequately apprised of what they will need to provide for themselves in terms of their own computers, broadband access etc?
Response: Yes
Student materials
16) Do you agree that the most effective way of ensuring appropriate content in distance learning courses is to appoint a two-person panel of JASB representatives to consider whether student materials/resources for such courses appropriately address the Subject Benchmark statement and enable students to meet learning outcomes?
Response: This appears somewhat excessive as any self-respecting HEI would do this automatically as part of its own validation procedures, often appointing external assessors to provide objectivity and reassurance. Consequently, unless there are specific concerns that provision is inadequate, it should not be seen as a normal requirement in the absence of any evidence of a problem.
English Language requirements
17) Do you agree that all collaborative arrangements must be delivered and assessed in English?
Response: Welsh is of course acceptable; while it would be difficult to envisage circumstances where the Foundations were not predominantly delivered and assessed in English/Welsh, there is no logical reason why other elements, e.g. modules in foreign law, and of course study of foreign languages themselves, cannot be delivered in an alternative language.

18) Do you think a minimum entry English Language requirement should be set by the Board (IELTs etc?)

Response:

External Examiners

19) Do you agree that the same external examiners must be used for all assessments at the collaborating institution as at the awarding institution?

Response:

Yes

Risk

20) Do you think it would be a good idea to classify collaborative proposals in terms of low, medium and high risk? E.g. a proposal for a collaboration in the UK from an established institution with a good track record might be low risk, where as all proposals involving overseas delivery might automatically be high risk. If so, what differences in scrutiny/monitoring might be appropriate at the different levels?

Response:

All HEIs conduct this risk assessment in any event. The categorisation proposed seems rather crude and stereotyped. Would a collaboration with Yale, Harvard or the Sorbonne be automatically deemed high risk? If intelligible criteria can be articulated, this might be helpful, but the proposal seems not to recognise that these issues are already under anxious scrutiny by HEIs.