

Law

Subject benchmark statements

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

This subject benchmark statement, together with the others published concurrently, refers to the ***bachelors degree with honours***.

Subject benchmark statements are used for a variety of purposes. Primarily, they are an important external source of reference for higher education institutions 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. Benchmark statements provide for variety and flexibility in the design of programmes and encourage innovation within an agreed overall framework.

Subject benchmark statements also provide support to institutions 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.

Finally, subject benchmark statements are one of a number of external sources of information that are drawn upon for the purposes of academic review* and for making judgements about threshold standards being met. Reviewers do not use subject benchmark statements as a crude checklist for these purposes however. Rather, they are used in conjunction with the relevant programme specifications, the institution's own internal evaluation documentation, together with primary data in order to enable reviewers to come to a rounded judgement based on a broad range of evidence.

The benchmarking of academic standards for this subject area has been undertaken by a group of subject specialists drawn from and acting on behalf of the subject community. The group's work was facilitated by the Quality Assurance Agency for Higher Education, which publishes and distributes this statement and other benchmarking statements developed by similar subject-specific groups.

The statement represents the first attempt to make explicit the general academic characteristics and standards of an honours degree in this subject area, in the UK.

In due course, but not before July 2003, the statement will be revised to reflect developments in the subject and the experiences of institutions and academic reviewers who are working with it. The Agency will initiate revision and, in collaboration with the subject community, will establish a group to consider and make any necessary modifications to the statement.

This statement is © The Quality Assurance Agency for Higher Education 2000.

It may be reproduced by educational institutions solely for educational purposes, without permission. Excerpts may be reproduced for the purpose of research, private study, or review without permission, provided full acknowledgement is given to the subject benchmarking group for this subject area and to the copyright of the Quality Assurance Agency for Higher Education.

Electronic storage, adaptation or translation of the statement is prohibited without prior written agreement from the Quality Assurance Agency for Higher Education.

* academic review in this context refers to the Agency's new arrangements for external assurance of quality and standards. Further information regarding these may be found in the ***Handbook for Academic Review***, which can be found on the Agency's web site.

ISBN 1 85824 484 6

AR 004 4/2000

© Quality Assurance Agency for Higher Education 2000

Published by

Quality Assurance Agency for Higher Education
Southgate House
Southgate Street
Gloucester GL1 1UB
Tel 01452 557000
Fax 01452 557070
Web www.qaa.ac.uk

Text printed by

Kall Kwik, Gloucester

The Quality Assurance Agency for Higher Education is a company limited by guarantee

Academic Standards - Law

<i>Contents</i>	<i>Page</i>
1. Academic Standards - Law degrees in England, Wales and Northern Ireland	2
1.1 Text for employers and general public	2
1.2 Text for Law schools	4
Appendices	
A. Illustration of possible modal statement	8
B. Examples of levels of achievement	11
C. Assessment in higher education and the role of graduateness	14
2. Academic Standards - Law degrees in Scotland	18
2.1 Text for employers and general public	18
2.1.1 Honours Law degrees	18
2.1.2 Ordinary Law degrees	20
2.2 Text for law schools	22
2.2.1 Honours Law degrees	22
2.2.2 Ordinary Law degrees	26

1. Academic standards - Law degrees in England, Wales and Northern Ireland

1.1 Text for employers and general public

This **Statement** is set at the bottom of the third class honours degree. It sets out what an employer, student or funder can reasonably expect to be the minimum achievement of a graduate with an honours Bachelors degree in Law or Legal Studies.

The Statement covers all university education in law and legal studies. It is not limited to qualifying law degrees.

Purpose

This document sets out the minimum achievement which a student should demonstrate before s/he is awarded an honours degree in Law. The vast majority of students will perform significantly better in many aspects. To find out a more accurate picture of the profile of students from a particular university or higher education institution, you are advised to consult the statements of standards produced by it, eg in its published Programme Specification.

To which degrees does this statement apply?

This statement applies only to those students who have studied at least 180 credits¹ of legal subjects as part of their programme of study. In relation to other students, you should refer to the Benchmark Statement which the institution states is the most appropriate to their programme of study.

Levels of achievement

The standards set out in the next section are a minimum level of performance required to pass an honours degree in any institution. 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 institution will have its own method of determining what is appropriate evidence of this achievement, but the external examiner system and the academic reviewer system established by the Quality Assurance Agency for Higher Education monitor adherence to these minimum standards.

Areas of performance

Any student graduating 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 of performance.

Subject-specific abilities

1. **Knowledge:** A student should demonstrate a basic knowledge and understanding of the principal features of the legal system(s) studied, viz s/he:
 - should be able to demonstrate knowledge of a substantial range of major concepts, values, principles and rules of that system;
 - should be able to explain the main legal institutions and procedures of that system;
 - should be able to demonstrate the study in depth and in context of some substantive areas of the legal system².
2. **Application and problem-solving:** A student should demonstrate a basic ability to apply her or his knowledge to a situation of limited complexity in order to provide arguable conclusions for concrete problems (actual or hypothetical).
3. **Sources and research:** A student should demonstrate a basic ability
 - to identify accurately the issue(s) which require researching;
 - to identify and retrieve up-to-date legal information, using paper and electronic sources;
 - to use primary and secondary legal sources relevant to the topic under study.

¹ 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.

² The breadth and depth of coverage will vary according to the amount of law studied by the student in his or her programme.

General transferable intellectual skills

4. Analysis, synthesis, critical judgement and evaluation: A student should demonstrate a basic ability:

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

5. Autonomy and ability to learn: A student should demonstrate a basic ability, with limited guidance:

- to act independently in planning and undertaking tasks in areas of law which she or he has already studied;
- to be able to undertake independent research in areas of law which he or she has not previously studied starting from standard legal information sources;
- to reflect on his or her own learning, and to seek and make use of feedback.

Key skills

6. Communication and Literacy: 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;
- to present knowledge or an argument in a way which is comprehensible to others and which is directed at their concerns;
- to read and discuss legal materials which are written in technical and complex language.

7. Other key skills: numeracy, information technology and teamwork: 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 World-wide web and e-mail;
- to use some electronic information retrieval systems.
- to work in groups as a participant who contributes effectively to the group's task.

1.2 Text for Law schools

Introduction

1. The purpose of these Benchmark standards is
 - a. to guide institutions (eg Law Schools¹) in reporting clearly and accurately to the wider public (students, parents, teachers, funders and employers) the nature of their provision in a standard way;
 - b. to provide a basis for institutions to devise their own learning outcome statements compatible with these Benchmark statements;
 - c. to set as a minimum certain achievements which a student must demonstrate to be awarded an undergraduate honours degree in Law.
2. The Law Benchmarking Panel has decided to set out the national standard for Law by way of a **Threshold Statement** which is set at the bottom of the third class honours degree. It defines the minimally acceptable graduate. These standards are concerned to ensure that those to whom an honours degree in law are awarded have demonstrated achievement in all the stated areas of performance by the time the award is made.
3. This statement covers all university education in law and legal studies. It is not limited to qualifying law degrees. The statement is limited to students who take at least 180 credits of legal subjects in their programme. No institution would be required to demonstrate that other students taking fewer credits in law have met the standards set out here. QAA intends to develop a range of benchmark standards in other disciplines. Institutions teaching a programme with less than 180 credits in legal subjects will have to choose a benchmark standard appropriate to it.
4. The QAA is also developing **Programme Specifications**, which are standard ways in which information on programmes of study can be presented. Within such specifications, there will be a section in which institutions will set out 'What a graduate should know and be able to do on completion of the programme'. This will be one place in which a Law School can set down its own statement of standards. Such a Programme Specification will also be the place in which a Law School would state how the minimum proportion of legal subjects which would be studied in the programme and whether it qualifies a student for any specific route towards a career.
5. **The nature of a Threshold Statement:** The **Threshold Statement** is set at the bottom of the third class honours degree. Few Law Schools will probably be content simply to describe the achievements of their students at this level. Most will prefer to describe the achievement of the typical student, rather than the minimally acceptable graduate. A description of the achievement of such a typical student is described here as a 'modal statement'. Such a **Modal Statement** would typically be set at the 2.1/2.2 boundary. (An example of a modal statement can be found in Appendix A.)² Nothing in this statement precludes a Law School from setting out its own statement of standards at modal level, provided that this is at least as high as the national threshold statement.
6. These benchmark standards 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 institution warrants that the student has achieved the requisite outcome.) But, in all cases, these standards are concerned to ensure that those to whom an honours degree in law are 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, whilst for others all the learning may be the result of study in the Law School. Whatever the route to these outcomes, the degree-awarding institution must be satisfied that the student has achieved the requisite outcomes. Where achievement is demonstrated by 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.
7. **Learning outcomes:** Many Law Schools are familiar with the articulation of express statements of learning outcomes and marking criteria derived from them which are communicated to students. These help to make clear to students what is expected from them and to assist them in measuring their own progress. There is no requirement that institutions use this form of statement to articulate their own standards. The Subject Benchmarking Panel recognise that a significant number of institutions are not used to using learning outcome statements and it has included some illustrations of how the outcomes might be demonstrated and assessed within this text and in Appendix B.

¹ In this statement 'Law School' is used as a shorthand to describe any higher education institution which provides a programme of study which includes a substantial law content. It makes no assumptions about the organisation within that institution through which the programme is delivered.

² See further, the **Report on Graduate Standards in Law** which was distributed to Law Schools in December 1997 (available on the Internet: <http://www.law.warwick.ac.uk/ncl>).

Levels of performance

8. The minimum standard set here at the bottom of the third class would be treated by many institutions 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 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 HEQC Graduate Standards Report which shows the sorts of criteria which are used by institutions to award particular classes of degree. These two appendices may help institutions to relate this Threshold Statement of Benchmarks to their normal criteria used in assessment.

The concept of 'satisfactorily' demonstrating achievement is critical and can only partly be captured in words. It depends on the professional judgment 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.

Each institution 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.

Areas of performance

9. The standards set out in the section on '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, institutions are expected to include all the features listed below. However, institutions will also wish to describe the outcomes expected of their students in terms appropriate to their mission.

10. This 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 courses 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.

11. ***Does everything have to be assessed?*** It is for institutions 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 institution, 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 institutions 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 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 institution 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 and QAA academic reviewers will expect to be informed of these mechanisms and to make judgements about their sufficiency.

12. As a preliminary exercise in reviewing how their existing programmes relate to these benchmark standards, institutions 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.

13. ***How much must be achieved?*** The 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 s/he has 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.

14. **Knowledge:**

Legal system studied: This statement applies to the study of any legal system for which an English, Welsh or Northern Irish university 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 UK 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 statement applies with equal force as in respect of degrees in English and Northern Irish laws.

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.

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.

Principal Features: The 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.

Study in depth: Unlike professional requirements, this 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.

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

15. **Application and problem-solving:** 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.

The Ormerod Report suggested that one of the three features of the academic stage of legal education was 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.

16. **Sources and research:** 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.

17. **Analysis, synthesis, critical judgment and evaluation:** 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.

The skill of analysis requires, inter alia, 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.

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, e.g. 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.

18. **Autonomy and ability to learn:** 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.

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.

Ability to reflect critically: A student should be able not only to learn something, but to reflect critically on the extent of her or his learning. At a minimum, a student should have some sense of whether s/he knows something well enough or whether s/he needs to learn more in order to understand a particular aspect of the law.

Key skills³

19. **Communication and Literacy:** 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, e.g. tutorial performance or mooting.

Law students are expected to be able to read complex primary materials and to find the key statements from them. As such the 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.

20. **Numeracy:** 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.

21. **Information technology:** Given the background of many students, many aspects of performance may well have been achieved before they arrive in university. 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. Information retrieval systems may, but need not, include LEXIS. Standard information retrieval systems would include electronic library catalogues.

22. **Teamworking:** 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.

³ 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 on the Internet: <http://www.law.warwick.ac.uk/ncl>).

Appendix A

Illustration of possible modal statement (adapted from the report on Graduate Standards in Law)

<i>Area of Performance</i>	<i>Specialist (single subject)</i>	<i>Several disciplines (mixed degree)</i>	<i>Law as subsidiary</i>	<i>Vocational</i>
Subject knowledge	<ul style="list-style-type: none"> a) Students should have knowledge of the principal features of the legal system studied, including general familiarity with its institutions and procedures; b) know principles & values in wide range of topics extending beyond the core; c) some in-depth knowledge of specialist areas; d) able to demonstrate insider's understanding of how law fits together and operates. 	<ul style="list-style-type: none"> a) Students should have knowledge of the principal features of the legal system studied, including general familiarity with its institutions and procedures; b) know principles in a range of core areas; c) very little in-depth study expected; d) able to demonstrate insider's understanding of how law fits together and operates, but also able to discuss alternative perspectives. 	<ul style="list-style-type: none"> a) Students should have accurate knowledge of the rules and legal system in the specific areas which are relevant to their study; b) rules are stated with accuracy; c) in-depth study will probably not be in legal areas; d) law understood essentially as data; able to discuss legal solutions from an external perspective as relates to their field of study. 	<ul style="list-style-type: none"> a) Students should have a comprehensive knowledge of rules and principles in areas relating to professional practice; b) accurate knowledge of large range of substantive and procedural topics in terms of their rules and operational technicalities; c) broad detailed knowledge of practice and procedure in a wide range of subject areas; d) law studied as a range of technical rules and procedures which a student is expected to master.
Subject application/ problem-solving	<p>Able to apply knowledge to situations which engage with doctrinal disputes; problems conceived as opportunities to demonstrate familiarity with doctrinal and conceptual difficulties and to provide own solution to unresolved debates. Able to demonstrate this application over a wide number of legal areas.</p>	<p>Able to apply knowledge to fairly standard situations which relate to doctrinal disputes; problems conceived as opportunities to demonstrate basic familiarity with doctrinal and conceptual difficulties and to provide own solution to unresolved debates.</p>	<p>Able to identify legal solution in straightforward situations; problems offer opportunities to classify situations in terms of rules learnt and to apply unproblematic solutions to them.</p>	<p>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.]</p>
Subject sources and research	<p>Able to identify and use primary legal sources and journals relevant to topic under study; able to identify contemporary debates and engage with these while accurately reporting the law in an area.</p>	<p>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.</p>	<p>Able to work from secondary sources (textbooks) and to use these efficiently to identify appropriate rules of law.</p>	<p>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 within a clearly defined framework.</p>

<i>Area of Performance</i>	<i>Specialist (single subject)</i>	<i>Several disciplines (mixed degree)</i>	<i>Law as subsidiary</i>	<i>Vocational</i>
<i>Analysis, evaluation, critical judgement and synthesis</i>	<ul style="list-style-type: none"> • Able to identify issues in terms of policy and doctrinal importance; able to produce clear doctrinal synthesis and summary of policy issues. • Able to evaluate law both independently in terms of doctrinal coherence and in relation to other policy perspectives which have been taught specifically. Able to create new or imaginative solutions through approaching a problem or using material in different ways. 	<ul style="list-style-type: none"> • Able to identify issues in terms of policy and doctrinal importance; able to produce doctrinal synthesis and summary of basic policy issues. • Able to evaluate law in terms of doctrinal coherence within the framework of core subjects and in terms of policy perspectives from their other disciplines. Able to create new or imaginative solutions through approaching a problem or using material in different ways. 	<ul style="list-style-type: none"> • 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. • Able to offer reasoned criticism from own disciplinary background. Able to use this background to offer new or imaginative solutions or approaches to problems. 	<ul style="list-style-type: none"> • Able to identify issues in technical terms and to integrate new material. • Able to evaluate in terms of doctrinal and practical coherence; able to present alternatives from a client's perspective. Able to create new or imaginative solutions through approaching a problem or using material in different ways.
<i>Autonomy</i>	Can act independently in planning and managing tasks with limited guidance in areas which they have studied; able to identify own resources. Can reflect on own learning; can seek and make use of feedback	Can act independently in planning and managing tasks with limited guidance in areas which they have studied; able to identify own resources. Can reflect on own learning; can seek and make use of feedback	Works within a strongly directed framework; self-motivated. Can reflect on own learning; can seek and make use of feedback and guidance.	Can act independently in planning and managing complex tasks with limited guidance within a defined framework; able to identify own resources. Can reflect on own learning; can seek and make use of feedback.
<i>Communication and literacy</i>	Can engage in academic debate in a professional manner; able to use a range of formats, mainly written, to present specialist material. Able to write fluent and complex prose, using legal terminology correctly; able to read a range of complex works within and about law and to summarise their arguments accurately.	Can engage in academic debate in a professional manner; able to use a range of formats, mainly written, to present specialist material. Able to write fluent and complex prose, using legal terminology correctly; able to read a range of complex works within and about law and to summarise their arguments accurately.	Conforms to general academic standards in professional manner; able to present knowledge clearly and accurately. Able to write fluent and complex prose, using basic legal terminology with reasonable accuracy; able to read basic legal texts and to summarise accurately.	Able to present knowledge with range of professional presentation skills (oral and written) demonstrated. Able to write fluent and technically sophisticated prose, using legal terminology accurately; able to read a range of complex works within and about law and to summarise their arguments accurately.

<i>Area of Performance</i>	<i>Specialist (single subject)</i>	<i>Several disciplines (mixed degree)</i>	<i>Law as subsidiary</i>	<i>Vocational</i>
<i>Other key skills</i>	<ul style="list-style-type: none"> ● Proficient use of word-processing; standard library and information retrieval systems, and WWW resources. Able to specify technological tools needed for personal support. ● Can identify and collate relevant statistical or numerical information and use in a report. ● Able to work in groups as a participant who contributes effectively to the group's task (low priority area). 	<ul style="list-style-type: none"> ● Proficient use of word-processing; standard library and information retrieval systems, and WWW resources. ● Able to specify technological tools needed for personal support. ● Can identify and collate relevant statistical or numerical information and use in a report. ● Able to work in groups as a participant who contributes effectively to the group's task (low priority area). ● Proficient use of word- 	<p>processing; standard library and information retrieval systems, and WWW resources, and CAL packages. Able to specify technological tools needed for personal support.</p> <ul style="list-style-type: none"> ● Can identify and collate relevant statistical or numerical information and use in a report. ● Able to work in groups as a participant who contributes effectively to the group's task (low priority area). ● Proficient use of word- 	<p>processing; standard library and specialist information retrieval systems, and WWW resources; familiarity with spreadsheets. Able to specify technological tools needed for personal support in a professional environment.</p> <ul style="list-style-type: none"> ● Can identify and collate relevant statistical or numerical information and use in a report. ● Able to take initiative in team as a member or leader; able to set deadlines and identify resources others will needs; able to perform team role recognizing the roles and responsibilities of others.

Appendix B

	<i>Very proficient</i>	<i>Proficient</i>	<i>Pass</i>
<i>Knowledge</i>	<ul style="list-style-type: none"> • 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. • Able to give reasons for the major legal institutions and procedures of English law. • Able to 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. 	<ul style="list-style-type: none"> • 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. • Able to explain accurately the major legal institutions and procedures of English law. • Able to 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. 	<ul style="list-style-type: none"> • Passed modules which, taken together, require identification and explanation of principal major concepts, values, principles and rules of English law. • Can explain the basic structure of courts, legal professions and main features of criminal, civil and administrative law procedures. • 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.
<i>Application</i>	<ul style="list-style-type: none"> • Able to apply knowledge to difficult situations of significant legal complexity, to analyse facts and to produce well-supported conclusions in relation to them. 	<ul style="list-style-type: none"> • Able to apply knowledge to complex situations, able to recognise potential alternative conclusions for particular situations, and provide supporting reasons for them. 	<ul style="list-style-type: none"> • 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.
<i>Sources and research</i>	<ul style="list-style-type: none"> • Able to recognise sophisticated legal and related non-legal issues and to formulate a clear and coherent research plan. • Effective in using a range of research sources to produce up-to-date information. • 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. 	<ul style="list-style-type: none"> • Able to select key relevant issues for research and to formulate them with clarity. • Effective in the use of standard paper and electronic resources to produce up-to-date information. • With the assistance of secondary sources, 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. 	<ul style="list-style-type: none"> • 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, 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.

	<i>Very proficient</i>	<i>Proficient</i>	<i>pass</i>
<i>Analysis, synthesis, critical judgement & evaluation</i>	<ul style="list-style-type: none"> • Able to produce and justify own ranking of relevance and importance of issues. • Able to demonstrate insight in presenting materials drawn from a wide variety of primary and secondary sources and doctrinal commentary. • Able to produce a synthesis of doctrinal and policy issues in relation to a topic which offers a personal perspective on a topic. • Able to 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. 	<ul style="list-style-type: none"> • Able to rank relevance and importance within unfamiliar arguments in the light of the established law. • Able to bring together and present in a coherent way materials from various primary and secondary sources in an integrated way. • Able to offer an accurate summary of the current state of doctrinal and policy debate in an area. • Able to make a personal and reasoned judgement based on an informed understanding of standard arguments in the area of law in question. 	<ul style="list-style-type: none"> • Able to rank relevance and importance of standard arguments based on well established orthodoxies in the area of law. • Able to bring together mainly relevant materials from cases and statutes but not in a well focused way. • Able to produce a brief statement of the principal doctrinal and policy issues in relation to a topic drawn exclusively from secondary sources. • Able to see flaws in an argument in a well-established area of law. • Able to make a choice between positions based on the adoption of the arguments of one of the protagonists with limited supporting reasons.
<i>Autonomy</i>	<ul style="list-style-type: none"> • In areas of law which she or he has already studied, able to take initiative in design of own project and find own sources (both legal and non-legal). • In areas of law which he or she has not previously studied, able to use a wide range of information (both legal and non-legal) sources and able to identify complex issues in a topic. • Able to make independent assessment of own progress, able to present work in timely fashion for feedback and assistance, to establish a programme of action based on feedback given. 	<ul style="list-style-type: none"> • In areas of law which she or he has already studied, able to negotiate the definition of own project and to identify independently a wide range of legal materials and standard non-legal sources. • In areas of law which he or she has not previously studied, able to use a full range of legal sources to identify the principal controversial issues in a topic. • Able to make reasonably accurate assessment of own progress, to identify and formulate issues on which assistance is needed and to act on feedback given. 	<ul style="list-style-type: none"> • A basic ability, with limited guidance, to produce own information (cases, statutes and bibliography) from standard within the framework of an agreed task in areas of law which she or he has already studied. • In areas of law which he or she has not previously studied, able to use basic sources (e.g. textbooks, Halsbury's Laws and Current Law) to identify the principal legal rules on a topic. • A basic ability to make some assessment of own progress, to ask for help when needed and to follow guidance given by way of

	<i>Very proficient</i>	<i>Proficient</i>	<i>Pass</i>
<i>Communication and literacy</i>	<ul style="list-style-type: none"> • Able to use the English language and legal terminology at all times with scrupulous care and accuracy. • Able to present arguments to a variety of audiences and moderating presentation to suit the needs of each. • Able to read with care and discuss a range of complex works about law and other subjects. 	<ul style="list-style-type: none"> • Able to write and use orally fluent and complex prose, using legal terminology correctly. • Can relate material appropriately to the concerns of the intended audience. • Able to read a range of complex works within and about law and to summarise their arguments accurately. 	<ul style="list-style-type: none"> • Able to understand presentations in English using legal terminology, to write and speak in generally comprehensible English using legal terminology with satisfactory accuracy. • Able to present largely expository material such that the major points are focused relevantly on the question asked. • Able to read and discuss the contents of standard legal textbooks, cases and statutes showing a basic understanding of their content.
<i>Other basic skills</i>	<ul style="list-style-type: none"> • Able to generate own numerical or statistical information from either primary data or by combining information from other sources. • Able to create a WWW home page and to produce HTML documents; able to set up and manage email discussion groups. • Able to customise own word-processing formats; able to make design the layout and use of spreadsheets to present information; able to specify technological tools needed to support desired tasks. • Able to make use of unfamiliar electronic retrieval systems; able to use such systems to conduct complex searches. • Able to take initiative as a participant or leader of a group, and able to identify the needs of others in the group. 	<ul style="list-style-type: none"> • Able to make relevant use in an argument of numerical and statistical information derived from primary sources. • Able to conduct efficient searches of websites to locate relevant information; able to exchange documents by email and manage information exchanged by email. • Able to use a wide range of formatting and other techniques within a standard software package; able to make limited use of spreadsheets. • Able to conduct searches efficiently using a number of electronic retrieval systems. • Able to work in groups as a participant who contributes effectively to the group's task. 	<ul style="list-style-type: none"> • Able to make some relevant use in an argument of numerical and statistical information derived from secondary sources. • Able to locate WWW sites from given web addresses and retrieve information from them; able to send and receive basic email messages. • Able to produce the text of an essay with footnotes and basic formatting using a standard software package. • Able to perform basic searches on standard electronic retrieval systems in the institution. • Able to perform adequately assigned tasks within a group setting and to take part in group discussion.

Appendix C

(from Assessment in Higher Education and the Role of Graduateness HEQC 1997)

Appendix C presents two examples of contemporary guidance on, and of the characteristics seen as defining, levels of graduate achievement. The first came from one of the institutions whose law faculties formed part of the sample. 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. The second is published with the kind permission of the British Psychological Society; it is an example of recommended good practice with respect to the awarding of different classes of degree.

Example 1

First class (70+%)

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 (75+%) is expected to display originality and excel in most if not all the aforementioned criteria.

Upper Second class (60-69%)

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 - i) all the major issues and most of the minor issues must have been spotted; ii) the application of the legal rules must be accurate and comprehensive, iii) 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); iv) there should be a conclusion that summarises the legal position of the relevant parties.

Lower Second class (50- 59%)

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 (40-49%)

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 (37- 39%)

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 (34-36%)

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.

Clear Fail (0-33%)

Example 2

First class

It is recognised in all marking schemes that there are several different ways of obtaining a first class mark. 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:

- comprehensive and accurate coverage of area;
- critical evaluation;
- clarity of argument and expression;
- integration of range of materials
- depth of insight into theoretical issues;
- originality of exposition or treatment.

Excellence in one or more of these areas should be in addition to the qualities expected of an upper second.

Upper Second class

Upper second class answers are a little easier to define since there is less variation between them. Such answers are clearly highly competent and a typical one would possess the following qualities:

- generally accurate and well-informed;
 - reasonably comprehensive;
 - well organised and structured;
 - displaying some evidence of general reading;
 - evaluation of material, though these evaluations may be derivative;
 - demonstrating good understanding of the material;
 - clearly presented.
-

Lower Second class

Such answers show an acceptable level of competence, as indicated by the following qualities:

- generally accurate, though with some omissions and errors;
 - an adequate answer to the question, largely based on lecture material and required reading;
 - a good answer to a related question, but not the one set;
 - clear presentation;
 - no real development of arguments.
-

Third class

Such an answer demonstrates some knowledge and understanding of the area, but tends to be weak in the following ways:

- does not answer the question directly;
- misses key points of information;
- contains important inaccuracies;
- coverage of material is sparse, possibly in note form;
- does not support assertions with proper evidence.

Pass

This grade is used in some but not all courses to indicate an answer which narrowly avoids the fail category. For markers unfamiliar with this grade, it represents the minimum acceptable standard at the bottom of the third class category. There is just sufficient information presented to indicate that the student has general familiarity with the subject area. Such answers contain:

- very little appropriate or accurate material;
- cursory coverage of the basic material, with numerous errors, omissions or irrelevances;
- loose structure;
- poor or non-existent development of arguments.

Borderline (compensatable) Fail

Again, this is not a category that is always used; it corresponds to the top end of the Fail category. Such answers involve:

- some appropriate material, but poor coverage;
- evidence that the student has been to one or two lectures or done a bare minimum of reading;
- disorganised or sketchy essays;
- inappropriate material;
- lack of argument.

2. Academic standards - Law degrees in Scotland

2.1 Text for employers and general public

2.1.1 Honours Law degrees

This Statement is set at the bottom of the third class honours degree. It sets out what an employer, student or funder can reasonably expect to be the minimum achievement of a graduate with an honours Bachelors degree in Law or Legal Studies. This Statement covers all university education in law and legal studies.

Purpose

This document sets out the **minimum** achievement which a student should demonstrate before s/he is awarded an honours degree in Law. The vast majority of students will perform significantly better in many aspects. To find out a more accurate picture of the profile of students from a particular university or higher education institution, you are advised to consult the statements of standards produced by it, e.g. in its published Programme Specification.

To which degrees does this statement apply?

This statement applies only to those students who acquire at least 50% of the credits in their programme of study in legal subjects. In relation to other students, you should refer to the Benchmark Statement which the institution states is the most appropriate to their programme of study.

Levels of achievement

The standards set out in the next section are a minimum level of performance required to pass an honours degree. 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 institution will have its own method of determining what is appropriate evidence of this achievement, but the external examiner system and the Academic Reviewer system established by the Quality Assurance Agency monitor adherence to these minimum standards.

Areas of performance

Any student graduating in Law must show achievement in all of the following areas of performance, thereby demonstrating substantially all of the abilities identified in each area of performance.

Subject-specific abilities

1. **Knowledge:** A student should have **a broad overview of** at least one legal system(s) studied, viz. s/he
 - should be able to demonstrate **in-depth** knowledge of a substantial range of major concepts, values, principles and rules of that system **and the context** in which that system operates;
 - should be able to explain the main legal institutions and procedures of that system;
2. **Application and problem-solving:** A student should be able to apply her or his knowledge in order to provide answers to **complex problems** (actual or hypothetical).
3. **Sources and research:** A student should be able
 - to identify accurately the issue(s) which require researching;
 - to identify and retrieve up-to-date legal information, using paper and electronic sources;
 - to use primary and secondary legal sources relevant to the topic under study.

General transferable intellectual skills

4. Analysis, synthesis, critical judgment and evaluation: A student should be able
- to recognise and rank items and issues in terms of relevance and importance;
 - to bring together and integrate information and materials from a variety of different sources;
 - to produce a **substantially accurate synthesis** of relevant doctrinal and policy issues in relation to a topic;
 - **to undertake the analysis of factual information in a systematic way**;
 - to make a critical judgement of the merits of particular arguments;
 - to present and make a reasoned choice between alternative solutions.
5. Autonomy and ability to learn: A student should be able, with **minimal guidance**,
- to act independently in planning and undertaking tasks in areas of law which she or he has already studied;
 - to be able to undertake independent research in areas of law which he or she has not previously studied starting from standard legal information sources;
 - to reflect on his or her own learning, and to seek and make use of feedback.

Key skills

6. Communication and Literacy: Both orally and in writing, a student should be able
- to understand and use the English language proficiently in relation to legal matters;
 - to present knowledge or **a sustained argument** in a way which is comprehensible to others and which is directed at their concerns;
 - to read and discuss legal materials which are written in technical and complex language.
7. Other key skills: numeracy, information technology and teamwork: A student should be able
- 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 World-wide web and e-mail;
 - to use some electronic information retrieval systems.
 - to work in groups as a participant who contributes effectively to the group's task.

2.1.2 Ordinary Law degrees

This **Statement** is pitched at the level of a bare pass in an Ordinary degree. It sets out what an employer, student or funder can reasonably expect to be the minimum achievement of a graduate with an Ordinary Bachelors degree in Law or Legal Studies. This Statement covers all university education in law and legal studies.

Purpose

This document sets out the **minimum** achievement which a student should demonstrate before s/he is awarded an Ordinary degree in Law. The vast majority of students will perform significantly better in many aspects. To find out a more accurate picture of the profile of students from a particular university or higher education institution, you are advised to consult the statements of standards produced by it, e.g. in its published Programme Specification.

To which degrees does this statement apply?

This statement applies only to those students who acquire at least 50% of the credits in their programme of study in legal subjects. In relation to other students, you should refer to the Benchmark Statement which the institution states is the most appropriate to their programme of study.

Levels of achievement

The standards set out in the next section are a minimum level of performance required to pass an Ordinary degree. A student with a bare pass in the Ordinary degree 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 institution will have its own method of determining what is appropriate evidence of this achievement, but the external examiner system and the Academic Reviewer system established by the Quality Assurance Agency monitor adherence to these minimum standards.

Areas of performance

Any student graduating in Law must show achievement in all of the following areas of performance, thereby demonstrating substantially all of the abilities identified in each area of performance.

Subject-specific abilities

1. **Knowledge:** A student should demonstrate a basic knowledge and understanding of the principal features of the legal system(s) studied, viz. s/he
 - should be able to demonstrate knowledge of a substantial range of major concepts, values, principles and rules of that system;
 - should be able to explain the main legal institutions and procedures of that system;
 - should be able to demonstrate study in depth and in context of some substantive areas of the legal system.¹
2. **Application and problem-solving:** A student should demonstrate a basic ability to apply her or his knowledge to a situation of limited complexity in order to provide arguable conclusions for concrete problems (actual or hypothetical).
3. **Sources and research:** A student should demonstrate a basic ability
 - to identify accurately the issue(s) which require researching;
 - to identify and retrieve up-to-date legal information, using paper and electronic sources;
 - to use primary and secondary legal sources relevant to the topic under study.

¹ The breadth and depth of coverage will vary according to the amount of law studied by the student in his or her programme.

General transferable intellectual skills

4. Analysis, synthesis, critical judgment and evaluation: A student should demonstrate a basic ability
 - to recognise and rank items and issues in terms of relevance and importance;
 - to bring together information and materials from a variety of different sources;
 - to produce a synthesis of relevant doctrinal and policy issues in relation to a topic;
 - to make a critical judgment of the merits of particular arguments;
 - to present and make a reasoned choice between alternative solutions.
5. Autonomy and ability to learn: A student should demonstrate a basic ability, with limited guidance
 - to act independently in planning and undertaking tasks in areas of law which she or he has already studied;
 - to be able to undertake independent research in areas of law which he or she has not previously studied starting from standard legal information sources;
 - to reflect on his or her own learning, and to seek and make use of feedback.

Key skills

6. Communication and Literacy: Both orally and in writing, a student should demonstrate a basic ability
 - to understand and use the English language proficiently in relation to legal matters;
 - to present knowledge or an argument in a way which is comprehensible to others and which is directed at their concerns;
 - to read and discuss legal materials which are written in technical and complex language.
7. Other key skills: numeracy, information technology and teamwork: 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;
 - able to use the World-wide web and e-mail;
 - to use some electronic information retrieval systems.
 - to work in groups as a participant who contributes effectively to the group's task.

2.2 Text for Law schools

2.2.1 Honours Law degrees

Introduction

1. The purpose of these Benchmark standards is

- (a) to guide institutions (e.g. Law Schools¹) in reporting clearly and accurately to the wider public (students, parents, teachers, funders and employers) the nature of their provision in a standard way;
- (b) to provide a basis for institutions to devise their own learning outcome statements compatible with these Benchmark statements;
- (c) to set as a minimum certain achievements in areas of performance which a student must demonstrate to be awarded an undergraduate honours degree in Law.

2. The Law Benchmarking Panel has decided to set out the national standard for Law by way of a **Threshold Statement** which is set at the bottom of the third class honours degree. It defines the minimally acceptable graduate. These standards are concerned to ensure that those to whom an honours degree in law are awarded have demonstrated achievement in all the stated areas of performance by the time the award is made.

3. This statement covers all university education in law and legal studies. The statement is limited to students who take at least 50% of their credits in their programme as legal subjects. No institution will be required to demonstrate that other students taking fewer credits in law have met the standards set out here. QAA intends to develop a range of benchmark standards in other disciplines. Institutions teaching a programme with less than 50% of the credits in legal subjects will have to choose a benchmark standard appropriate to it.

4. The QAA is also developing a template for **Programme Specifications**, which are standard ways in which information on programmes of study can be presented. Within such specifications, there will be a section in which institutions will set out 'What a graduate should know and be able to do on completion of the programme'. This will be one place in which a Law School can set down its own statement of standards.

5. **The nature of a Threshold statement.** The **Threshold Statement** is set at the bottom of the third class honours degree. Few Law Schools will probably be content simply to describe the achievements of their students at this level. Most will prefer to describe the achievement of the typical student, rather than the minimally acceptable graduate. A description of the achievement of such a typical student is described here as a 'modal statement'. Such a **Modal Statement** would typically be set at the 2.1/2.2 boundary². Nothing in this statement precludes a Law School from setting out its own statement of standards at modal level, provided that this is at least as high as the national threshold statement.

6. These Benchmark standards 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 or 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 institution warrants that the student has achieved the requisite outcome.) But, in all cases, these standards are concerned to ensure that those to whom an honours degree in law are 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, whilst for others all the learning may be the result of study in the Law School. Whatever the route to these outcomes, the degree-awarding institution must be satisfied that the student has achieved the requisite outcomes. Where achievement is demonstrated by 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.

7. **Learning Outcomes:** Many Law Schools are familiar with the articulation of express statements of learning outcomes and marking criteria derived from them which are communicated to students. These help to make clear to students what is expected from them and to assist them in measuring their own progress. There is no requirement that institutions use this form of statement to articulate their own standards. The Subject Benchmarking Panel recognise that a significant number of institutions are not used to using learning outcome statements and it has included some illustrations of how the outcomes might be demonstrated and assessed within this text and in the Appendices.

¹ In this statement 'Law School' is used as a shorthand to describe any higher education institution which provides a programme of study which includes a substantial law content. It makes no assumptions about the organisation within that institution through which the programme is delivered.

² An example of a modal statement can be found in the Report on Graduate Standards in Law which was distributed to Law Schools in December 1997 (available on the Internet: <http://www.law.warwick.ac.uk/ncl>).

Levels of performance

8. The minimum standard set here at the bottom of the third class would be treated by many institutions as disappointing performance, given the entry qualifications of the 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 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 standing of a graduate and the public and private investment in higher education.

The concept of 'satisfactorily' demonstrating achievement is critical and can only partly be captured in words. It depends on the professional judgment 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.

Each institution 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.

Areas of performance

9. The standards set out in the section on 'Areas of Performance' are a minimum level of achievement required to pass an honours degree in any institution. In devising the statements of learning outcomes for their own programmes of study, institutions are expected to include all the features listed below as part of their programme. However, institutions will also wish to describe the outcomes expected of their students in terms appropriate to their mission.

10. This 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 courses 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.

11. ***Does everything have to be assessed?*** It is for institutions 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 all that is required is a statement 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 institution, 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. Others may prefer to integrate assessment of key skills into performance on particular modules. Some outcomes, e.g. teamworking, may even be demonstrated by extra-curricular activities of which the student has provided sufficient evidence to the Law School. The Benchmark statement expresses no preference. 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 institution 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 and QAA academic reviewers will expect to be informed of these mechanisms and to make judgements about their sufficiency.

12. As a preliminary exercise in reviewing how their existing programmes relate to these benchmark standards, institutions 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.

13. ***How much must be achieved?*** The 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 and sufficient reliability of performance that a Law School can confidently state that s/he has demonstrated that outcome. Ultimately the question of sufficiency is a matter of judgement exercised by

internal and external examiners.

14. Knowledge:

Legal system studied: This statement applies to the study of any legal system for which a Scottish university 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 UK 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 statement applies with equal force as in respect of a degree in Scots law.

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.

Principal Features: The statements require a broad overview of the main features and ideas involved in a legal system, including an *in-depth* knowledge of a substantial range of major concepts, values, principles and rules in that system and the context in which that system operates. Nevertheless, there is no requirement that the *study in depth* be in particular branches of law. This is for the student to choose within the framework established by a particular HEI.

Study in context: Within different kinds of degree programme, there will be different emphases on the context of law. Each institution would specify the kinds of context to which they would expect their students to relate their knowledge of substantive law. Study in context includes that a student should have [some in-depth??] understanding, as appropriate, of relevant social, economic, political, historical, philosophical, ethical, and cultural contexts in which law operates, and to draw relevant comparisons with some other legal systems;

15. Application and problem-solving: 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 to problems of a complex nature. A student might demonstrate application through moots, law clinics, tutorial work, as well as through conventional problem questions in unseen examinations.

16. Sources and research: 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.

17. Analysis, synthesis, critical judgment and evaluation: 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.

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

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, e.g. commentary on a new case or article. In evaluation, ability to offer reasons for a point of view is essential. The panel considers it sufficient that the student can choose between the views of protagonists by adopting one of the perspectives, provided that he or she can provide a measure of justification for that choice. It is not essential that the student have developed a personal viewpoint of his or her own on the issues.

18. Autonomy and ability to learn: 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 minimal guidance.

Minimal 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. However, by the honours stage the teacher input should indeed be small. The independent undergraduate should be able to take the initiative to seek support and feedback.

Ability to reflect critically: A student should be able not only to learn something, but to reflect critically on the extent of her or his learning. At a minimum, a student should have some sense of whether s/he knows something well enough or whether s/he needs to learn more in order to understand a particular aspect of the law.

*Key skills*³

19. **Communication and literacy:** Law students are expected to be good at both written and oral communication. An honours student can be expected to be able to provide a comprehensible and sustained argument both orally and in writing. Whereas written communication is assessed heavily by formal examinations, oral communication is demonstrated by a variety of compulsory and voluntary activities, e.g. tutorial performance or mooting.

Law students are expected to be able to read complex primary materials and to find the key statements from them. As such the 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.

20. **Numeracy:** 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 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 Scottish 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.

21. **Information technology:** Given the background of many students, many aspects of performance may well have been achieved before they arrive in university. 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. Information retrieval systems may, but need not, include LEXIS. Standard information retrieval systems would include electronic library catalogues.

22. **Teamworking:** 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.

[These guidance notes are based very closely on those drawn up by John Bell for the English and Welsh Benchmark standards for law, in October, 1998]

³ 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 on the Internet: <http://www.law.warwick.ac.uk/ncl>)

2.2.2 Ordinary Law degrees

Introduction

1. The purpose of these Benchmark standards is
 - (a) to guide institutions (e.g. Law Schools¹) in reporting clearly and accurately to the wider public (students, parents, teachers, funders and employers) the nature of their provision in a standard way;
 - (b) to provide a basis for institutions to devise their own learning outcome statements compatible with these Benchmark statements;
 - (c) to set as a minimum certain achievements in areas of performance which a student must demonstrate to be awarded an undergraduate degree in Law.
2. The Law Benchmarking Panel has decided to set out the national standard for Ordinary Scots law and legal studies degrees by way of a **Threshold Statement**. It is pitched at the level of a bare pass in an Ordinary degree and defines the minimally acceptable graduate. These standards are concerned to ensure that those to whom an Ordinary degree in law are awarded have demonstrated achievement in all the stated areas of performance by the time the award is made.
3. This statement covers all university education in law and legal studies. The statement is limited to students who take at least 50% of their credits in their programme as legal subjects. No institution will be required to demonstrate that other students taking fewer credits in law have met the standards set out here. QAA intends to develop a range of benchmark standards in other disciplines. Institutions teaching a programme with less than 50% of the credits in legal subjects will have to choose a benchmark standard appropriate to it.
4. The QAA is also developing a template for **Programme Specifications**, which are standard ways in which information on programmes of study can be presented. Within such specifications, there will be a section in which institutions will set out 'What a graduate should know and be able to do on completion of the programme'. This will be one place in which a Law School can set down its own statement of standards.
5. **The nature of a Threshold statement:** The **Threshold Statement** is set at the level of a bare pass in an Ordinary degree. Few Law Schools will probably be content simply to describe the achievements of their students at this level. Most will prefer to describe the achievement of the typical student, rather than the minimally acceptable graduate. A description of the achievement of such a typical student is described here as a 'modal statement'. Nothing in this statement precludes a Law School from setting out its own statement of standards at modal level, provided that this is at least as high as the national threshold statement.
6. These Benchmark standards 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 or 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 institution warrants that the student has achieved the requisite outcome.) But, in all cases, these standards are concerned to ensure that those to whom an Ordinary degree in law are 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, whilst for others all the learning may be the result of study in the Law School. Whatever the route to these outcomes, the degree-awarding institution must be satisfied that the student has achieved the requisite outcomes. Where achievement is demonstrated by 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.
7. **Learning outcomes:** Many Law Schools are familiar with the articulation of express statements of learning outcomes and marking criteria derived from them which are communicated to students. These help to make clear to students what is expected from them and to assist them in measuring their own progress. There is no requirement that institutions use this form of statement to articulate their own standards. The Subject Benchmarking Panel recognise that a significant number of institutions are not used to using learning outcome statements and it has included some illustrations of how the outcomes might be demonstrated and assessed within this text and in the Appendices.

¹ In this statement 'Law School' is used as a shorthand to describe any higher education institution which provides a programme of study which includes a substantial law content. It makes no assumptions about the organisation within that institution through which the programme is delivered.

Levels of performance

8. The minimum standard of a bare pass at Ordinary level would be treated by many institutions as a disappointing performance, given the entry qualifications of the students, and it is not the outcome expected of them. But, since the students are graduating with an Ordinary degree, which is itself a significant level of educational achievement, this 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 standing of a graduate and the public and private investment in higher education.

The concept of 'satisfactorily' demonstrating achievement is critical and can only partly be captured in words. It depends on the professional judgment 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.

Each institution 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.

Areas of performance

9. The standards set out in the section on 'Areas of Performance' are a minimum level of achievement required to pass an Ordinary degree in any institution. In devising the statements of learning outcomes for their own programmes of study, institutions are expected to include all the features listed below as part of their programme. However, institutions will also wish to describe the outcomes expected of their students in terms appropriate to their mission.

10. This 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 courses 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.

11. ***Does everything have to be assessed?*** It is for institutions 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 all that is required is a statement 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 institution, 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. Others may prefer to integrate assessment of key skills into performance on particular modules. Some outcomes, e.g. teamworking, may even be demonstrated by extra-curricular activities of which the student has provided sufficient evidence to the Law School. The Benchmark statement expresses no preference. 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 institution 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 and QAA academic reviewers will expect to be informed of these mechanisms and to make judgements about their sufficiency.

12. As a preliminary exercise in reviewing how their existing programmes relate to these benchmark standards, institutions 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.

13. ***How much must be achieved?*** The 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 and sufficient reliability of performance that a Law School can confidently state that s/he has demonstrated that outcome. Ultimately the question of sufficiency is a matter of judgement exercised by

internal and external examiners.

14. Knowledge:

Legal system studied: This statement applies to the study of any legal system for which a Scottish university 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 UK 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 statement applies with equal force as in respect of a degree in Scots law.

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 Ordinary degree in every HEI.

Principal Features: The statements require 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.

Study in depth: Unlike professional requirements, this 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.

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

15. Application and problem-solving: 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.

16. Sources and research: 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.

17. Analysis, synthesis, critical judgment and evaluation: 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.

The skill of analysis requires, inter alia, 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.

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, e.g. 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.

18. Autonomy and ability to learn: This is perhaps the key feature of graduateness. 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.

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.

Ability to reflect critically: A student should be able not only to learn something, but to reflect critically on the extent of her or his learning. At a minimum, a student should have some sense of whether s/he knows something well enough or whether s/he needs to learn more in order to understand a particular aspect of the law.

Key skills²

19. **Communication and Literacy:** Law students are expected to be good at both written and oral communication. Whereas written communication is assessed heavily by formal examinations, oral provide a comprehensible and sustained argument both orally and in writing. Whereas written communication is assessed heavily by formal examinations, oral communication is demonstrated by a variety of compulsory and voluntary activities, e.g. tutorial performance or mooting.

Law students are expected to be able to read complex primary materials and to find the key statements from them. As such the 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.

20. **Numeracy:** 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 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 Scottish 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.

21. **Information technology:** Given the background of many students, many aspects of performance may well have been achieved before they arrive in university. 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. Information retrieval systems may, but need not, include LEXIS. Standard information retrieval systems would include electronic library catalogues.

22. **Teamworking:** 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.

[These guidance notes are based very closely on those drawn up by John Bell for the English and Welsh Benchmark standards for law, in October, 1998]

² 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 on the internet: <http://www.law.warwick.ac.uk/ncl>)

Law benchmarking group membership

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