

Equality in Legal Assessment 2 (EILA2)

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Keywords

- Law;
- assessment;
- equality;
- diversity.

Nature of intervention

Revision of student assessment in Law at the University of Northampton.

Focus of intervention

This is an academic intervention, aimed at both enhancing the student experience and improving practice.

Description of intervention

This project built upon a 2008 study (Crofts and Sneddon, 2009) looking at the achievement of different types of Law students in the various types of assessment between the academic years 2002-03 and 2007-08. The 2008 study was triggered by evidence that there was a difference in student attainment in other disciplines (see, for example, REACH, 2007; HEA/ECU, 2008) and a desire to discover whether this applied in Law. The students were categorised as 'different types' based on gender, ethnicity, age and declared disability. The quantitative element of the 2008 study looked at the results of all LLB students for each element of assessment on all compulsory Law modules, leading to a total of over 10,000 individual grades.

The focus, which was on LLB students and compulsory modules, not joint Honours students or elective modules, was threefold: all the students would complete all the modules; all will

have met broadly similar entry criteria; and, there had been little change in the compulsory modules (as dictated by the professional bodies).

The results showed that there was no statistically significant difference between the students' performance when separated by age, gender or declared disability. It did, however, discover that there was a significant difference in performance between White students and BME students (see below). The BME students were not disaggregated into different groups so as to prevent the identification of any students whose ethnicity was only sparsely represented.

Data at the time from UUK/HESA (HESA, 2007) suggested that, on average between 14 and 16% of students applying to UK HEIs were from BME background. The 2010 UUK/HESA figures show a median of 11% (UUK, 2011, p. 34). Those figures for the LLB at the University of Northampton were 52% BME students in 2006-07 and an average of 56% for the three years of the EILA2 study.

The 2008 study showed that at Level 4, the overall difference between the performance of BME and White students was the difference between a D+ grade for the BME students and a C grade for the White students.

The qualitative part of the study involved student participants from the 2007-08 academic year taking part in focus groups and anonymous online feedback (via Blackboard). Four students took part in each of the two focus groups, and six students submitted written responses. Thematic analysis (following the model of Braun and Clarke, 2006) of the responses showed that assessment was a cross-cutting theme, and concerned all of the student participants.

As a result of the 2008 study, a revised assessment strategy was adopted for the four compulsory Level 4 (Year 1) LLB modules from 2008-09 onwards (see below). EILA2 took the student results for those modules for 2008-09, 2009-10 and 2010-11 and applied the same analysis as the earlier study, in order to assess the impact of the changes that had been introduced, and ascertain whether the predicted reduction on the gap in attainment between BME and White students had materialised.

Prior to the 2008 study, the four compulsory LLB Level 4 modules were assessed in seven different ways:

- short assignment (1,000 words);
- long assignment (2,000 words);
- time-constrained assignment (typically 40 minutes, in term time);
- formal examination (typically two hours);
- seminar participation;
- short answer test;

- group presentation.

As a result of the 2008 study, the new strategy used only three types of assessment:

- time-constrained assignment (problem-question based);
- time-constrained assignment (essay based);
- formal examination (two hours).

There was some discussion at the time of removing the formal examination element of assessment, but the LLB course is bound by the professional body accreditation by the Joint Academic Stage Board, which requires this type of assessment to be used in an LLB. The time-constrained assessments (TCAs) were chosen as the other parts of the strategy as the results indicated that the difference between BME and White students was among the smallest.

The intention of the intervention was that the academic rigour of the course would be maintained while reducing the attainment gap between BME and White students. EILA2 has focused on the students' performance at Level 4.

How the intervention engages students

The intention of this intervention is to improve retention rates among all students, but particularly BME students. Based on the argument of Healey *et al.* (2006), who were writing in the context of students with a disability, the approach was taken that interventions designed to improve performance in one group may also benefit those from outside that group. In other words, the revised assessment strategy should be designed to narrow the gap by helping BME students, rather than disadvantaging White students.

The better the students perform at Level 4, then the less likely that are to withdraw from the course and, since progression and retention rates from Level 5 to Level 6 tend to be higher, increasing progression from Level 4 to Level 5 should have knock-on benefits to overall student retention figures.

EILA2 was unfortunately of too small a scale to revisit the qualitative parts of the original project, but it is hoped these can be revisited at a future date.

Link to the 'What Works?' conceptual model and findings

This project is firmly located in the academic sphere of the conceptual model. It deals specifically with curriculum design and assessment, which are crucial to the student experience. The importance of student involvement in the design of assessment was recognised in the 2008 study, and so the student participation aspect of the conceptual model was explicitly addressed in the 2008 study, which devoted half of its content to the results of a series of interviews and focus groups with students.

The 2008 study qualitative research revealed that some of the students felt “exams are terrifying but I think they are necessary to keep the standard at a [high] level” and the type of assessment that most students preferred was the time-constrained type. Many of the outcomes of the qualitative work were matched by what the results showed – students tended to do better in TCAs but less well in formal examinations.

These qualitative data were used in conjunction with the statistical data (and the requirements of the professional bodies) to design the intervention, which was the focus on the EILA2 project.

Evidence of effectiveness/impact

As was shown above, there was a marked difference in achievement between BME and White students in the four compulsory Level 4 LLB modules before the intervention (D+ to C). The University of Northampton has adopted an A-F marking scale, which is then converted to numerical values using a grading matrix (below).

Table 1: Marking scale A-F converted to numerical values

A+	25	24.0+	A+
A	23	22.0 – 23.99	A
A-	21	20.5 – 21.99	A-
B+	20	19.5 – 20.49	B+
B	19	18.5 – 19.49	B
B-	18	17.5 – 18.49	B-
C+	17	16.5 – 17.49	C+
C	16	15.5 – 16.49	C
C-	15	14.5 – 15.49	C-
D+	14	13.5 – 14.49	D+
D	13	12.5 – 13.49	D
D-	12	11.5 – 12.49	D-
F+	11	9.5 – 11.49	F+
F	8	6.0 – 9.49	F
F-	4	2.0 – 5.99	F-
G	0	0 – 1.99	G

In numerical terms, the D+ to C difference above was 14.44 (so only just under a C-) for BME students to 16.40 (marginally under a C+) for White students.

The main part of EILA2 was to look at the grades that LLB students on these four modules attained in 2008-09, 2009-10 and 2010-11 (i.e. the three years after the intervention was introduced) and assess the difference in overall performance between BME and White students.

The 2008 study report outlined some of the shortcomings in methodology of the original study, and EILA2 chose to follow the same, albeit imperfect, approach as it would be the safest and most reliable way to obtain comparable results.

Over the three academic years, the grades for 195 students in each of three pieces of assessment for four modules was taken, giving a sample size of over 2,300 assessment grades ($195 \times 3 \times 4 = 2,340$).

The results showed that across the board, the gap in achievement between BME and White students was reduced. In both 2008-09 and 2010-11, there was no statistical difference between the achievement of BME and White students. The 2009-10 results did show a difference, but even this was smaller than the difference prior to the intervention.

This is an encouraging set of results, and suggests that, on the small scale at least, assessment can be designed so that the attainment gap between BME and White students is reduced, and retention and progression are improved. A larger-scale, more longitudinal study would be able to assess the finer, more nuanced points of this intervention. Since the average grade for BME students had risen to a C, and the average grade for White students had remained at a C, the approach outlined above to reduce the gap without reducing grades was satisfied.

Further work in this area will be able to explore whether the measures put in place for LLB students at the University of Northampton work in the wider context – either in a cross-disciplinary sense or a cross-institutional sense (or both.)

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Related publications, resources and further information

Crofts, M. and Sneddon, S.T. (2009) *Equality in Legal Assessment: A Scoping Study*. Northampton: University of Northampton Office of Educational Partnerships and Lifelong Learning.