

Students' perceptions of assessed seminar performance in law

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DOI:

[10.1108/heswbl-01-2019-0020](https://doi.org/10.1108/heswbl-01-2019-0020)

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Document Version

Peer reviewed version

Citation for published version (Harvard):

Bliss, L 2019, 'Students' perceptions of assessed seminar performance in law', *Higher Education, Skills and Work-based Learning*. <https://doi.org/10.1108/heswbl-01-2019-0020>

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Publisher Rights Statement:

Checked for eligibility: 13/09/2019

Bliss, L. (2019), "Students' perceptions of assessed seminar performance in law", *Higher Education, Skills and Work-Based Learning*, Vol. ahead-of-print No. ahead-of-print. <https://doi.org/10.1108/HESWBL-01-2019-0020>

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Students perceptions of assessed seminar performance in law

Purpose: The purpose of this article is to examine assessed seminars in law modules across first, second, and third year students at a higher education academy in Lancashire (England). This form of assessment is essentially a one hour tutorial, where students are given marks for their oral contribution to class discussions. Assessment is a feature in all degree programmes conducted throughout Higher Education establishments. Recently, a move has been made from traditional examinations and coursework to assess students learning, to more inclusive forms of assessment following the changing nature of those entering Higher Education.

Design: Using a quantitative survey, participants were asked to answer ten questions on their perceptions of assessed seminars as a form of assessment. To enhance the findings, interviews also took place with members of staff who had experience in teaching both assessed and non-assessed seminars.

Findings: This research found, that although some students were daunted by assessed seminars, over the course of three years, their key legal skills had improved. Key skills enhanced through assessed seminars includes communication based skills and public speaking, whilst also being a positive form of assessment that maintains student retention.

Limitations: This is a small-scale research project, completed in the fulfilment of the authors PgCert. However, it does provide a template for other legal institutions to follow.

Originality: With growing concern across the Higher Education Sector around student retention, assessed seminars are proven to be a form of assessment that ensures student attendance, whilst enhancing skills ready for the workplace.

Introduction

Assessment means much more than only measuring and judging; it should play a critical role in the whole learning process. More emphasis should both focus on stimulating the development of competencies needed to perform various professional roles and on stimulating reflection and lifelong learning skills by involving students as active participants in the learning process (Gulik et al 2009, 174).

The concept of assessment can be a frightening thought for students across the globe, but it

has become a notion that has underpinned higher educational establishments since their creation (Dochy, Segers and Sluijsmans 2006; Boud and Molloy 2012). The Higher Education Academy (2018) deems assessment as a ‘vital’ tool believing ‘that attention to the methods of assessment and feedback ... is fundamental to student learning.’ Emphasis, since the 1980s, has been placed on diverse modes of assessment to ensure inclusivity across class, gender, ethnicity and the learning needs of the student (Entwistle 2009).

Assessment can be conceptualised as promoting ‘the student as an active person who shares responsibility, reflects, collaborates and conducts a continuous dialogue with the teacher’ (Dochy, Segers and Sluijsmans 2006, 331). The driving force for assessment to be included in the curriculum stems from the pressure placed on university’s to create lifelong learners ready for the labour market (Sambell, McDowell and Brown 1997). For Birenbaum (1994) modes of assessment should reflect the needs of a given society which includes the ability to solve problems, promote research-based skills and allow for oral contributions ect, being considered by Brown (2004, 81) as ‘probably the most important thing we can do to help students’.

The purpose of this research was to gather the opinions of students perceptions of assessed seminars in law and discuss these findings with law tutors. The study aimed to answer the following research questions:

- What are students perceptions of assessed seminars in law-related modules?
- Do assessed seminars improve key legal skills?
- Do assessed seminars improve student attendance?

Modes of assignment

Following the ideological position of testing students knowledge of a given topic to the concept of assessment, we have seen a rise in different ways in which students can be assessed in higher education (Brown 2004; Dochy, Segers and Sluijsmans 2006). Recently

we have seen a drive towards assessment for learning, rather than assessment of learning (Lodge 2014). **Assessment for learning allows for feedback to be given to students to improve future performance. If tailored correctly, assessment for learning can also be adapted to highlight key skills associated with employability. In turn, this creates not only lifelong learners, but students who are ready for the labour market (Sambell, Mcdowell and Brown 1997).**

For Burke (2010) the types of assessments given to learners can be split into two categories: formative and summative. Formative modes of assessment are considered the process of a student being able to learn how to improve their marks before a summative assessment takes place (Heritage 2010). It has come to be accepted that formative assessment 'is one of the most powerful ways of improving student achievement' (William 2006).

The driving force behind different forms of assessments has been influenced by the idea of equality and diversity, as students have different learning needs and skills. Brown, Race and Smith (2005) suggest that there are thirteen key features which need to be taken into account when choosing a form of assessment, including how the assignment criteria motivates students; the encouragement of deep learning; and allowing for students to reflect on their own learning needs.

Underpinning modes of assessments lies a person's theoretical approach to teaching. Though there is not one true theoretical position a teacher can undertake, it has come to be accepted that students learn through a variation of means and it is for 'a teacher ... to offer to students a variety of experiences so that they each might ... find a match between their learning style and approach of the teacher' (Prosser and Trigwell 1999, 85).

Approaches to theoretical positions in teaching have advanced since polytechnic education establishments (Macleod & Golby 2006). This, in turn, has changed the way in which subjects are taught and the types of assessments given to students. For instance, those

coming from a constructivist approach are likely to implement case studies, group-based activities and research projects, as forms of assessment (Kelly 2012). Assessed seminars can be associated with instrumentalist ideological approaches to teaching (Magrini 2014).

Instrumentalism is based on the concept of creating a skilled workforce:

Instrumental ideologies; ‘instrumentalism’, ‘revisionism’ and advocates of ‘economic renewal through education’ emphasise the need to fit learners into society and to create a skilled workforce which will improve the national economy (Littledyke 2006, 128).

Here, the teacher is concerned with generating the appropriate skills needed for future employment (Magrini 2014). Though this theoretical position is criticised in its use to achieve economic and political gain within a given society (Marshall *et al* 2011), recently Higher Education establishments have been under pressure to teach transferable skills to ‘produce graduates who are ready for any workplace’ (Docherty 2014).

Assessed seminars

Entwistle (2009, 19) suggested that more diversity was needed in Higher Education as ‘students academic progress is quite strongly related to general availability, and also depends on having a profile of other abilities compatible with their chosen subject area.’ The changing nature of Higher Education means more students are entering university from a variety of backgrounds. For instance, in a study undertaken by The Universities and Colleges Admissions (Ucas), it was found that one in four students were starting a university course from a Business and Technology Education Council (BTEC) background (Havergal 2016). Traditional Advanced Level subjects (A Levels) are, therefore, no longer the norm (Havergal 2016) and consequently, previous learning experiences need to be taken into account as it can have profound effects upon someone’s ability to succeed in Higher Education (Huddleston and Unwin 2012).

The changing nature of students entering Higher Education has meant that more emphasis has been placed on different modes of assessment to ensure inclusivity across the

sector. One way in which this has been reflected in the Law and Criminology Department at Edge Hill University (England) is through the use of assessed seminars. Assessed seminars are, at its very basic, one-hour tutorials in which students are assessed on their oral contribution to class discussions, similar to presentations. Emphasis is placed on skills-based education, grounded in the need for critical thinking and problem-solving capacities demanded by everyday legal practice **and employment**. Students are expected to prepare for seminars ahead of the session by answering several questions located in the module handbook, along with completing key readings. This allows for independent self-study (Johnstone and Rivera 1965). **This allows for a combined approach to skills integration:**

Skills are taught in combination with substantive law subjects. Skills and substance can be designed to “feed off each other while achieving their own objectives and learning outcomes” (Bentley 1996, 104; Wolski 2002).

The assessment criteria is given to the students at the start of each module, where it is clearly explained to all those present, that seminars are about oral performance, rather than written work. In essence, a student can come to seminars with no notes and still achieve high grades. Marks are awarded to students for willingness to contribute, their degree of knowledge and understanding, receptiveness to alternative viewpoints and the clarity of a students argument, with the grade descriptors reflecting the students level of study.

The structure of the seminar can be adapted to suit the subject needs, for instance, students can be required to give presentations during seminars to demonstrate their own independent research on a chosen topic. However, in order to allow for fairness, group sizes are restricted to usually no more than 14 per class. This allows all students the opportunity to contribute to the class discussion. Despite the difference in structure, assessed seminars contain vital characteristics such as the creation of lifelong learners, independent students and the formation of a learner-centred approach to assessment; **all important skills associated with the labour market** (Angelo and Cross 1993). **Whilst also going beyond the**

compulsory legal research, writing and analysis components associated with law school (Wolski 2002).

To reflect the importance of formative assessment, each module has at least one formative seminar, where students are encouraged to gain feedback regarding their performance, a key component in teaching and learning (Brown, Race and Smith 2005; Ramsden 1992, 1998). Consequently, formative assessed seminars are placed ‘at the centre of teaching and learning instead of being a separate afterthought’ (Ecclestone 2001, 144). Throughout **formative and summative seminars**, students can approach tutors for feedback at any point, where the emphasis is placed on tailoring the feedback to the assessment criteria (Poulos and Mahony 2008). This allows for teachers to also reflect on how well a student is performing **whilst** giving the student an opportunity to address any learning which is unsatisfactory (Angelo and Cross 1993). **For Race, reflection is an important aspect of the education process as it deepens learning (Race 2014). Student’s are, therefore, able to address where they have been unsuccessful and adapt future behaviour to enhance their learning experience (Race 2014).**

Assessed seminars in law

The use of assessed seminars in law is particularly important as it allows students to gain transferable skills suitable for future employment, **both inside and outside the legal sector**, reflecting the instrumentalist ideological approach to teaching and learning (Magrini 2014). During assessed seminars, students are able to gain a variety of skills, all of which are deemed important when it comes to pursuing a legal career. For example, by ensuring students **must** speak during seminars, as this is part of the fundamental assessment criteria, students gain experience in public speaking, enhance their own confidence and are able to shape their arguments to fit a legal scenario; these are all important skills needed in the legal profession (Miller and Meininger, 2013), **whilst being transferable to other forms of**

employment. As Jordan, Carlile and Stack (2008, 62) argue ‘it is through communication that people can begin to understand and question their social and political circumstances.’

The concept of transferable skills from education into the wider workforce has recently increased in importance in the legal sector. In 2017, the Solicitors Regulation Authority announced that the traditional Legal Practice Course (LPC), which provided students with the training to become practising solicitors, would be replaced with a more centralised system (Solicitors Regulation Authority 2017). In the United Kingdom, to qualify as a solicitor, students must currently complete the LPC. Under the new scheme, which is due to come into force from 2020, emphasis will be placed on the key skills needed when working in the legal profession, such as client interviewing, legal research and the ability to argue key legal principles (Solicitors Regulation Authority 2017). Students who undertake the Solicitors Qualifying Examinations (SQE), will not only need a good foundational understanding of a legal topic but will also need to be able to demonstrate important legal skills (University of Law, 2018).

Learning and work are, therefore, inherently interlinked (Bond and Soloman 2001) both inside and outside the legal sector. Consequently, Higher Education establishments and workplaces need to operate together to ensure that they ‘are not sending conflicting messages’ (Bond and Soloman 2001, 34). Universities have been placed under increasing pressure to create learners ready for the job market (Docherty 2014). Recent changes in the Teaching and Excellence Framework, the assessment of teaching in universities and colleges (Office for Students 2019), has placed further pressure on higher education establishments to embed employability into the curriculum to increase the future success of students (Higher Education Academy 2016). As Race (2014, 93) potently puts, ‘[f]uture employers are likely to be at least as interested in students’ work-related competences as in academic performance ...’.

Assessed seminars, therefore, allow students to develop **key employability** skills while undertaking their undergraduate degree, as this form of assessment can be shaped to cover all aspects of the new SQE regulations. **The skills obtained during assessed seminars** are not only appropriate to the legal profession but are transferable into other forms of employment. For example, the ability to demonstrate good oral communication skills are relevant to many professions, **such as the businesses sector, whilst also aiding** students with job interviews in the future (McIntosh, Luecke & Davis 2008).

Methods

In order to conduct this research project, a mixed methodological approach was used to compare students perceptions of assessed seminars in law-related subjects whilst studying for their degree with interviews conducted with law staff members. Mixed methodology can be defined as ‘research that combines both quantitative research and qualitative research’ (Bryman 2016, 693). Though there is no true definition of assessment, for this article, assessment refers to ‘active methods’ where students take an active role in the assessment. For instance, exams, coursework or presentations.

First, positivist epistemology was used to gather information from students based at Edge Hill University’s Law and Criminology Department on their own perspectives of assessed seminars. Positivist methodology can be defined as ‘an epistemological position that advocates the application of methods of the natural sciences to the study of social reality and beyond’ (Bryman 2016, 694). Due to the scientific nature of this form of research, those approaching a study from this perspective are more inclined to use quantitative methods to conduct their research (Hamersley 1993). Several characteristics can be associated with positivism and quantitative methods. For instance, by conducting a project from this perspective, vast amounts of data can be produced (Bryman 2016).

To adhere with positivistic epistemology, an online survey was created *via* 'Survey Monkey', composing of 10 closed questions, all of which had to be completed by the participants. This allowed those taking part in the study to answer the questions at a time to suit them and permitted all responses to be collected anonymously. **As part of the ethical considerations, it was decided that closed questions would be used** in this part of the study to ensure staff would not be identified by students and no defamatory comments were made about the institution.

In order to discuss the findings of the online survey, interviews were conducted with three lecturers in Law, using open-ended questions, linked to the findings of the questionnaire. This form of research reflects qualitative methodology, which is concerned with words, rather than that of numbers and figures (Denzin & Lincoln 1994).

The qualitative nature of this part of the research allowed me to explore in greater detail some of the themes which emerged from the quantitative data gathered, reflecting the openness of this methodological approach and the depth of data gathered (Atieno 2009). Here, emphasis was placed on gaining insight from members of staff in the **Law and Criminology** Department at Edge Hill University who had the knowledge of teaching both assessed and non-assessed seminars. This allowed for comparisons to be made between student and staff perceptions of this form of assessment.

Due to time constraints, qualitative methods of research, such as focus groups, were not conducted with students. For future research in this area, the validity of the study can be enhanced by supplementing the questionnaire findings, with student-based focus groups. **This, in turn, will enrich the data and create an in-depth understanding of students perceptions of assessed seminars as a mode of assessment.**

Data Collection

All data was collected from Edge Hill University's Law and Criminology Department between December 2017 and May 2018. In total, 127 surveys were sent with a completion rate of 40.2% (51 surveys). During this time, **all** students **surveyed** had assessed, and non-assessed seminars based on at least one legal subject. For instance, first year LLB Law students would have had assessed seminars in Legal Methods and Systems, Contract Law, Tort Law and Public Law. First year LLB Law students will have also been exposed to non-assessed seminars in Lawyer Skills. **Whereas, Law with Criminology and Policing students will have experienced assessed seminars in all law related modules. So, for example, a first year Law with Criminology student will have been exposed to assessed seminars in Contract Law, Tort Law and Legal Methods and Systems; while experiencing non-assessed seminars in all Criminology modules.** Due to the way in which the survey was created, all responses were generated anonymously.

The data collected from the questionnaire process was then used to discuss assessed seminars with three senior members of the Law and Criminology Department. Here, an open-ended discussion took place with staff members, highlighting the findings of the questionnaire. The shortest interview lasted 5 minutes 45 seconds and the longest interview lasted 12 minutes 8 seconds. During the interview process, ten open-ended questions were asked to the participants. Though the interviews were short, due to the time constraints of staff members, the data **collected** was able to illuminate the answers given by students.

Participants

All questionnaire participants in the study were either Law LLB (40), Law with Criminology LLB (3), Criminology with Law (1), Law with Politics LLB (1) or Policing (6) students at Edge Hill University. **The study was aimed at these students because all of these**

programmes, Law LLB, Law with Criminology LLB, Law with Politics LLB, Criminology with Law and Policing, incorporate assessed and non-assessed seminars.

Participants from levels 4 (year one) (18), 5 (year two) (18) and 6 (year six) (15) took part in the study, with both male (13) and female (38) students taking part in the research. The differences in gender were to be expected, as Edge Hill University has more female students than male.

Of the three staff members of the Law and Criminology Department who took part in the study, two of the participants had experiences of teaching both assessed and non-assessed seminars. Whereas, the third member of staff only taught non-assessed seminars.

Ethical considerations

Ethics is a key principle of any research, with the notion that no harm must be subjected to any participants being at the forefront of the researcher's mind (Farrimond 2012). Before this research project took place, ethical approval was sought from Edge Hill University. Several key ethical considerations were taken into account to ensure the study maintained ethical integrity throughout, including consent, anonymity, data storage, confidentiality and risk. Particular regard was given to anonymity during the study to ensure students felt that their answers would not impact upon their studies **or marks**. None of the raw data has been shared with anyone other than the **researcher**.

Limitations of the study

The number of students who took part in the study is significantly less than was expected, with an average of 40.2% taking part in the research. This limits the findings as only a small proportion of Law, Criminology and Policing students were surveyed in comparison to the numbers registered on degree programs, which use assessed seminars. **The questionnaire disrupted to students' lacks an in-depth**

understanding of how students perceive assessed seminars. The findings indicate that assessed seminars’ increase a person’s confidence and maintains student retention, but the findings do not illustrate why this is the case. For future research, other forms of data collection will enhance this study to give more in-depth responses to this form of assessment. For instance, the use of focus groups to gain qualitative feedback from participants. **The use of more qualitative methods will enrich the study to understand students perceptions of assessed seminars in more detail.**

Results

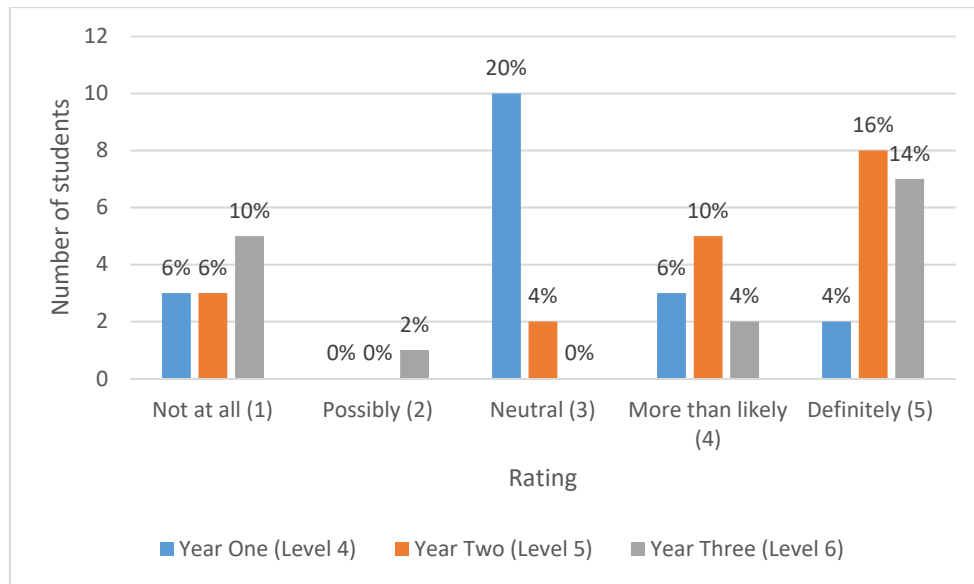
The study aimed to answer the following research questions:

- What are students perceptions of assessed seminars in law-related modules?
- Do assessed seminars improve key legal skills?
- Do assessed seminars improve student attendance?

What are students perceptions of assessed seminars in law related modules?

Overall, 28 of those surveyed stated that they would be ‘more than likely’ or ‘definitely likely’ to recommend assessed seminars to other law institutions. Whereas 11 students suggested that they would not recommend this mode of assessment to others. As can be seen from figure one, there are key differences in cohort’s perceptions of this form of assessment.

Figure 1. How likely are you to recommend assessed seminars to other university departments?



10 first year students indicated that they felt neutral in recommending assessed seminars to other institutions, with only 5 of these students being ‘more than likely’ or ‘definitely likely’ to suggest that assessed seminars become part of the curriculum. Whereas, second year students were the most likely of all three cohorts to recommend this form of assessment, with 15 participants from this cohort indicating an answer of neutral or above. Arguably, the key differences here could relate to the exposure these two cohorts would have had to assessed seminars. In first year, many students will not have experienced a form of assessment like this, whereas by second year, many students will have had up to eight subjects which incorporated seminars which were assessed.

However, third year students did not reflect this trend. Overall, only 9 third year students indicated that they would be ‘more than likely’ or above, to recommend assessed seminars to other institutions. All students **based in the Law and Criminology Department** at Edge Hill University, in their final year, are able to choose the subjects they wish to study. All module options given to these students incorporate a variety of different modes of assessment, some of which include assessed seminars. It could be that by third year, students

have become ‘overexposed’ to this form of assessment. This was affirmed by staff participant z who stated:

“Assessed seminars are a brilliant way of ensuring students are engaged in their studies. However, they should be used alongside other forms of assessment to ensure they [the students] are not overexposed to one form of assessment.”

Though assessed seminars can be seen to have gained mixed responses in relation to recommendations, this mode of assessment has key advantages, indicated in the findings of the **survey**. Of those who took part in the questionnaire, 29 students stated that assessed seminars had a positive impact on their legal knowledge and understanding, as demonstrated in table one.

Table 1. Have assessed seminars improved your legal knowledge and understanding?

	Not at all (1)	Possibly (2)	Neutral (3)	More than likely (4)	Definitely (5)
Year One (Level 4)	2 (4%)	4 (8%)	5 (10%)	5 (10%)	2 (4%)
Year Two (Level 5)	0	0	4 (8%)	8 (16%)	6 (12%)
Year Three (Level 6)	0	2 (4%)	5 (10%)	6 (12%)	2 (4%)
Total	2	6	14	19	10

A further 27 students gave a positive response when asked if assessed seminars had improved their receptiveness to others points of views, along with enhancing their abilities to make legal arguments, as shown in table two. Carr, Carter and Horsey (2009) argue that the ability to make a legal argument is a key skill needed when entering the legal profession. This was supported by staff participant Z: “... the skill of creating a coherent legal argument is fundamental to a career in law.” Whereas, receptiveness to another’s view is a transferable skill which can be used in most employment sectors (OECD 2017). From the study undertaken, it can be seen that these key skills, not only associated with the legal sector but

transferable to the workplace, have developed within students over the course of their degree, despite some of the negative responses to this form of assessment. However, caution was noted by staff participant X:

“Assessed seminars are not the only way a person can increase their abilities to make legal arguments. We need to ensure that other skills, such as that of legal writing, are not restricted.”

Table 2. Have assessed seminars improved your receptiveness to others and your ability to make a legal argument?

	Not at all (1)	Possibly (2)	Neutral (3)	More than likely (4)	Definitely (5)
Year One (Level 4)	2 (4%)	4 (8%)	5 (10%)	5 (10%)	2 (4%)
Year Two (Level 5)	2 (4%)	1 (2%)	5 (10%)	7 (14%)	3 (6%)
Year Three (level 6)	2 (4%)	1 (2%)	2 (4%)	6 (12%)	4 (8%)
Total	6	6	12	18	9

Do assessed seminars improve key legal skills?

Changes due to come into effect by 2020 in relation to the legal practice course, means future lawyers will face more examinations on key skills associated with the profession (Solicitors Regulation Authority 2017). Here, those who undertake the new SQE, will be examined on several key legal skills, including, though not limited to, client interviewing, oral communication and legal research (Solicitors Regulation Authority 2017). Through the use of assessed seminars, students can gain valuable experience of these skills, before they enrol on the SQE (staff participant Y).

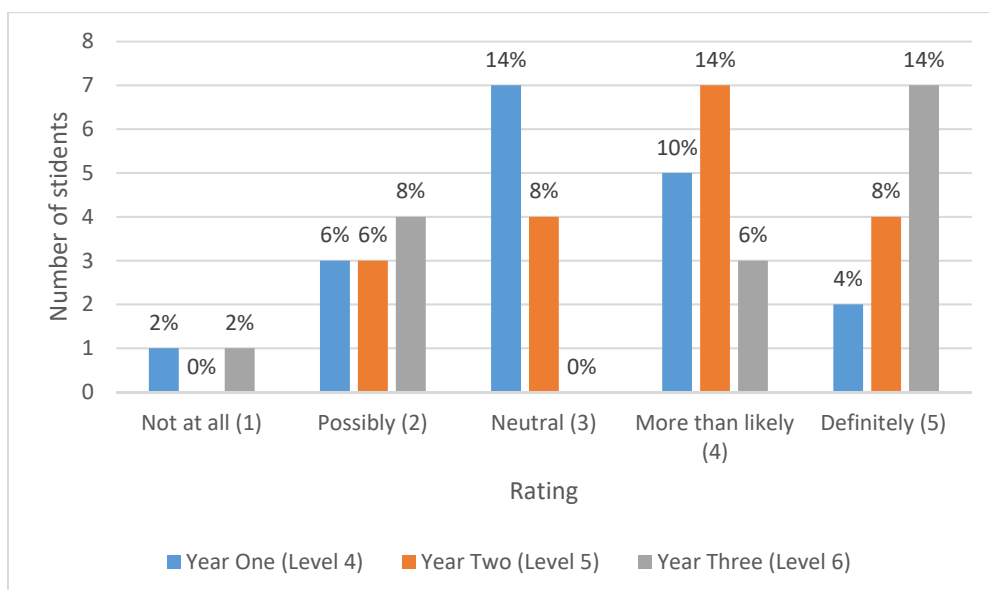
One of the main skills needed in the legal profession is good oral communication (Parsons 2016) which is a fundamental principle of assessed seminars. **Good oral communication skills are also applicable to other forms of employment outside the legal sector.** As assessed seminars are validated as oral presentations, students are examined on

their oral contribution to the class discussions as opposed to their written work. Consequently, students must speak during seminars to be rewarded marks. From my own experience of teaching students from their first assessed seminar through to the last assessed seminar in year one, this can be uncomfortable for some. However, in many cases as the semester passes, students confidence and oral communication within the class increases dramatically, **which** is often reflected in their marks (staff participant Y). This has also been shown in the results gathered from this research.

10 third year students said that they have seen an increase in their confidence due to assessed seminars. Whereas, with first year students, 7 stated that they had witnessed an increase in confidence due to this form of assessment, as shown in figure two. Here, a pattern has emerged in the findings that students overall confidence increases throughout their three years at university, with assessed seminars being considered as one of the reasons for this. This was a key factor for staff participant Y:

“We have seen a trend in recent years of students entering Higher Education who struggle to speak in public. Assessed seminars allow these students to gain valuable experience in not only speaking in public but also helping to build on their own self-esteem.”

Figure 2. Have assessed seminars improved your overall confidence academically?



Confidence is a key skill both in Higher Education institutions (Sadler 2013) and the legal profession (Cassidy 2015). It can be considered that ‘forcing’ students to speak in seminars is somewhat unethical, especially if a student has an anxiety issue. However, the key to assessed seminars is to ensure that the teacher has control of the class at all times, making all those taking part in discussions feel at ease during the assessment process. In addition, ‘virtually all graduates will attend job interviews’ (Huxham, Campbell & Westwood 2010, 1), therefore, it is important students are exposed to forms of assessment which may help improve their confidence, along with oral communication. The use of assessed seminars allows for students to be taken out of their comfort zones, in a controlled environment, to help enhance key transferable skills, with staff participant X stating that assessed seminars can ‘help build confidence for those entering Higher Education.’

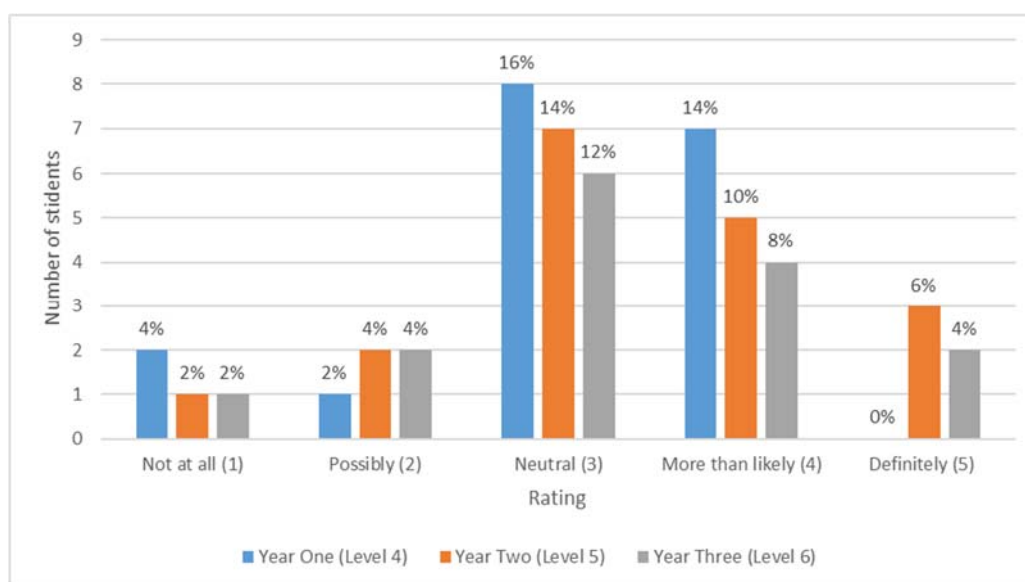
Similarly, a pattern emerges in relation to cohort’s perceptions of how assessed seminars can help enhance their oral communication skills. Of those who took part in the research, 39 students indicated a score of neutral or above in relation to assessed seminars helping to improve their communications skills, as shown in table three. **Like that of confidence, higher scores are given by level 6 (year three) students as opposed to those studying at level 4 (year one).** This suggests that assessed seminars improve oral communication **skills** throughout the degree period.

Table 3. Have assessed seminars improved your communication skills overall?

	Not at all (1)	Possibly (2)	Neutral (3)	More than likely (4)	Definitely (5)
Year One	1 (2%)	5 (10%)	5 (10%)	5 (10%)	2 (4%)
Year Two	1 (2%)	3 (6%)	3 (6%)	6 (12%)	5 (10%)
Year Three	0	2 (4%)	2 (4%)	6 (12%)	5 (10%)
Total	2	10	10	17	12

The positive results reflected in students answers surrounding assessed seminars, confidence and communications, was further mirrored in the answers given by those who took part in the survey in relation to research skills. 42 students felt neutral or above when asked about the link between assessed seminars and their legal research skills, as demonstrated in figure three. Though students are being assessed on their oral contribution to class discussions, seminars can be shaped to allow students to enhance their legal research skills, whilst also adhering to the validation process. For instance, a research project can be set a week before the seminar is due to take place, allowing students to employ their research skills to the assessment process. For example, the use of legal databases such as Westlaw and LexisNexis, the application of the law to a case study example and establishing the reliability of sources. The findings can then be presented to the class, fulfilling all four-assessment criteria's set out in the module handbook.

Figure 3. Have assessed seminars improved your legal research skills?



The importance of legal research skills has been reflected in the changes to the legal practise course. One of the key criteria's which future lawyers will be assessed on is their

ability to research a legal topic (Solicitors Regulation Authority 2017). Therefore, it is important when teachers are designing assessed seminars, they find opportunities for students to enhance their research skills. Staff participant Y agreed that at the forefront of assessed seminars, there should be **empathizes** placed on research skills, with staff participant X raising concerns that assessing seminars in this way means other key skills are not developed by year 2, for instance the ability to answer a problem question scenario.

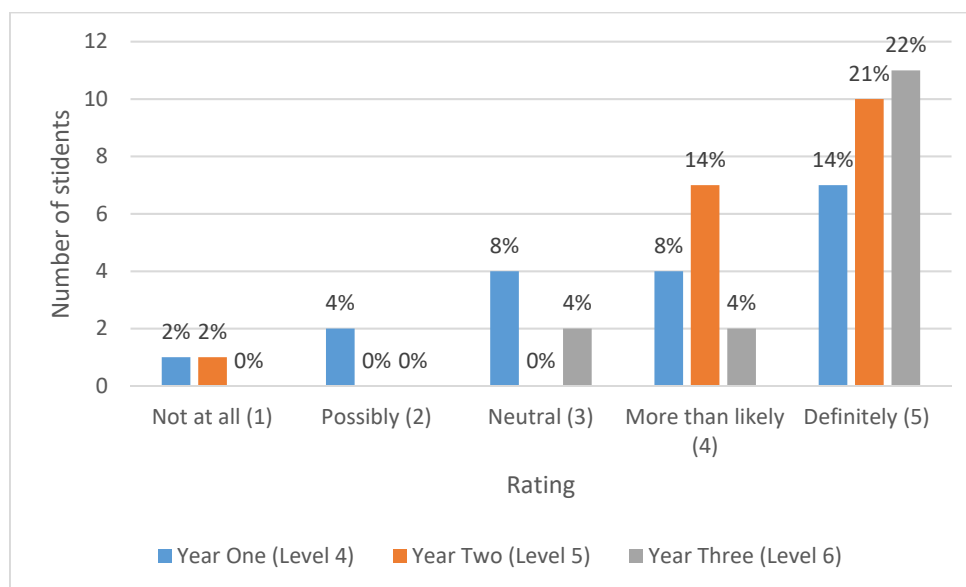
The ability to conduct research, like that of oral communication, is a transferable skill applicable to other employment sectors. It allows for students to demonstrate their ability to work with others; illustrate their ability to work independently outside of the classroom and; appreciate the importance of using reliable sources.

Do assessed seminars improve student attendance?

‘Student retention is an ever-greater concern for institutions’ (Swain 2008). In April 2017, the Higher Education Academy released a final report examining what needs to be employed in Higher Education to retain students (Higher Education Academy 2017). One of the key factors recommended in the report is ensuring a mixed-method approach to assessment is used throughout degree programmes. In addition to this, it was found that institutions that continue to monitor attendance are likely to retain their students until the end of their degree. Staff participant X expressed concerns surrounding assessed seminars and retention: “... we implemented assessed seminars to tackle a very growing problem with attendance and we need to ensure that we don’t overuse assessed seminars to combat retention.”

Due to the nature of some seminars being assessed in the programmes offered by the Law and Criminology Department at Edge Hill University, students retention and attendance in these subjects have improved dramatically (staff participant Z). Of those students who took part in this research project, 41 stated that their attendance had improved due to the concept of assessed seminars, shown further in figure four.

Figure 4. Have assessed seminars helped improve your attendance at university.



Though one student from each cohort disagreed with this statement, the positivity expressed towards attendance and this form of assessment is further proof that assessed seminars should be considered in other institutions. Fain (2017) argues that the more a student attends university, the more likely they are to feel part of the higher education community, therefore, allowing for retention to increase.

Discussion

Assessment forms many degree programmes in Higher Education and is a fundamental principle of the curriculum (Hodson 2006). However, different forms of assessment should be used to ensure diversity and inclusivity across the sector (Entwistle 2009). Staff participant Z reflected on the diversity of assessed seminars: “The use of assessed seminars has allowed students to flourish, who in the past would have struggled in Higher Education.” Assessed seminars are desirable to students who may have issues with reading and writing (staff participant Y). Due to the way these seminars are

validated and conducted, individuals are assessed purely on their oral contribution. This study has exposed that this form of assessment has increased students confidence and communication skills, important transferable skills for future employment.

Employability is a growing ‘buzz’ term in Higher Education establishments (Bhola and Dhanawade 2013, 45). Teaching has not only adapted to reflect the content of the subject being taught but the skills obtained during the learning process (Race 2001). The skills gained during assessed seminars are, therefore, applicable to all forms of future employment, not just those associated with the legal sector. By increasing a students’ confidence, in turn their public speaking skills are enhanced, a transferable skill applicable with many forms of employment. However, assessed seminars are not without fault.

An issue with assessed seminars is class size. To ensure all students have equal opportunity to partake in class discussions and to gain marks, class sizes need to be kept relatively small, with ideally no more than 14 students per seminar. This can be problematic for institutions who have large cohorts. **For example, those who have a cohort of 100 students, would need to employ a staff member for 8 hours of teaching, just for assessed seminars. Wolski (2002, 291) suggests that many educational institutions are unable to ‘... commit additional resources to skills teaching’ due to insufficient time and resources. Assessed seminars allow for key legal and labour skills to be taught alongside compulsory face-to-face sessions with students. In addition, as assessed seminars form part of the overall marks given to a student, it would mean that other forms of assessment could be reduced. For instance, a module can consist of an examination and assessed seminars, removing**

the need for coursework's, whilst also ensuring exclusivity for those who may have learning difficulties.

It is also important that assessed seminars are not employed as a hard and fast response to attendance and retention in Higher Education (staff participant X). Retention is a growing concern of institutions, with it being a fundamental factor taken into account in the Teaching and Excellence Framework (Higher Education Funding Council for England 2017). Universities are consequently under pressure to ensure they retain students who are enrolled in its programmes; assessed seminars can help with this as it actively monitors attendance. Despite this, as staff participant X stated, "assessed seminars should not be used at the peril of other forms of assessment, such as that of coursework". It is, therefore, important that assessed seminars are not used in all modules, other forms of assessment need to be mixed into the curriculum to ensure full exclusivity.

If assessed seminars, especially in law, are implemented into the curriculum constructively, they can have positive results on student engagement, along with working in line with the new SQE. The purpose of the SQE is to enhance the skills needed to become a competent solicitor and is likely to be mirrored in examinations undertaken by training barristers in the future (Bar Standards Board 2018). Assessed seminars can, therefore, be a fundamental form of assessment for those wishing to pursue these career paths once completing their law degree, whilst also being applicable to future employment. **Currently, 'while schools may give students the opportunity to experience skills simulations, they frequently fail to adequately prepare students for those experiences ...' (Wolski 2002, 294). Assessed seminars ensure that students understand the substantive topic being taught, whilst also giving them multiple opportunities to practice skills associated with the labour market.**

Future Research

This research can be enhanced in the future by taking an in-depth qualitative approach to the topic. Here, focus groups can be conducted with students to gain further valuable feedback about their experiences of assessed seminars. **The study clearly indicates the perceptions students' have of assessed seminars in Law related modules but it does not clearly illustrate why students' have these perceptions. Future qualitative research will enhance the richness of the data obtained during this study.** In addition, a comparison between other institutions using assessed seminars to gain a bigger sample size to enhance the validity of the study could also be undertaken in the future.

Data Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

References

Angelo, T.A, and K.P Cross. 1993. *Classroom Assessment Techniques: A Handbook for College Teachers*. New Jersey: John Wiley & Sons Incorporated

Atieno, O.P. 2009. "An analysis of the strengths and limitations of qualitative and quantitative research paradigms" *Problems of Education in the 21st century* 13: 13-18. ISSN: 1822-7864

Bar Standard Board. 2018. "BSB Regulatory Update special edition- announcement about the future of Bar training." *Bar Standards Board*. Accessed 6 June 2018
<https://www.barstandardsboard.org.uk/regulatory-requirements/regulatory-update-2017/bsb-regulatory-update-special-edition-announcement-about-the-future-of-bar-training/>

Bentley, D. 1996. "Mooting in an Undergraduate Tax Program" *Legal Education Review* 7: 97-124. http://epublications.bond.edu.au/law_pubs/44

Bhola, S and Dhanawade S. S. 2013. "Higher Education and Employability- A Review" *SSRN*: 45-54. doi:10.2139/ssrn.2290103

Birenbaum, M. 1994. "Toward adaptive assessment—the students angle." *Studies in Educational Evaluation* 20 (2): 239–255. doi: 0191-491 X(94)00020-4

Boud, D. 2010. "Sustainable Assessment: Rethinking assessment for the learning society." *Studies in Continuing Education* 22 (2): 151-167. doi: 10.1080/713695728

Bond, D, and Molloy E. 2012. "Rethinking models of feedback for learning: the challenge of design." *Assessment & Evaluation in Higher Education* 38: 6: 698-712. doi: 10.1080/02602938.2012.691462

Boud, D and Solomon, N. 2001. *Work-based learning: a new higher education?* London: Society for Research into Higher Education & Open University Press

Brown, S. 2005. "Assessment for Learning." *Learning and Teaching in Higher Education* 1: 81-89. ISSN: 1742-240X

Burke, K. 2010. *Balanced Assessment: From Formative to Summative*. Bloomington: Solution Tree Press

Bryman, A. 2016. *Social Research Methods*. Oxford: Oxford University Press

Cassidy, S. 2015. "CPS barristers "lack presence, self-confidence and flair"" *The Independent*, 19 March. <https://www.independent.co.uk/news/uk/crime/cps-barristers-lack-presence-self-confidence-and-flair-10120843.html>

Carr, H, Carter S, and Horsey K. 2009. *Skills for Law Students*. Oxford: Oxford University Press

Denzin, N K, and Y.S Lincoln. eds. 1994. *Handbook of Qualitative Research*. London: Sage

Docherty, D. 2014. "Universities must produce graduates who are ready for any workplace" *The Guardian*, May 22. <https://www.theguardian.com/higher-education-network/2014/may/22/universities-must-produce-graduates-who-are-ready-for-workplace>

Dochy, F, M Segers, and Sluijsmans D. 1999. "The use of self-, peer and co-assessment in higher education: A review" *Studies in Higher Education* 24 (3): 331-350. doi: 10.1080/03075079912331379935

Ecclestone, K. (2001) "Assessment and critical autonomy in post-compulsory education in UK." *Journal of Education and Work* 13 (2). doi: 10.1080/13639080050045006

Entwistle, N. (2009). *Teaching for Understanding at University: Deep Approaches and Distinctive Ways of Thinking*. London: Palgrave Macmillan

Farrimond, H. 2012. *Doing Ethical Research*. London: Palgrave MacMillan

Grove, J. 2015. *Proportion of top BTEC students doubles: Hefce report*. The Times University, February 26. <https://www.timeshighereducation.com/news/proportion-of-top-btec-students-doubles-hefce-report/2018796.article>

Hammersley, M. (1993) *Principles of Social and Educational*. Oxford: Oxford University Press

Havergal, C. 2016. "One in four university entrants has a BTEC, Ucas study finds" *Times Higher Education*, January 28. <https://www.timeshighereducation.com/news/one-in-four-university-entrants-has-a-btec-ucas-study-finds#survey-answer>

Heritage, M. 2010. *Formative Assessment: Making It Happen in the Classroom*. Thousand Oaks: Corwin Press

Higher Education Academy. 2018. "Transforming assessment in higher education." Higher Education Academy. Accessed 4 June 2018.

<https://www.heacademy.ac.uk/individuals/strategic-priorities/assessment>

Higher Education Academy. 2017. "Student retention and success in higher education." Higher Education Academy. Accessed 4 June 2018.

<https://www.heacademy.ac.uk/individuals/strategic-priorities/retention>

Higher Education Academy. 2016. "Embedding employability in higher education for student success." Higher Education Academy. Accessed 18 March 2018.

https://www.heacademy.ac.uk/system/files/downloads/employability_viewpoint_july16_1.pdf

Higher Education Funding Council for England. 2017. "New assessment highlights excellence of teaching and learning across UK universities and colleges." Higher Education Funding Council for England, 21 June

<http://www.hefce.ac.uk/news/newsarchive/2017/Name,114556,en.html>

Huddleston, P. 2012. *Teaching and Learning in Further Education: diversity and change*. Abingdon: Routledge

Huddleston P, and Unwin, L. 2007. *Teaching and Learning in Further Education: Diversity and Change*. London: Taylor & Francis

Hodson, D. 2006. "The Role of Assessment in the 'Curriculum Cycle': a survey of science department practice." *Research in Science & Technological Education* 4 (1): 7-17. doi: 10.1080/0263514860040102

Huxham, M, F Campbell, and J Westwood. 2010. "Oral versus written assessments: a test of student performance and attitudes." *Assessment & Evaluation in Higher Education* 37 (1): 125-136. doi: 10.1080/02602938.2010.515012

Johnstone, J.W, and R.J Rivera. 1965. *Volunteers for learning*. Chicago: Aldine

Jordan A, O Carlile, and S Annetta. 2008. *Approaches to Learning: A Guide for Teachers*. Berkshire: McGraw-Hill Education

Littledyke, M. 1996. "Ideology, Epistemology, Pedagogy and the National Curriculum for Science: the influence on primary science." *Curriculum Studies* 4 (1): 119-139. doi: 10.1080/0965975960040107

Lodge, J M. 2014. "What is the point of assessment in higher education anyway?" The Conversation, September 25. <https://theconversation.com/what-is-the-point-of-assessment-in-higher-education-anyway-32095>

Macleod, F, and M Golby. 2006. "Theories of Learning and Pedagogy: issues for teacher development." *Teacher Development* 7 (3): 345-361. doi: 10.1080/13664530300200204

Magrini, J M. 2014. *Social Efficiency and Instrumentalism in Education: Critical Essays in Ontology, Phenomenology, and Philosophical Hermeneutics*. Abingdon: Routledge

- Marshall, S.J, J Orrell, A Cameron, A Bosanquet, and Sue T. 2011 “Leading and managing learning and teaching in higher education.” *Higher Education Research & Development* 30 (2): 87-103. doi: 10.1080/07294360.2010.512631
- McIntosh P, R.A Luceke, and J.H Davis. 2008. *Interpersonal Communication Skills in the Workplace*. United States of America: Consulting Psychologists Press
- Mellin-Olsen, S. 1981. “Instrumentalism as an educational concept.” *Educational Studies in Mathematics* 12 (3): 351-367. doi: 10.1007/BF00311065
- Miller, R.L, and M Meinzing. 2013. *Paralegal Today: The Essentials*. New York: Delmar Learning
- Mulder, M, J Gulikers , H Biemans, and R Wesselink. 2009. “The new competence concept in higher education: error or enrichment?” *Journal of European Industrial Training* 33(8): 755-770. doi: 03090590910993616
- OECD. (2017) “Better use of skills in the workplace: why it matters for productivity and local jobs.” *OECD*. Accessed 5 June 2018. www.theworkfoundation.com
- Office for Students. (2019) “What if the TEF?” *Office for Students*. Accessed 19 March 2019. <https://www.officeforstudents.org.uk/advice-and-guidance/teaching/what-is-the-tef/>**
- Parsons, S.P. 2016. *Interviewing and Investigating: Essential Skills for the Legal Professional*. New York: Wolters Kluwer
- Poulos, A, and M.J Mahony. 2008. “Effectiveness of feedback: the students’ perspective.” *Assessment & Evaluation in Higher Education* 33 (2): 143-154. doi: 10.1080/02602930601127869
- Prosser, M, and K Trigwell. 1999. *Understanding learning and teaching: the experience in higher education*. London: Open University Press
- Race, P. (2014). *The Lecturer's Toolkit: A practical guide to assessment, learning and teaching*. Abingdon: Routledge**
- Race, P, S Brown and B Smith. 2005. *500 Tips on Assessment*. London: Psychology Press
- Ramsden, P. 1998. *Learning to Lead in Higher Education*. London: Psychology Press
- Ramsden, P. 1992. *Learning to Teach in Higher Education*. Abingdon: Routledge
- Sadler, I. 2013. “The role of self-confidence in learning to teach in higher education.” *Innovations in Education and Teaching International* 50 (2): 157-166. doi: 10.1080/14703297.2012.760777
- Sambell, K, L McDowell, and S Brown. 1997. “But is it fair?”: an exploratory study of student perceptions of the consequential validity of assessment.” *Studies in Educational Evaluation* 23 (4): 349-371. doi: 10.1016/S0191-491X(97)86215-3
- Solicitors Regulation Authority. 2017. “Solicitors Qualifying Examination.” Solicitors Regulation Authority. Accessed 5 June 2018 <https://www.sra.org.uk/home/hot-topics/Solicitors-Qualifying-Examination.page>

Swain, H. 2008. "Student retention." Times Higher Education , February 21.
<https://www.timeshighereducation.com/news/student-retention/400728.article>

The University of Law. 2018. "Understanding the SQE and what it means for me." The University of Law. <https://www.law.ac.uk/blog/understanding-the-sqe-and-what-it-means-for-me/>

William, D. 2006. "Assessment for Learning: why, what and how." Paper presented at the Cambridge Assessment Network Conference, Cambridge, September 15

Wolski, B. 2002. "Why, How, and What to Practice: Integrating Skills Teaching and Learning in the Undergraduate Law Curriculum." *Journal of Legal Education* 52(1/2): 287-302. ISSN-0022-2208

