

We do not like old fashioned exams: the innovative use of alternative assessments on a Law Degree with a Foundation Year

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Abstract

Assessment methods in Higher Education will always be vehemently debated and evoke a plethora of emotions, comments and opinions. This short study attempted to scrutinise how the use of alternative methods of assessments in a foundation year award affected student retention and progression from the access year on to the traditional first year of an LLB. Learners on the award completed a questionnaire about how they felt about their assessments. The findings are discussed and the authors enter into a discussion about the idea of complementing traditional timed exams with a suite of alternative and inclusive assessments. In conclusion the authors demonstrate that student retention and progression rate reached a rate of 95% for the 2012/13 cohort.

Introduction

One could argue that the traditional unseen, time limited examination is only effective for those students whose learning style suits the demands of the method. Many students feel disadvantaged by unseen examinations and this can even have an impact on their decision to study at a Higher Educational Institute (HEI). This paper will examine the use of alternative types of assessments used on a level three 'access' or as it is referred to in this study a Foundation Year.

The study was relevant in order to meet the new and changing demands in Higher and Professional Education presented by widening access to non-traditional students and demands to improve retention and progression. It was necessary to reflect on and obtain a greater understanding of what the students thought about their assessments in order to enhance understanding of the student learning environment.

The small scale study employed both quantitative and qualitative methodologies for data collection. A mixed methodology was used for the empirical data collection. A questionnaire was used to gain an overall picture of what motivated students to enrol on a law degree with a Foundation Year (FY). This paper has used specific aspects of that research to look at the area of assessments. The findings allow for reflection on the type of learning experience

these students may have and could possibly show a departure from the traditional view of the student experience. The findings also deal with the students' views on assessments and considers the improved levels of retention and progression; debating whether or not this can be linked to the use of non-traditional types of assessment.

Background and literature review

Increasingly, students studying in higher education are undertaking degrees with a Foundation Year (FY). This approach attracts people from a broad range of backgrounds, particularly people from low participation neighbourhoods, students from non-traditional backgrounds (HEFCE 2008) and provides an alternative route for those without A-levels (Ooms *et al.* 2012; Leese, 2010; Winter and Dismore, 2010). There is limited research about how progression from the 'access' year is influenced by the assessment process and this is important to inform teaching and support learning.

In 2009 one of the authors took over the position of Foundation Year Award Manager and at that time the progression rate from the 'access' year to the traditional first year of the LLB was only 33%. A decision was taken immediately to overhaul the teaching and learning package for the students with a targeted focus on using innovative methods of assessment and move away from traditional written exams. A suite of new assessments was devised based on practical role play, verbal presentations, poster presentations, multiple choice (MCQs), coursework but also retained the traditional timed exam. The various assessment types were shared equally across all of the modules to give an eclectic assessment experience (McDowell, 2002). There was an emphasis on maintaining, to ensure that there was no 'dumbing-down' of the assessments. The award saw an increase in the number of students who were successful in their assessments and who were able to progress and the actual progression rate onto the level four for the 2012/13 reached 95% (Staffordshire University, 2014)

The study took place in a post 1992 – 'New University' located in the Midlands. This institution considered applications for the 'LLB with a Foundation Year' from students' with diverse backgrounds and each applicant was assessed individually. However, a typical 'A' level offer would be grade 'D' from one 'A' level. Applicants who were under the age of twenty on commencing the (FY) were also be required to have GCSE English Language at grade C or equivalent, or were required to re-sit this successfully during the Foundation Year in order to progress onto the LLB. Mature students were considered on their individual merits on the basis of their application and an interview (Staffordshire University, 2013).

Waterfield and West (2010) wrote primarily for an academic audience; they provided a detailed analysis of the concept of 'inclusive assessments' and championed the flexibility of assessment choice. Waterfield and West (2010, p.3) claimed that innovation in assessment practice, in so much as it might represent a challenge to this orthodoxy, was often viewed with suspicion as '*inherently undermining academic standards, irrespective of aims to the contrary*'.

Biggs and Tang (2011) talked about 'performance of understanding' or active demonstration of the knowledge in question. The latter discussed the notion of decontextualised assessments such as written exams that assessed declarative knowledge and alluded to the fact that there is an over reliance on these types of assessment. Both Biggs and Tang

(2011) and Waterfield and West (2010) considered the convenience and cost of the traditional 'time bound' written examination. The literature aforementioned looked at the rhetoric around how alternative assessments could be costed to fit into the higher learning economy.

The authors in this study hypothesised the notion that inclusive and alternative forms of assessment achieved higher levels of student satisfaction. This paper argues that students were provided with increased opportunities to achieve their best overall grades due to the wide-ranging collection of assessments methods available.

HEFCE (2013) analysed the response of 304,000 final-year students responded to the latest NSS survey. This number of respondents represented a response rate of 68.6 per cent, the highest rate in the nine years that the NSS has been running and the survey shows that the area with the lowest satisfaction levels was assessment and feedback with 72% satisfaction. The area of assessment and feedback has consistently been identified as an area for improvement and arguably provides an opportunity for innovation and change (Boud, 2013)

Henry (2012) examined the phenomenon of assessments in UK universities and pointed out that more and more universities were using coursework, and non – traditional assessment methods in preference to written exams. The reliance on constant assessment was seen to be strongest in former polytechnics and 'new universities'. Payne, (2012 ; cited in Henry, 2012) described how a University in the West Midlands had ceased to use traditional exams in humanities in response to evidence that such examinations did not provide the most accurate, meaningful, all-round measurement of student achievement. Barber (Cited in Shaw, 2013) said the traditional teaching and learning models were out dated. Smithers (2012) writing as a leading UK academic, took a traditional view and argued that a sole reliance on coursework could be having an impact on degree inflation. Smithers has primarily published extensively on school examination and test results and drew an analogy with some of the problems experienced with GCSEs and A Levels. In a critique of the use of alternative assessments methods he alluded to:

'coursework at university suffering from all the same weaknesses. There are also a number of opportunities to correct coursework before it is finally submitted, driving up marks'. (Smithers, 2012; cited in Henry, 2012)

Sabur (2013) wrote from the perspective of a third-year English and Classics student. Writing for the guardian she argued that exams suited students who were good at memorising and regurgitating, but traditional exams did not encourage creative and original responses.

Clarke (2013) highlighted the number of students achieving first-class honours, rose to sixteen per cent in 2012, the biggest increase on record. Clarke (2013) took a critical stance and alluded to grade inflation, going on to argue that more than a sixth of students now graduate with high grades following a tripling in firsts awarded since the late-90s. Clarke (2013) linked this phenomenon to a reduction in the number of traditional exams that students sit in favour of coursework. Higher Education Statistics Agency (HESA, 2013) produced figures to show that there has also been a rise in the numbers of students gaining an upper-second. The latest figures show that two-thirds of students left university in 2012 with a first or 2.1. HESA (2013) figures also show an a significant increase in first class degrees with a 45% increase from 2008, when 41,150 students got a first, and up 136% from 2002, when 26,100 graduates received the highest degree grade. There may be an

argument that a move away from the traditional form of assessment equates to grade inflation. Taken together the evidence does point to some significant changes in the number of students obtaining 'good degrees'. However the does not seem to be any conclusive empirical research that provides objective evidence to confirm this argument.

Returning to this study, the research questions for this paper asked 'what did the students think about the innovative use of alternative assessments on a Law Degree with a Foundation Year?' and 'did the use of these assessments contribute to retention and progression?' The next section deals with the methodology used and focuses on the responses of the students enrolled on the FY.

Method

One of the authors had previously carried out a survey in the form of a pen and paper questionnaire asked the respondents to consider a number of factors influencing their choice to enrol on a course with a Foundation Year. This study focuses on the response to one of the questions contained in the survey; the question about assessments. Although the original study covered a wide range of factors concerning the experiences of students on the FY, this paper selected one aspect of the survey as the focus for discussion. The decision to focus on assessment types was taken as this was considered to represent an area of innovation in HE, whereas other elements of the study could not be described as dealing with 'innovation' in the true sense of the word.

One of the original survey's key strengths was the high number of completed responses coupled with the fact that it was completed early on in the teaching block. The latter may give the advantage of eliciting responses early on in the academic lifecycle. This study wanted to capture the students' views at the beginning of their student experience while their experiences were still fresh in their minds and before they became fully embedded in HE.

The study commenced with a distribution of 63 questionnaires to each student on the award. The initial data collection took place towards the end of the first teaching block. The response rate was 96% (n=63). The questionnaire was designed to collect data on the status of each student such as age, gender, disability and ethnic group. The questionnaire used in this study was handed out in the lecture and collected in after completion before the students left the lecture theatre. The authors used this method of delivery and collection to facilitate a high return rate. This study was carried out in accordance with the BERA guidelines (2011) and was conducted ethically. The participants volunteered and were informed of the nature of the research. The respondents did not write their names on the questionnaires and this enabled the participants to remain completely anonymous. The authors did not consider this small scale study a risk to the safety of the learners who took part. The students were asked a number of questions however this paper focused on the question below and the students' responses. The Question was worded as follows:

Did it make a difference that any of the following forms of assessment are used compared to traditional exams? (tick all that apply)

This question originally formed part of the study looking in to the factors that motivated students to enrol. The responses demonstrated that this area received significantly more comments and feedback than any other area of the study. The authors felt that this factor deserved some analysis in its own right.

The questionnaire provided the group to with a number of assessment types that were used on the Foundation Year. The rationale for this was to try and establish whether these alternative forms of assessment had any influence on the students either as a motivation for enrolment or as a deterrent. The full range of choices available on the questionnaire is shown below.

Written examination, Reflective Diary, Oral Presentation, Online Discussion, Project, Assessed essay, Role Play, Group Project, Portfolio, Questionnaire, Dissertation, Poster Presentation, Class Participation, Practical Session, Self-assessment, Multiple Choice, Web-quest, Negotiated assessment, Problem-based learning, Attendance.

Findings and Discussion

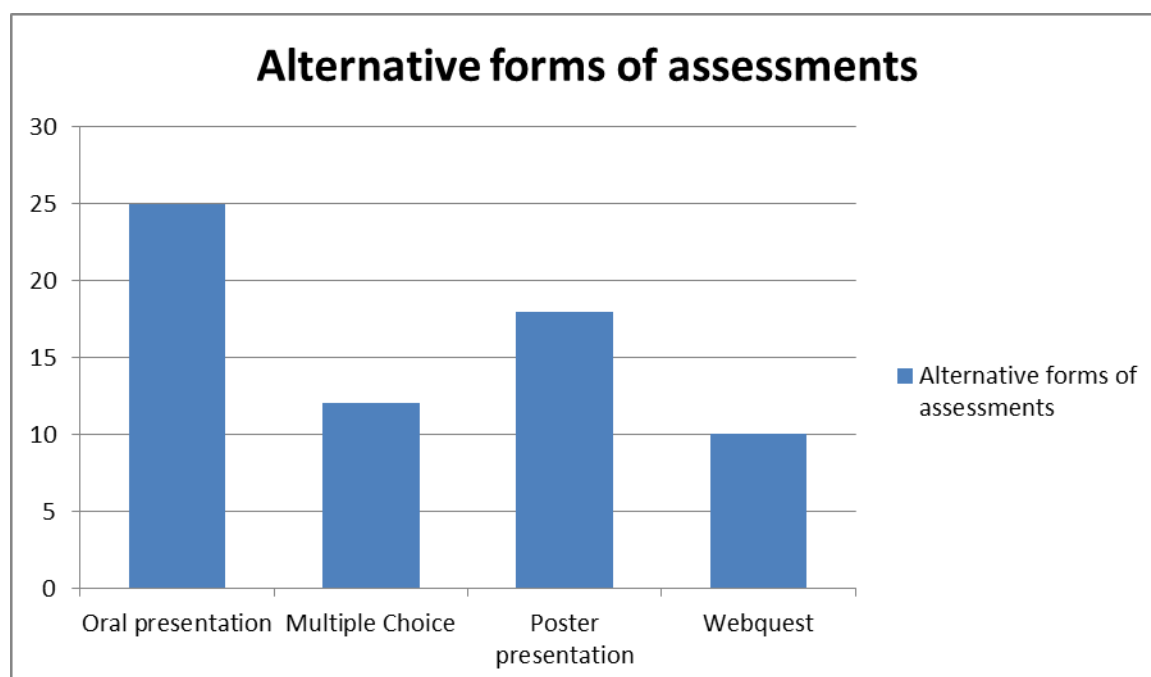


Figure 1. Responses to different forms of assessment

Figure 1 is a graph showing the main responses to the different forms of assessment highlighted in the questionnaire. A decision was taken not to include the choices that did not elicit any response from the respondents in order to present the significant responses clearly in the graph. The question then invited the respondent to answer 'Why?'. The highest response was seen in the area of oral presentation. The study showed that 43.8% of students ticked this area with 31.5% providing a written answer to the question 'Why?'. 31.5% of students ticked the Poster presentation box, 21% ticked the multiple choice box and 17.5% ticked Web-quest.

Table 1. The written responses to the question about assessments

- Enjoy the challenge of different types, once employed it isn't all going to be written exams. Practical ones help you prepare as well for the future.
 - Familiar with oral presentation and poster presentation
 - Presentations in general make me nervous
 - Never done oral presentations before
 - I think it is better
 - Familiar with oral presentations
 - More pressure is applied as you are not aware if you have presented correct.
 - I do not like exams as they make me nervous and often tend to panic
 - Presentations in general make me nervous
 - Yes because it slowly eases us into the course
 - It did make a difference, except the poster presentation which was my least favourite
 - I don't test well
 - I prefer all of the last different forms of assessment apart from my least favourite being the oral presentation
 - I don't like examinations, don't do well
 - I don't like written exams
 - No difference
 - Familiar with oral presentations
 - It was varied and the oral presentation allowed me to grow confidence
 - Because they are easier and gets things out the way quicker.
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Table 1 provides the detailed response of the students who took the opportunity to provide a written answer to the qualitative element of the question.

The population of interest for this study was all undergraduate students enrolled on the LLB (Hons) with a Foundation Year. The survey sample consisted of 57 respondents from a total group of 63 forming the cohort commonly referred to as the FY. The sample was evenly split in relation to gender with 28 males 49.1%, 27 Females 47.3% and 2 students who did not state their gender. The age of the students overwhelmingly were represented in the 18-24 category at 96.5%. Only two students in the FY were older than 24 and 12% of the students reported disabilities; however there was no opportunity in the questionnaire to explore this area further and in hindsight maybe this aspect should have been developed.

Firstly there it is important to point out that there are only a small number of English Universities that offer an LLB with a Law Foundation year. This study identified seven Universities in England that offered a full time LLB with a Law Foundation year and two that offered the LLB with a generic skills based foundation year. It is necessary to highlight the difference between foundation degrees such as those discussed by Chipperfield (2012) and Winter and Dismore (2010). The latter dealt with foundation degrees in the sense of vocational work based degrees linked to industry and often involving day release from work to undertake the attendance at university. The LLB with Foundation Year is not to be confused with these work based degrees also referred to as foundation degrees.

Teaching and supporting learning on the 'Foundation Year' used a variety of assessment methods. Students were assessed on themed presentation skills, role play, creativity in the form of a poster design and delivery, computer based multiple choice questions (MCQ's) and written assignments.

The study identified that the area of oral presentations elicited a number of responses from the students ranging from 'like to dislike' but the overall feeling seemed to emerge that the students preferred the different types of assessment in preference to the traditional exam scenario. Linking back to the literature

One could argue that the respondents fell in to two broad groups, those who felt that they may perform better in assessments that did not rely on the traditional 'memory test' time bound, written exam and those who expressed anxiousness about assessments generally. An examination of the written responses indicated the presence of a sub group of respondents who expressed a sense of nervousness over the oral presentation element of assessments. One could speculate that people who feel that they need to enrol on the Foundation Year rather than entering via the traditional route, may feel apprehensive about assessments overall; demonstrated by comments such as 'I don't like examinations, don't do well. . . presentations in general make me nervous' Efklikes and Volet (2005).

Looking at the responses using a critical lens one could argue that the various types of assessment did provide the learners with the opportunity to succeed in some form but within a 'milieu' presented by Smithers' (2012) critique. The significantly high success and progression rate over the last three years could be an indication that a non-reliance on traditional exams is a key to enabling learners to achieve success by weaving through a very different maze of challenges.

The experience of the authors mirrored the research of Waterfield and West (2010) who argued that alternative assessments resulted in achieved higher levels of student satisfaction and led to improvements in student marks and grades. This study's findings concurred with other literature such as Gibbs and Simpson, (2005) whose research indicated that students prefer coursework, regarding it as "fairer" than exams. There is evidence to suggest that coursework marks are a better indicator of the long-term learning of course content than exams

Conclusion

The paper focused on a theme the authors considered appropriate to produce a short paper that scrutinised one particular area of a larger study. The use of the different types of assessments was arguably innovative and original compared to the traditional assessments used for the LLB(Hons).

This paper's fundamental argument is based on the concept of providing new and innovative types of assessment that are relevant and reflect the changing style of teaching and learning in the 21st Century. There is little research done in the area of the 'access' year and the student experience. This short paper has provided a glimpse in to an area of HE that may be set to expand. Certainly with pressure from QAA and the NSS on HEIs to improve on the student experience, it may seem sensible to expand some of the practices currently used on the FY year to the traditional first, second and third years.

Taken together, some of the literature does point to some criticism of the use of alternative methods of assessment in HE. There is a clear indication that the number of 'good degrees' obtained by students has risen significantly. Commentators such as Henry (2012), Smithers (2012) and Carr (2013) make a strong argument for grade inflation. Conversely with public policy advocating widening access and the consideration of the work of leading academics

such as Biggs (2011) and Boud (2013), it is clear that there must be a place for non-traditional assessments in a suite of teaching and learning in the 21st Century.

Contested notions of assessment proved to be an area that elicited a high number of responses and comments from the students and it is clear that assessment will continue to be a hotly debated issue in HE. It was clear from the discussion section that many students were uncomfortable with the traditional written exam style of assessment and the literature (Henry, 2012; Sabur, 2013) suggested that many universities in England and Wales had changed their assessments methods to continuing or alternative styles of assessment.

This study looked a 'niche' within the HE milieu; however the results were significant and provided topical area for examination. This small study has provided the basis from which one could expand on a number of further studies that could revolve around repeating the study with a new cohort or conducting a longitudinal study with former FY students as they encounter a greater set of experiences with traditional exams throughout their academic journey.

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