



Creating “valuable” student assessments

Dr Alex Nicholson

As legal educators, it is likely that we believe that the formative and summative assessment tasks we design for our students are “valuable” in a pedagogical sense, but how often do we stop to think about what our *students* value and whether *they* perceive value in those tasks? This briefing note comprises my own personal reflections on the papers delivered at Advance HE’s Assessment and Feedback Symposium on 9 November 2022, and considers how legal educators might enhance assessment and feedback practices in ways that students perceive as valuable.

Context

In recent years it has become increasingly common to see key stakeholders call into question the “value” of higher education, and to judge the same from an almost exclusively economic perspective (Tomlinson, 2018). My recent research in this area has drawn on theories of customer value from the marketing discipline (Levitt, 1980; Smith & Colgate, 2007; Kelly, et al., 2017) and has sought both to challenge the prevailing rhetoric (specifically insofar as it applies to legal education) and to propose practical ways in which providers can proactively create new and differentiated value within their programmes that their students will perceive (Nicholson, 2020; Nicholson, 2021; Nicholson & Johnston, 2021a; Nicholson & Johnston, 2021b; Nicholson, 2022a).

Throughout my work, I have made the case for providers identifying a wider range of value components that might be perceived by students within their programmes, and then strategically focusing on one or more such components that align with existing provider strengths and capabilities so as to develop genuinely unique and resonating value propositions (Nicholson, 2022b). Where programmes are designed and developed in this way, I argue that students are more likely to perceive value in programme activities, and this could lead to greater levels of student engagement, retention, and ultimately satisfaction.

Assessment and feedback are priority development areas for many programme leaders across the HE sector. In the 2022 National Student Survey, only 68% of students provided positive responses to questions they were asked about their satisfaction with this aspect of their course (OfS, 2022). This briefing note comprises my own personal reflections on the papers delivered at Advance HE's Assessment and Feedback Symposium on 9 November 2022, and considers how legal educators might enhance assessment and feedback practices in ways that students will perceive as valuable.

Aims

This briefing paper aims to summarise and synthesise the key themes of Advance HE's most recent Assessment and Feedback Symposium, and to offer critical reflections on those themes through a customer value lens and in the context of legal education. It will be of interest to legal educators in the UK and internationally who are seeking to enhance assessment and feedback practice in a way that students will perceive as valuable.

Reflections

In the symposium's opening keynote address, Professor Tansy Jessop, Pro Vice-Chancellor for Education at the University of Bristol, made a compelling case for taking a "programme approach" to assessment. She lamented overly modular approaches, where academics work in silos and rarely have the time, responsibility, or impetus to consider a student's journey through the programme as a whole. She argued convincingly that such approaches can lead to: the fragmentation of student learning; inconsistent and often incoherent assessment advice from tutors; limited opportunities for meaningful and engaging formative assessment; and the superficiality of summative assessment and feedback. As legal educators, we might feel that the prescriptive regulatory requirements of the qualifying law degree (QLD) have historically necessitated such approaches, as it was vital to robustly evidence that all students had gained a comprehensive understanding of each of the foundations of legal knowledge (SRA, 2002). Whether or not this was in fact what the Joint Statement required is debatable, but what is clear is that with the introduction of the solicitors' qualifying examination comes significant deregulation (SRA, n.d.), and therefore greater scope for us to rethink our approaches. Whilst for aspiring barristers the QLD retains significance, the overwhelming majority of law students will not ever tread this path, and even those who do may well to meet the relevant requirements without the breadth of content knowledge in each area that a typical QLD currently purports to provide.

Professor Jessop impressed upon delegates the value of thinking about a student's learning and assessment journey throughout the programme as a whole. She emphasised that assessment strategy, programme structures, pedagogies, and culture all have a part to play in ensuring a joined up approach to assessment that makes sense to students, motivates and inspires them to go deeper with their learning, and creates a shared sense of moving forward. She called for: joined-up, connected, sequenced assessment; reduced volumes of summative assessment to make space for more meaningful formative tasks and feedback; carefully sequenced varieties of assessment to ensure that students develop a range of skills through clear scaffolding; genuine feedforward within and across modules; and slower, more complex, and larger assessments, that encourage students to make cross-modular connections, not only in the final year.

A programme approach to assessment need not necessarily mean consolidating the assessment of multiple modules within a single assessment task at a level of study, but it does mean taking a cross-level or even cross-programme view of assessment tasks, and using assessments to more deliberately scaffold the student's learning journey. It is easy to see how such approaches might not only have pedagogical value for students' learning, but also "epistemic value" (Sheth, et al., 1991) by enhancing students' interest in their discipline,

broader “experiential value” (Holbrook, 2005) by enhancing students’ enjoyment of their programme, and “instrumental value” (Woodruff, 1997) through the progressive development of the employability skills that students hope to acquire (for a full discussion of the range of aspects of value that students might perceive, see the blogpost referenced at the end of this note). It seems likely that the greater perception of value that might stem from a programme approach to assessment may in turn promote greater levels of student engagement and satisfaction with the formative and summative assessment activities they are asked to complete.

Relatedly, later in the day, Lorna Mitchell spoke specifically about developing a formative assessment strategy with the School of Law at the University of Liverpool. She explained that, previously, students could not easily see how feedback from one module could be applied to other modules (in other words, they could not perceive the “instrumental” value of their feedback for their studies on future modules), and so the project scaffolded formative activity across the levels, and introduced dedicated assessment support workshops and 1-2-1 academic advisor meetings to help transform students from passive listeners to confident assessors of their own work.

Similarly, Dr Charlie Lea and her colleagues from the University of Brighton presented on their experience of designing and implementing an Assessment and Feedback policy at institutional level. They explained how they had introduced university level grade descriptors, which all module leaders were required to align their marking criteria to, but they emphasised that there was a bottom-up approach to implementation, with each school having the flexibility to determine how they implemented the policy in their own context. The School of Business and Law was specifically mentioned, and the presenters explained that this school had co-created an assessment template with students, which all staff within the school then consistently used across modules.

Again, it is not difficult to see how standardising the assessment information provided to students at (at least) the programme level could create additional value that is perceived by students. Not only is there potentially “instrumental value” in better enabling students to achieve their desired grades by more clearly and consistently articulating what they need to do to achieve those grades, but there is clear “sacrifice value” (Zeithaml, 1988) for students (i.e. the net difference between what a student will receive from an activity, and what a student must themselves invest), in the sense that standardised instructions mean that students do not need to relearn this information for every assessment – a feature that is particularly important in the context of formative assessment, which is often completed by students whilst teaching is ongoing, and therefore when they have less capacity to engage. Additionally, provided they are designed carefully and with appropriate expert input, standardised assessment instruments are more likely to be inclusive, and thus may reduce awarding gaps and lead to fairer outcomes for students from all backgrounds, which would contribute “community value” (Nicholson, 2020) (i.e. the benefits that accrue to wider communities and society as a whole as a result of a student completing particular educational activities).

In a second keynote presentation later in the day, attention turned to the practicalities of achieving a programme approach to assessment, and Dr James Trueman of Anglia Ruskin University offered some advice. He talked about the use of course design intensives, in which course teams are encouraged to think about the desired capabilities of a typical graduate from their programme, and then to map out the journey, reflecting on the modules, teams, people, assessments, and ideologies that students’ will encounter along the way, and proactively seeking to join them up. He emphasised the importance of considering university departments and functions outside the school that will necessarily be involved in the students’ journey, and in considering both people and processes in any significant change of this kind. Similarly, Oliver Young and Dr Eleanor Hodgson from the University of Exeter shared their experience of using students as change agents to help reimagine assessment, highlighting the importance of co-creation in this space. Both of these presentations

provide insight into the “how” of achieving large scale transformational change, emphasise the importance of a collaborative approach, and appear to endorse the taking of a strategic, value-driven approach to the development of assessment strategy.

In addition to the more theoretical and reflective papers, the symposium also featured some very practical presentations, capable of providing inspiration for legal educators at all levels of the organisation. For example, Dr Abdullahi Arabo from University of the West of England shared a helpful example of meaningful and effective formative assessment. He explained that students on his module had been grouped into small groups and asked to peer mark and provide feedback on each other’s work, and then to have a tutor moderate and contextualise that feedback. Many legal educators will be very familiar with peer marking exercises, but will also be acutely aware that students often do not value peer feedback (Melser, et al., 2020). The co-ordinated and tutor-led approach advocated by Dr Arabo provides one suggestion as to how such exercises might be structured so as to overcome this obstacle, thereby enhancing the value of student assessments without significantly increasing academic workloads.

Similarly, Dr Lucy Gill-Simmen from Royal Holloway University of London talked about ‘clean’ feedback as a pedagogy of care, emphasising that education is a moral endeavour, and that feedback as a pedagogy of care: helps students understand what good performance is; simplifies the self-improvement process; provides quality information to students; inspires motivational beliefs; provides students with opportunities to close gaps in their understanding; gives students a positive feeling about receiving comments on their work; is evidence-based and communicated as such; and is not inferred. She argued that less is often more when it comes to feedback and that all feedback should clearly connect the objective elements of the assessment criteria with the subjective language of feedback (Walsh, et al., 2015). She advocated that all assessment feedback that a student receives be provided on a consistent proforma, which highlights: the best features of the work; the areas of the work requiring attention; and a single developmental task (e.g. engaging with a particular library skills programme) that might help the student to develop further. Once again, it is easy to see how such an approach has instrumental, experiential, and sacrifice value for the students involved.

Finally, my own presentation (entitled ‘Creating “valuable” student assessments’) reflected on the process of identifying aspects of value likely to be perceived by relevant student cohorts, and also on the existing strengths and capabilities within a school or institution, so as to create assessment activities that will deliver genuinely differentiated value that student cohorts will perceive (Pralhad & Hamel, 1990). By thinking proactively about what particular groups of students value, and then identifying where a provider’s existing strengths might lie, it may be possible to develop a programme approach to assessment which aligns the two, and thereby better engages students. As a case study, I reflected on my experience at my previous institution, where an institutional reputation for applied learning, staff expertise in and experience of clinical legal education, and strong student aspirations to practise law, aligned to suggest a highly applied programme level assessment strategy, which embedded practical knowledge and legal work experience at all levels of study, assessed primarily through files of work compiled over the course of the year. Whilst this practical and vocational approach to assessment would not be appropriate in all contexts, the case study illustrates the potential that such strategic alignment can have for improving student engagement and satisfaction.

Conclusion/Recommendations

As legal educators, it is likely that we believe that the formative and summative assessment tasks we design for our students are “valuable” in a pedagogical sense, but how often do we stop to think about what our *students* value and whether *they* perceive value in those tasks? If students do not perceive value in the assessment activities and feedback that we provide for them, they are unlikely to engage with them.

The papers presented at Advance HE's Assessment and Feedback Symposium collectively identify a number of ways in which legal educators can create assessments that their students will perceive as more "valuable", but three key recommendations emerge:

1. be proactive about mapping out student assessments at the programme level, to ensure a coherent and scaffolded student journey;
2. as far as possible, standardise the ways in which assessment information is given to students; and
3. seek out opportunities to align assessment activities with a unique and resonating value proposition that is offered by the programme as a whole.

Further Information

For further information and advice on creating "valuable" legal education, and details of the various aspects of value on which a programme might choose to focus, see my recent blogpost on the Association of Law Teachers' website [here](#).

References

- Holbrook, M. B., 2005. Customer Value and Autoethnography: Subjective Personal Introspection and the Meanings of a Photograph Collection. *Journal of Business Research*, 58(1), pp. 45-61.
- Kelly, S., Johnston, P. & Danheiser, S., 2017. *Value-ology*. Cham: Palgrave Macmillan.
- Levitt, T., 1980. Marketing Success Through Differentiation – of Anything. *Harvard Business Review*, 58(1), pp. 83-91.
- Melser, M. C. et al., 2020. Pursue today and assess tomorrow - how students' subjective perceptions influence their preference for self- and peer assessments. *BMC Medical Education*, 20(1), p. Art. 479.
- Nicholson, A., 2020. The value of a law degree. *The Law Teacher*, 54(2), pp. 194-208.
- Nicholson, A., 2021. The value of a law degree – part 2: a perspective from UK providers. *The Law Teacher*, 55(2), pp. 241-257.
- Nicholson, A., 2022a. The value of a law degree – part 4: a perspective from employers. *The Law Teacher*, 56(2), pp. 171-185.
- Nicholson, A., 2022b. *Creating "valuable" legal education*. s.l.:Association of Law Teachers Blog.
- Nicholson, A. & Johnston, P., 2021a. Generative mechanisms for student value perceptions: an exploratory case study. *Journal of Further and Higher Education*, 45(8), pp. 1104-1117.
- Nicholson, A. & Johnston, P., 2021b. The value of a law degree - part 3: a student perspective. *The Law Teacher*, 55(4), pp. 431-447.
- OfS, 2022. *National Student Survey - NSS*. [Online]
Available at: officeforstudents.org.uk/advice-and-guidance/student-information-and-data/national-student-survey-nss/
[Accessed 17 November 2022].
- Prahalad, C. K. & Hamel, G., 1990. The Core Competence of the Corporation. *Harvard Business Review*, 68(3), pp. 79-91.
- Sheth, J. N., Newman, B. I. & Gross, B. L., 1991. Why We Buy What We Buy: A Theory of Consumption Values. *Journal of Business Research*, 22(2), pp. 159-170.
- Smith, J. B. & Colgate, M., 2007. Customer Value Creation: A Practical Framework. *Journal of Marketing Theory and Practice*, 15(1), pp. 7-23.
- SRA, 2002. *Joint statement on the academic stage of training*. [Online]
Available at: <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/qualifying-law-degree-common-professional-examination/academic-stage-joint-statement-bsb-law-society/>
[Accessed 17 November 2022].
- SRA, n.d.. *What is the SQE?*. [Online]
Available at: <https://sqa.sra.org.uk/about-sqa/what-is-the-sqa>
[Accessed 17 November 2022].

Tomlinson, M., 2018. Conceptions of the value of higher education in a measured market. *Higher Education*, Volume 75, pp. 711-727.

Walsh, B. A., Nixon, S., Walker, C. & Doyle, N., 2015. Using a clean feedback model to facilitate the learning process.. *Creative Education*, Volume 6, pp. 953-960.

Woodruff, R. B., 1997. Customer Value: The Next Source for Competitive Advantage. *Journal of the Academy of Marketing Science*, Volume 25, p. No. 139.

Zeithaml, V. A., 1988. Consumer Perceptions of Price, Quality, and Value: A Means-End Model and Synthesis of Evidence. *Journal of Marketing*, 52(3), pp. 2-22.