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A Theoretical Consideration of Academic Assessment of Students with Specific Learning Difficulties Studying for a Qualifying Law Degree at a Small Northern University

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Theoretical Background

- Increased focus on widening participation in higher education
- Equality Act 2010
- SpLD students get lower grades at university - Jelfs and Richardson 2010, Mortimore and Crozier, 2006
- Students with SpLDs struggle with traditional assessment methods (Osborne, 1999)
- 5.61% of undergraduate students declared a SpLD (2009)
- 3.41% of undergraduate law students declared a SpLd in 2009 (Equality Challenge Unit, 2011)
Qualifying Law Degree

- Joint Statement the Law Society and the Bar Council (2001)
- Skills and knowledge required
- Implicit requirement for traditional form of assessment
- Creating conflict with equality legislation, Holms (2002)
- Qualification bodies are under a duty to provide reasonable adjustment s. 53(6) Equality Act 2010
- No longer exempt, as had been in Cox v General Medical Council (GMC) [2003] 70 B.M.L.R. 31
- Burk v College of Law (UKEAT/0301/10/SM)
Research Methodology

- Qualitative longitudinal enquiry
- Adjustments for assessment: experiences of law students with SpLDs
- Comparison with law students without SpLDs
- Beliefs and perceptions of University academic and support staff
Main Themes from Initial Data

- The problematic nature of categorisation (Mortimore, 2008)
- Stigma (Fuller et al. 2004)
- Tension between academic and student support staff (Mortimore & Crozier, 2006)
- The impact of staff interpretation of university policy
- External factors to the university
- The need for inclusive practise
Inclusive Practice

- Nature of Assessment (Osborne, 1999)
- Effectiveness of Adjustments (Hanafin et al. 2007)
- Inclusive Assessment (Waterfield and West, 2009)
- Benefits to inclusive assessment (Cradock & Mathias, 2009)
- Problems with Inclusive Assessment
- Initial implications
Conclusion

- Hurdles exist for law students with SpLDs in HE
- Current methods of assessment may be making law degrees inaccessible for students with SpLDs
- Adjustments appear to struggle to overcome this
- Need to reconsider how far assessment can become more inclusive
Questions to consider

• Do other subject areas face similar problems with ‘traditional assessment mythology’?
• How effective are standardised adjustments in relation to academic assessment?
• Examples of inclusive assessment?
References

- Burk v College of Law (UKEAT/0301/10/SM)
- Cox v General Medical Council (GMC) [2003] 70 B.M.L.R. 31
- The Law Society and Bar Council (2001). A Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by Obtaining an Undergraduate Degree.
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