



## Case study 10: Assessment in an authentic learning context

### University of Strathclyde and Northumbria University

#### What this case study covers

- **Subject, mode and level:** Postgraduate Diploma in Law
- **Assessment topic:** Formative and summative assessment of professional competences
- **Technologies:** Anvil video annotation tool; digital video technologies; PebblePad personal learning and e-portfolio system; SIMPLE simulated learning environment

#### Background

The Glasgow Graduate School of Law (GGSL) at the University of Strathclyde has become known for its technology-enhanced approaches to legal education. This case study outlines two related initiatives designed to deliver and assess achievement on the Postgraduate Diploma in Law at the University of Strathclyde. Both initiatives are now also being carried forward at Northumbria University.

The first initiative in 2006–2008 saw the development of an online simulated environment for transactional learning, known as SIMPLE (SIMulated Professional Learning Environment). With JISC funding and in partnership with the UK Centre for Legal Education, SIMPLE grew from a simulation designed specifically for the postgraduate law diploma into an open source teaching, learning and assessment environment which can be used in a number of different professional contexts. SIMPLE provides a platform and a set of tools to create a virtual town, Ardcalloch, which can be populated with a business directory, map, clients and documents in the template required by a particular profession. Students working within the simulated environment are exposed to authentic practices associated with their chosen field; for example, the law diploma students working in SIMPLE can experience at first hand the kind of transactions that occur routinely in a solicitor's office.

In a second initiative, digital video technologies have been introduced to film 'standardised client' interviews, enabling students to monitor their own client-facing skills in formative assessment and providing a more authentic basis for summative assessment. Standardised clients are members of the public who are trained to play the part of patients or clients seeking the professional skills of a doctor or lawyer. The concept, which originated in medicine, was introduced into legal education following an international interdisciplinary project completed in 2006. Partners with GGSL in the initiative were the Clinical Skills Unit in the Medical Faculty at the University of Dundee, the College of Law in England and Wales, and the College of Law at Georgia State University, USA.

Approximately 250 students a year take the postgraduate diploma in law at the GGSL, a qualification that enables students to practise as solicitors or advocates under the Scottish legal system.

#### Rationale

The skills required by the legal profession – in particular, the complex mix of interpersonal, legal, ethical and transactional skills – are the most difficult to teach and the least likely to be assessed effectively by traditional modes of assessment. Legal trainees need to interact with a wide variety of clients and other professionals and experience the consequences of their decisions without placing

themselves or others at risk. These face-to-face interactional skills have proved difficult to incorporate into existing approaches to teaching and assessment.

Previously, assessment of interview skills depended on student-to-student role-play; filmed on video, the 'interviews' were assessed by law tutors working from videotape. However, many tutors at GGSL felt that there were deficiencies in this method. Could a fellow student be considered a credible client? Were all students able to play the client role in the same way? Was the system fair? (Some students playing the role of clients might 'feed' lines to the student being assessed.) It was equally difficult to be certain that tutors had marked consistently across the whole cohort.

On reflection, tutors thought that recreating the totality of the experience of interviewing a client – not just the facts surrounding their case, but also the client's body language and emotional and physical presence – was vital to the acquisition and assessment of interactional skills. The concept of a standardised client – a lay person trained to play the role of a legal client – was introduced to provide this sense of lived experience.

Combined with the medium of video, the standardised client approach offers a number of benefits. A student can view the video recording of an assessed interview if a dispute occurs. Used formatively, videos can help students evaluate and adjust their performance before a summative assessment; recordings can form the basis for peer-to-peer or tutor-to-student discussion, and importing a video into a personal e-portfolio system such as PebblePad creates important opportunities for self-assessment, and can provide evidence of achievement in support of an application. Most importantly, delivery and assessment of the curriculum are more appropriately aligned: the mode of assessment is in itself a process of learning which prepares students for the world of work. And, unlike a role play or work placement, digitised resources can be accessed anytime anywhere.

### **Transforming assessment practice**

Assessment involving a standardised client is an authentic learning experience as much as a test of knowledge and skills. First, the student-lawyer reads a brief account of the client matter before meeting and interviewing the person playing the client. After the interview, the student writes up file notes (which are assessed separately by a tutor to check how well the legal content of the client matter has been understood). Once the student has left the room, the 'client' assesses the level of communicative skill the student has demonstrated, using a set schedule of eight questions based on a five-point Likert scale. The client then completes a case-specific checklist.

The interview is filmed using a consumer-quality digital video camera connected to a computer with a 15-inch monitor. The recording is set in motion at the start of the interview by the person playing the client. (It is important to select equipment that is easy to operate by someone with reasonable rather than expert technical skills.) Once the interview is over, the client commences his or her assessment of the student, using the touch-screen monitor to start and stop the recording to assess the student-lawyer's skills with greater accuracy, if required.

Results of a trial in which both tutors and standardised clients assessed students simultaneously showed a high degree of correlation between the scores given (Barton *et al* 2006). As a result, the GGSL has confidence in the validity and reliability of the system and no longer uses tutors to assess client-facing communication skills. Instead, students are assessed by, and receive feedback from, their clients as would happen in the real world. The standardised clients are trained to operate the assessment schedule in exactly the same way with each student, thus standardising the process of assessment more accurately than would be achieved in student-to-student role play.

Students can opt to undergo one trial interview before entering into summative assessment, and both tutors and students have found that replaying interviews on video is a powerful tool for formative assessment and learning. The video camera, like a mirror, enables students to perceive what they

may previously have been unaware of, seeing for themselves how far their current performance matches the required goals and standards. Tutors may also annotate recordings as part of formative assessment, using applications such as Anvil, a video annotation tool that is free for research and educational purposes.

The benefits of combining the SIMPLE simulation with standardised client interviews are being realised at the Franklin Pierce Law Center in the USA. The results from this trial will inform future applications including those in other subject disciplines in which client-facing skills are needed – for example, architecture, surveying, social work and medicine and the health care professions.

*'There is great potential for cascading these approaches to other disciplines in which learning to practise in an ethical manner is a part of the curriculum.'* Paul Maharg, Professor of Legal Education, Northumbria University, formerly Professor in Law, Glasgow Graduate School of Law, University of Strathclyde

A community of practice has developed around both SIMPLE and the standardised client approach, which establishes shared standards and enables new adoptees to seek guidance and support from colleagues. This has been further extended by the publication of SIMPLE blueprints in the JISC/HEA Simshare OER project.<sup>1</sup>

### **Lessons learnt**

As with many technology-enabled practices, the tutor's role shifts from knowledge-giver to designer and facilitator of learning. Time is spent differently and new skills need to be acquired: tutors involved in developing resources for the virtual town, for example, may become involved in coordinating the work of designers and postgraduate assistants; tutors implementing a standardised client initiative may take up the role of trainer and coordinator of those acting as standardised clients.

As a successful innovation expands to cover larger programmes of study, and even spreads into other disciplines or institutions, tutors may also need to take up additional roles in disseminating information and training those involved.

### **Advantages gained**

Technology-enhanced learning is 'a form of learning that changes quite fundamentally what and how [students] learn' (Maharg 2009). In this initiative, video technology changes assessment from a one-off test into an opportunity to refine as well as assess skills. The moving image not only provides a record of interactions between client and student-lawyer but also acts as a means of unlocking deeper learning. Students are able to recall their thought processes more readily when watching videos of their own performance and are better able to analyse why they took certain approaches. Reflective self-assessment significantly improves as a result, but the process also informs teaching by giving tutors a clearer insight into students' decision making.

The SIMPLE and the standardised client initiatives have introduced authenticity into assessment and feedback practice: students are exposed to practice settings which mirror the real world of work and receive feedback from professional or knowledgeable sources in ways that prompt active self-correction. If combined with an e-portfolio tool such as PebblePad, such practice can provide a powerful trigger for personal development planning as well as active, self-regulated learning.

### **Key points for effective practice**

- **Simulation and video technologies can help clarify for learners what constitutes good performance in a professional role**
- **Authenticity is as important an element in assessment as it is in learning**

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<sup>1</sup> [www.simshare.org.uk](http://www.simshare.org.uk)

### **Student perspective**

*'It was excellent to have a "real" client to interview. The opportunity to have peer feedback as well as tutor feedback was very useful. After the initial horror of watching yourself on video, it actually proved really useful.'* Graduate trainee, GGSL, University of Strathclyde

### **Tutor perspective**

*'What is fascinating about medical assessment is that students are trained to look at the whole picture, while in law, students are trained to break tasks down into subtasks and to look closely at the parts rather than the whole. Legal education in general needs to learn the value of learning in a holistic way.'* Paul Maharg, Professor of Legal Education, University of Northumbria

### **References**

Barton, K., Cunningham, Jones, C.G. & Maharg, P. (2006) 'Valuing what clients think: standardized clients and the assessment of communicative competence', *Clinical Law Review*, 13(1), 1–60

### **Further reading**

Biggs, J. (2003) [Aligning Teaching and Assessing to Course Objectives](#)

Barton, K., McKellar, P. & Maharg, P. (2007) ['Authentic fictions: simulation, professionalism and legal learning'](#), *Clinical Law Review*, 13(1), 1–60

Maharg, P. (2009) ['Transactional learning theory and practice'](#), University of Kobe professional learning seminar, Session 1

### **Key words**

Standardised clients, self-assessment, authentic learning

### **Links**

[Glasgow Graduate School of Law](#)

[SIMPLECommunity](#)

[Standardised Client Initiative](#)

### **Further information**

In 2009, SIMPLE was the winner of the IMS 2009 Global Learning Impact Award for the best simulation toolkit, and also received the Innovation in e-Assessment award at the 2009 Scottish e-Assessment Awards.

### **Reflect and discuss**

How might you use technology to introduce authenticity into the design of formative or summative assessment?

See also: University of Bradford Centre for Excellence in Teaching and Learning (CETL) [Assessment and Learning in Practice Settings](#) (ALPS) and Effective Assessment in a Digital Age video case studies, University of Strathclyde [Putting principles into practice](#)