

Responding to ‘Making feedback more useful and used’: A practical case study of managing feedback on a large first year compulsory course.¹

Introduction

This case study arises from changes to the feedback strategy for a large, compulsory first year Law course (LAW103r), which seeks to maximise feedback potential to a large number of students within the existing constraints of staff time and resources.

Background/context

The case study centres on Law 103r, a compulsory first year law course with around 165 students. The course is taught over thirteen weeks in the Lent term and is taught by lecture-seminar format with support through the course VLE. The typical course cohort consists of students who have recently left school or college and who have experience of a highly structured A-level and GCSE system where there is more emphasis on the learner being dependent on instruction and getting repeated opportunities to submit drafts of work for correction and resubmission rather than being an independent learner. Some students will have experience of law at A-level law whereas others will not. The subject matter of the course itself is the law of tort, which is a broad legal area that students are unlikely to have a great deal of familiarity with. Unlike criminal law, which is more readily understood by students, in that it is familiar to them through popular media and cultural representations, the law of torts (including the law relating to accidents, defamation, rights relating to land and bodily integrity) is unlikely to be known to the students. Tort law is particularly diffuse, in that it has its own system of internal logic which often bears no resemblance to common sense, and is thus particularly challenging in that its reasoning can be frustrating and apparently abstract.

Assessment

The course is assessed through coursework and exam. In relation to the coursework, students have a choice between a problem question, which is essentially a multi-party scenario raising legal issues, resulting in the students having to advise parties of their particular legal options, and an essay question, which is an open-ended question set in relation to a particular legal issue to which the students need to critically engage with. As the exam involves both problem and essay questions, the coursework gives students the opportunity to practice at least one of these question forms, and the seminars cover both types of question.

Strategic approach

The approach taken was to link feedback explicitly with the assessment criteria, to make explicit the role and function of feedback related to those assessment criteria, to create opportunities for feedback both before and after the assessment task was undertaken, and to make use of a LUVLE space to make available to all students the answers to questions relating to the assessment task. Elements of this strategy were already adopted on the course before I took convenorship, however, I decided to moderate them by expanding upon them and further embedding them in the curriculum design.

As the CELT guide notes, feedback needs to be effective, but what is effective is relative to the type and size of course and resources available. Particularly given the numbers on the course, it is not practical to give feedback on drafts, and tutor time is necessarily limited. Also, the early stage of the students' development as independent

¹ A paper based on this case study was presented to the CAP (Certificate in Academic Practice) course at Lancaster University in June 2009. I wish to thank Ali Cooper, Susan Armitage, Ann-Marie Houghton, Jackie Pates and the CAP students for the resulting discussion that has informed this study.

learners must be recognised, in that they are still relatively unused to writing legal essays. There are other courses which explicitly address legal method, but it is useful to reinforce the skills already taught on such courses.

Acknowledging the need to give opportunities for clarifying feedback and building in opportunities to make feedback effective, I have taken a number of decisions in relation to course structure, course content and feedback administration that speak to these feedback requirements.

Illustrations of approach

Linking feedback with assessment criteria

In recognising the need for feedback to be effective and constructive, but also critical, the course identifies from the start the assessment criteria against which the student's work is evaluated. For a number of years, the Law School has used feedback sheets with grids which identify factors that the marker is looking for, and a rough value attributed to each, and a space for additional comments. Although the mark for any particular piece is given on the basis of the overall impression, the grids help to identify what the marker is looking for, how these factors are weighted, and how well the student has performed in relation to each factor. The factors are tailored to the particular question, so for example, the feedback sheet for the essay question has slightly different criteria than that of the problem question.² The students get these feedback sheets in the very first lecture, where the assessment is explained. Later on in the course, before the coursework is done, I draw the students' attention again to the assessment criteria so that they remember what it is that I am looking for.

In addition to the grids there is a space for free text comments. In the free text comments section, I decided to introduce subheadings entitled 'achievements' and 'how to improve'. These headings allow me to identify particular strong points, thus rewarding positive aspects of the students' work, whilst also prompting me to include critical yet constructive points relating to what they need to work on. It is extremely rare that a submitted piece is so minimal that it has absolutely nothing of merit about it, and so the 'achievements' section is never wasted in practice.

Making explicit the role and function of feedback

In the course handbook, which is distributed in the first lecture, I also overtly explain my stance in relation to feedback.³ This is so the students are clear on what I am trying to do, that they are clear on the fact that I am interested in feedback, and my motives for giving them feedback. I explain in the lecture that I am interested in giving them the benefit of my experience in order for them to maximise their potential. I explain that I am interested in them getting the highest mark that they are capable of achieving, and that I recognise that this mark might be a first or a third, depending on the student. As long as they have maximised the opportunities to utilise the feedback that I have provided, they will have done their bit in making feedback more effective. I agree with the CELT guide that feedback is a dialogue, and in this respect it is important that the student realises that feedback is not just something that they passively receive, but something that they must act on and make the most of. In this respect, it is important that the student realises their responsibilities.

Feedback before the assessment task

In trying to maximise feedback for such a large group, I became interested in the idea of 'pre-feedback' feedback, or as I term it, pre-emptive feedback. I had experimented in previous years with giving an informal and generally ad-hoc summary of good and bad points after the coursework was marked, but made a key decision to shift this to before the coursework was submitted and embed it into the curriculum design. Whereas feedback might be thought of as something that happens after the coursework is completed, it can be as, if not more, useful to prevent problems before they arise. I have therefore specifically built into the course design a coursework workshop where students get the opportunity to listen to pre-emptive feedback. This pre-emptive feedback

² See appendix 1

³ See extract from plenary session in appendix 2, where this stance is explained further

consists of detailed instructions as to form, and some hints on arranging content and helps students to be aware of common mistakes. The previous course already included a session on research methodology, which I expanded to include detailed instructions on exactly how to present work, legal writing styles and referencing technique. I also expanded the section on structuring to produce very detailed guidance on alternative methods of approaching structure. I have tried to use methods that address different types of learner such as those more suited to visual depictions of information and those more suited to learning through reading and writing. It is hoped that the inclusion of diagrammatic schemes for ordering information might also accommodate dyslexic students who may find traditional approaches less suitable.

As discussed in the earlier section, I again made my motives explicit to the students. Guidance that is very basic can sometimes be perceived as 'patronising', but explaining that it is targeted to cover all abilities and that experience has taught me that it needs to be given, helps to defuse and counter this unfortunate misunderstanding.

A coursework workshop giving detailed guidance on what you want to see and what you don't want to see ensures that pre-emptive feedback is targeted and selective, as well as effective for a large cohort. All students get the benefit of knowing about issues that otherwise may only have been highlighted to a few students in individual feedback. The workshop takes place in a lecture theatre and although not compulsory, student attendance is high.⁴ The idea with pre-emptive feedback is that it gives the student an idea of what works and what doesn't work before they submit, so that they have the opportunity to act upon the feedback already given to them to avoid making mistakes in the first place, which makes it very efficient. This is effectively the same principle as giving feedback on a draft in that it is pre-emptive in nature, but is much less time consuming and can be much more detailed. The actual workshop document ran to several pages, with the addition of a PowerPoint presentation. For the course convenor, the pre-emptive feedback can be enriched each year with new insights, thus making it a valuable addition to the learning and teaching elements of the course. Evidence from the course evaluation and independent communications to the course convenor suggested that this was a success. Comments included the following:

The Coursework workshop and feedback was very useful. With the comments I recieved I feel I know where my strengths are, and where my weaknesses are, so that I can produce work to the best of my ability and focus on imporving my weaknessess successfully!

Workshops were brilliant and the feedback we got from the coursework enables to improve greatly.

I found that the coursework and exam workshops were extremely helpful as they alowed for any areas of uncertainty to be addressed by both the seminar tutor and the lecturer alike.

I would just like to thank you for the feedback you have given me on my coursework. Not only did you write an extremely helpful piece on my assessment form, I found the feedback you gave in the lecture this morning hugely helpful. Although I did not achieve as high as a mark as I would of liked, I can now take away the positives and begin to improve and correct the shortfalls in my work. You have really helped me understand were I am going wrong.

Feedback after the assessment task

To link in with the pre-emptive feedback opportunity, there is a further session later in the course which gives students a plenary session on how well they followed the advice. This session pulls together common positive and negative points that the markers noted in the coursework session, and can be used to show students the value of following and positively acting on the feedback advice given. This session can also be used to inform the following year's pre-emptive feedback, in that common practice whether good or bad can be highlighted. Such a session also reinforces the fact that feedback requires action from the student, and that failure to engage with feedback does

⁴ The fact that the workshop is voluntary is not unusual in that lectures are not deemed compulsory under the current system of working.

have consequences, as does the ability to follow it. It may also give the students some feeling of community, in that they might be under the impression that they were the only one to make a particular mistake, whereas the post-coursework feedback session might reveal that they were not alone!

Using LUVLE to support feedback

In trying to maximise feedback potential I also made use of the VLE space to provide a common forum for questions and answers. Providing more individualised feedback in the form of question and answers can be useful in providing a targeted and specific space for individual questions but it can be time consuming, and has to be in a managed timeframe and space. Previously on the course we had an open Q&A forum, but my experience of this was whilst it did cover a lot of questions, this placed a considerable burden on staff. It also tended to give the mistaken impression that questions could be constantly asked on a 24/7 basis and that an instant response at 3am was appropriate; this is not necessarily conducive in helping students to develop as independent learners with partial but not complete support, and unrealistic in preparing them for a professional business context where they have to get used to using opportunities whilst recognising that these opportunities are necessarily limited.

I used the class Q&A sessions to provide feedback to individual student questions in a limited time, so that students got the opportunity to ask questions but had to realise that the opportunity was limited, and then collated the most common or most appropriate questions for the VLE forum. This then enabled me to manage the responses in an effective manner without having to refer students with repeat questions to the previous answers. This list of VLE questions could then be printed off and given to coursework markers, so that they knew what advice had been given to all students. In this way, feedback was specific, selective, maximised for a large cohort and initiated by students themselves, in that they themselves were the source of the questions! The approach of collating the best/most common questions also enabled me to anonymise the student who had asked the question, in that I could reproduce the question on the VLE without the name of the questioner.⁵

Evaluation

This case study is in its first year and is still an evolving project, and some notable successes and tensions have emerged. In terms of successes, I feel that the approach that I have taken has enabled me to maximise feedback and the opportunities for feedback in the context of a large first year course. The coursework that I have marked so far has shown an improvement in relation to presentation issues, and some students who have followed the advice closely have done very well. By giving a plenary session on how well the coursework was done following submission, I could make explicit links between following the advice and gains in the marks, thus reinforcing the link between following the pre-emptive feedback and the coursework mark. I was also able to make explicit the link between the skills the course promoted and the legal profession, so that it made the feedback less abstract and more contextualised. As noted above in the student feedback, even some students who did not do as well as they had hoped are able to move forward productively. Frustratingly, some students have chosen not to engage with the advice given, and non-attendance at the coursework workshop (which was actually well attended) cannot of itself explain this, in that I uploaded the advice that I had given virtually verbatim onto the VLE for the benefit of those who were unable to attend. Given that I had already made it clear to students that following the advice would help them improve, it is difficult to discern why some chose not to, Students who are used to getting repeat opportunities may find it difficult to deal with failure and it was notable that a very small number considered their work to be of good standard and demanded a re-mark when they had passed at a borderline pass mark or borderline 2:1 mark. Further explanation of the mark was offered but when it was apparent that a re-mark was not going to happen a few students chose not to engage further, at least one stating that if a re-mark was not possible then there was no point in any further discussion. The fact that no re-mark was available was pointed out in the coursework workshop before they submitted. This refusal to engage further provides an interesting if frustrating example of breakdown in student feedback cycles. Upon discussion with students, it seems that this stems from A-levels, where students get repeated opportunities to resubmit work until the grade is higher. Also there have been some notable challenges to A-level marks in recent years. It is suggested that this impasse with the student could

⁵ See appendix 3

be more successfully dealt with by insisting that if the mark is challenged they attend a mandatory meeting rather than just giving them the opportunity to attend then leaving it up to them as to whether they attend or not, a position which shifts responsibility for understanding the mark away from the student. It is important for students to understand why they have a particular mark and the fact that that mark – and the marker - has integrity. It would also be useful to explain to the student that effort does not always equal achievement, and it may be a question of working more strategically than working harder.

Issues arising and future developments

One future direction will be to explore why some students still fail to follow the advice given to them, and whether this is a conscious choice or not. The fact that my course is a Part 1 course may be significant here, in that it does not count towards the overall degree mark. Given that I am trying to develop students as independent learners, it may well be that realising the consequences of not engaging through receiving a poor or fail mark is itself the necessary incentive, and that this in itself is what is needed to spur the student on. It was notable that some students who received relatively low coursework marks made an increased effort in the exam and thus were able to 'salvage' their grades. I explain to my students that failure in itself is not necessarily a problem as long as one learns from the mistake. Failure in itself can be valuable feedback, and should be identified as such. In failing, students can learn a valuable lesson that readily transfers to the employment market, for example the price of a poorly completed job application will be the failure to be selected and sometimes the very fact of failure is what can spur a student on the most, particularly if they realise that opportunities must be taken when offered and are not endlessly repeated. Not all student failure can be pre-empted, but my experience suggests that (a) failure in itself is not necessarily a bad thing, it is what you learn from that failure that counts and that (b) pre-emptive feedback can be as, if not more, useful in some cases than feedback after coursework submission.

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Appendix 1. Feedback sheets giving indication of what markers are looking for

Common Law (Law 103r/220)							
FEEDBACK/ASSESSMENT FORM: Essay							
Marking criteria							
Script Code							
Broad Mark category >	1st	2:1	2:2	3rd	(45)	Fail	< Broad Mark category
Accuracy (25%) accurate analysis of law, accurate identification of legal/policy issues							Accuracy inaccurate analysis of law, inaccurate identification of legal/policy issues
Argument (25%) well structured and logical; concise, shows clarity of thought; good understanding of wider context/ issues							Argument Rambling or incoherent; lacks of clarity of thought; lacks understanding of wider context/ issues/not concise
Research (25%) evidence of use and application of a range of resources including academic literature in the body of the essay							Research merely textbook material or lecture notes; little evidence of use or application of other sources (academic literature) in body of essay
Presentation (25%) appropriate use of language/punctuation grammar/spelling/ adequate/accurate citations and bibliography.							Presentation poor use of language/punctuation grammar/spelling/ inadequate/inaccurate citations and bibliography.

Achievements:

How to improve:

Mark:

Markers:BC

NB. The purpose of this form is to provide you with:

(i) a clear indication of the criteria which will be applied to your presentation and, (ii) feedback as to which aspects of your work are good or which need improvement. The overall mark is based on the markers' overall assessment of each coursework submission. Marks are provisional until confirmed by the examinations board.

IMPORTANT: Submitting this coursework indicates that you certify that this coursework is your own work, that you have appropriately identified all quotes by the use of quotation marks AND footnote references, and that all sources are fully acknowledged by the use of footnotes.

Common Law (Law 103r/220)

FEEDBACK/ASSESSMENT FORM: Problem

Marking criteria

Script Code BC

Broad Mark category >	1st	2:1	2:2	3rd	(45)	Fail	< Broad Mark category
Accuracy (25%) accurate analysis of law, accurate identification of appropriate solutions							Accuracy inaccurate analysis of law, inaccurate identification of solutions
Argument (25%) well structured and logical; concise, shows clarity of thought; good understanding of wider context/ issues							Argument Rambling or incoherent; lacks of clarity of thought; lacks understanding of wider context/ issues/not concise
Research (25%) evidence of use and application of appropriate resources including relevant cases in body of the essay							Research merely reworked lecture notes; little evidence of use or application of other sources or relevant cases in body of essay
Presentation (25%) appropriate use of language/punctuation grammar/spelling/ adequate/accurate citations and bibliography.							Presentation poor use of language/punctuation grammar/spelling/ inadequate/inaccurate citations and bibliography.

Achievements:

How to improve:

Mark:

Markers: BC

Appendix 2. Extract from handbook and coursework workshop/plenary session

Law 103r coursework – General Feedback

Having now received the marks, please note the following points of general feedback, so that you can get the benefit of our overview of all the work submitted. Please see this feedback as constructive criticism – I give it to you because I want you to do the best you can, and if you get an overview of all the errors and all the best practice, you can then modify your strategy in the future.

Generally, the coursework was completed well but there were common errors. These included not only legal errors but presentational ones. The latter were particularly avoidable because *I had already warned you about them*. Students who failed to follow instructions compromised their own achievements. There were examples of all but one of the errors that I had explicitly warned you about. Lawyers are employed to follow instructions, so when you are given instructions, follow them!

In particular, students compromised their own achievements in the following areas:

- **Failure to follow instructions on presentation and referencing/bibliographical presentation** (comments of REF/REFS/SOURCE/S would indicate a problem here and for the point below). Failure to advise client. You were warned not to leave it to the court!
- **Failure to identify key cases/page numbers of cases /articles/textbooks where used.**
- **Failure to apply key cases.** Foreseeability *in itself* is not enough for some victims.
- Failure to consider alternative scenarios.
- Failure to observe court hierarchy. The law has moved on since Donoghue!
- Failure to identify the focus of the problems.
- Failure to use appropriate sources (some random websites which if you looked closely were not necessarily English law – don't give me sixth form law/Australian law/Singapore law).
- Failure to structure argument logically. How can you discuss duty *after* you have concluded your client has a claim?
- Failure to actually advise clients (the court will decide, but YOU must advise!).
- Failure to proof read work adequately (comments of 'sp' indicated spelling problems, 'gr' indicated problems with grammar).
- Use of different sized and type fonts in the same piece. No tiny fonts please – use size 12.
- Failure to use punctuation properly, particularly in relation to apostrophes.

As an aside, many of you made very interesting assumptions about the facts, which included making up new facts. Facts were deliberately vague, but a large number of you simply assumed the Pilot was male. In some answers the clients changed sex more than once!

As I have stated before, I do not expect everyone to hope for a first class mark, although I believe you all have the potential to improve. Markers have identified specific areas of improvement for all students but for those who are interested, the answers which gained the highest marks (75+) displayed evidence of:

- Excellent presentation – these students had clearly followed all the advice I had given them throughout the piece (not just on the first page). Attention to detail is ***a key lawyerly skill*** and not something I insist on because I've got nothing better to do!
- A firm grasp of the relevant law and how it actually applied to the clients/essay question
- A close reading of cases/academic authority with relevant quotes correctly referenced to support the argument.
- A consideration of alternative scenarios and a reasoned identification of how strong claims were.
- A good understanding of policy issues in relation to economic loss.
- An attempt to actually respond to the essay question and give a reasoned argument/ applying relevant law clearly to clients.
- Excellence in writing style, that is to say a fluent argument with few or no spelling errors/few or no problems with grammar and punctuation.

I would suggest that you should never be satisfied with anything less than your best effort. Some of you may only hope for a pass mark, but if you have the potential to achieve more (and I believe all of you do) then why be satisfied with less? This argument applies to all classes of mark – even those who have achieved firsts can always improve. Always strive for excellence! If you achieved the mark or class that you hoped for I'm delighted for you, but I'd suggest you consider how you might improve so that you can achieve even more in future. If you didn't achieve the mark or class you wanted then it's important to understand why. Read the feedback carefully and discuss further if necessary. Note that all marks are provisional until confirmed by the Examinations Board.

BBC 09

Appendix 3. Extract from VLE illustrating questions and answers on coursework

My Modules MyPlace MyPGR Webmail Library Help

LUVLE Lancaster University Virtual Learning Environment

The Law School

LANCASTER UNIVERSITY

My Modules Bela Chatterjee: Admin/Staff | log out Library | Student Support | Technical Support

Go advanced search

Go to

- home page
- announcements
- main discussion
- cafe discussion
- course materials
- coursework
- site map

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Message

coursework questions and answers

By Bela Chatterjee, 10/03/2009 11:39 AM, Last modified 14/03/2009

Q. Should I use the term 'I' in the coursework, for example should I write 'I would advise X or Y'? I've heard that you aren't supposed to use 'I' in formal submissions.

A. It's an academic convention that the use of 'I' is discouraged and to ensure consistency across courses you should use another phrase such as 'X is advised to follow claim Z'.

Q. Do I need to talk about contract law in the essay question?

A. It depends as to how you are discussing it. Discussing contract in general might be relevant, it depends how this is done.

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