An Autoethnographic Study of a Research and Teaching for Transformative Education Journey in Foundation Law Teaching – Preparing Diverse Students for Law School

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ABSTRACT: This article presents the findings of an auto ethnographic study of adopted changes in teaching practice within a preparatory foundation module in law at a small to medium sized university in England and Wales. The emphasis of this study is placed on the development or redevelopment of effective learning environments and effective and inclusive teaching, learning, assessment and feedback practices. In particular, the focus on inclusion has formed the main theme in the objective of solving the disparities in terms of literacy and learning skills amongst a cohort of learners with diverse skills bases to build upon. This study has found that most notably, linguistic ability presents a divide within the experienced classroom. The study has revealed best practice in relation to closing the linguistic gaps for EU and International students. This category of student has benefitted most the adopted approaches and methods, Nevertheless, the approaches taken do not compromise the quality or the content of lectures, whereby the initial learning plan based on the SOLO taxonomy is still able to render the desired learning outcomes. This contributes to enhancing inclusivity within the curriculum. The study also finds that motivation is a vital factor in the successful implementation of inclusive learning environments from which all students, regardless of their ethnic and linguistic backgrounds can benefit equally.

KEYWORDS: Curriculum Design, Higher Education Teaching, Inclusive Curriculum, Law Education, Teaching and Learning.
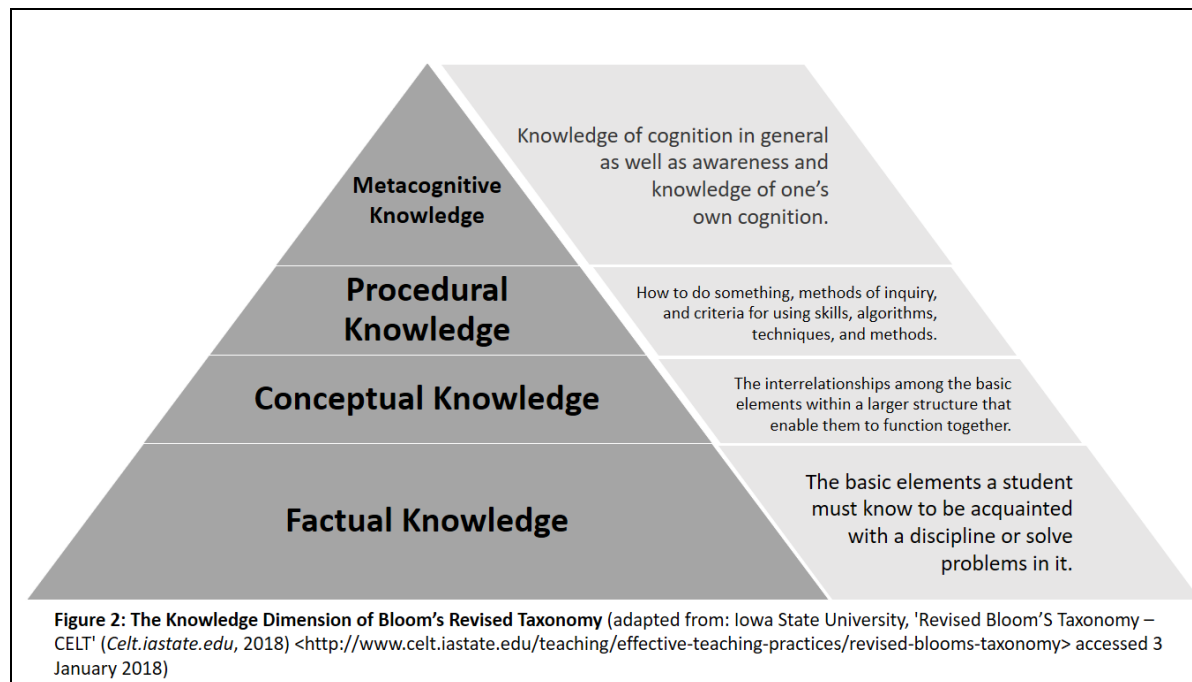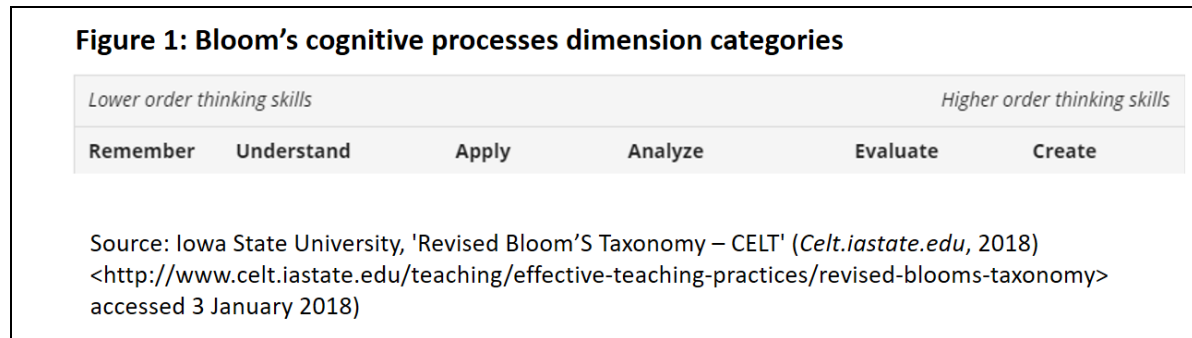
I. INTRODUCTION

Law is often considered to be a traditional subject, which is often reflected in the teaching methods used within legal education. Since the end of the 19th century, the dominant mode of instruction within modern law schools has been the lecture method (Clapp et al., 2011, p. 258). According to this method, law as a subject matter is conceptualized as positive law, which is systematized and problematized, yet with the key emphasis predominantly placed on the provision of abstract information about legal principles and provisions (Casper, 1973). Thus, the majority of law lecturers "uncritically replicate the learning experiences that they had when students, which usually means that the dominant mode of instruction is reading lecture notes to large classes in which students are largely passive" (Keyes and Johnstone, 2004, 2).This approach has been subject to criticism, amongst other things, for its focus on transmitting knowledge on legal provisions and doctrine as well as for the way law is taught via this method (Pearce, Campbell and Harding, 1987). However, the fact remains that the Joint Academic Stage Board (JASB) and the Legal Training Review (LETR) still determine the requirements for the academic stage of legal training, including the subjects to be taught and the content of these subjects and it is common practice to follow the traditional methods in order to ensure compliance with the regulations. This auto ethnographic study reflects on a law lecturer's changes in teaching practice on a Law Foundation module at a small to medium sized university in England and Wales, with emphasis on the development or redevelopment of effective learning environments and the effective and inclusive teaching, learning, assessment and feedback practices.

II. METHODOLOGY

This qualitative study utilises auto ethnography as the chosen research method. Autoethnography involves qualitative research in which the researcher forms the research subject and, thus, the researcher's experiences form the primary data (Ellis and Bochner, 2000; Chang, 2008). In this study, the data has been derived from memory, self-reflections (blog writing and note taking), as well as external data (feedback, assessment outcomes, course data). In relation to the theoretical understanding of learning outcomes, the underpinning

theoretical notions of this project have changed over the course of the experience. In this sense, the underpinning ideas of teaching and learning were initially based on the ideas of SOLO Taxonomy, which constitutes a simple, robust and reliable model which divides understanding into three levels, namely surface learning, deep learning and conceptual learning (Biggs and Collis 1982). However, over the course of this project, the knowledge dimension of Bloom's revised taxonomy has proved more effective in some respects due to the student demographic within this study (see Stage 1 and figures 1 & 2 below).

Figure 1: Bloom's cognitive processes dimension categories

Lower order thinking skills					*Higher order thinking skills*
Remember	Understand	Apply	Analyze	Evaluate	Create

Source: Iowa State University, 'Revised Bloom'S Taxonomy – CELT' (*Celt.iastate.edu*, 2018) <http://www.celt.iastate.edu/teaching/effective-teaching-practices/revised-blooms-taxonomy> accessed 3 January 2018)

Figure 2: The Knowledge Dimension of Bloom's Revised Taxonomy (adapted from: Iowa State University, 'Revised Bloom'S Taxonomy – CELT' (*Celt.iastate.edu*, 2018) <http://www.celt.iastate.edu/teaching/effective-teaching-practices/revised-blooms-taxonomy> accessed 3 January 2018)

As autoethnography is self-reflexive research that delves into the self as well as the social (Reed-Danahay, 1997), personal bias is intrinsic, and the findings are reported in the first-person voice (Adams, Ellis and Bochner, 2011). Over the course of this study, I have constructed and developed my teaching practices as a law lecturer through my knowledge of learning philosophies, my personal conceptions thereof, and my experiences within my classroom culture on the basis of social interaction.

III. DISCUSSION OF MY FINDINGS

As explained in the introduction, the goal of the teaching undertaken on the Foundation Law programme was to prepare the students for future higher education in law on the LL.B. programmes and ultimately for successful employment within the legal sector, if so desired. Initially, it was presumed that this would entail the teaching of relevant skills for legal education, and the provision of relevant knowledge of basic legal concepts, approaches and theories. In the initial stages of this project, the priority set to break down the relevant information in accordance with the SOLO taxonomy. Simultaneously, literacy checks were

undertaken, whereby the students were given an online assessment to evaluate their literacy levels in accordance with the expected standards set by the university. The literacy check involved a writing task, in which the students were asked to write a 300-word essay related to their course, which was then evaluated by the student support team within the university. The test conditions were as follows: Students were taken to a quiet PC lab, in which each student was designated their own study place. It was explained to the students that the nature of the assessment was to provide them with a supportive process, which was designed to identify any potential support needs they had. The checks were administered in a calm environment. Students were not permitted to speak to each other, and the use of supporting tools, such as mobile phones was not allowed. Each check was given up to 30 minutes for completion. It was emphasised that it was important to complete at least 300 words, which had to be their own words, whereby any plagiarism would score 0 and require a retake. The results were marked and each student was given a score of 1 to 3, whereby 1 indicated that the student would require significant support needs, 2 indicated that the student had demonstrated literacy gaps that would require some support and 3 indicated sufficient literacy skills for self-improvement. The specific breakdown of the results within the cohort of students can be seen in figure 3 (below). However, after the initial literacy checks and an evaluation of the student demographic, the decision was made to refocus the attention, due to the risk of issues in relation to the cognitive processes dimensions of Bloom's revised taxonomy (see figures 1 and 2 above). In this sense, the diversity of the student demographics of the class resulted in a significant discrepancy of thinking skills, with some students easily coping with Bloom's higher order thinking skills, whereas a significant number of students were still struggling with Bloom's lower order thinking skills, in particular due to significant gaps in their English language competencies (See figure 3 below).
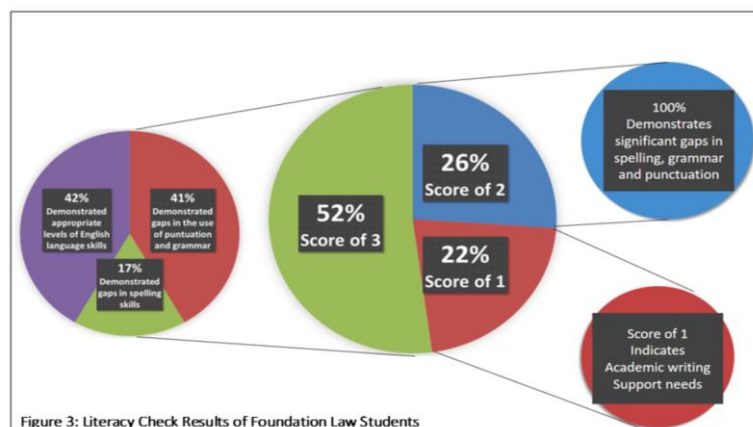

Figure 3: Literacy Check Results of Foundation Law Students

When evaluating the literacy checks in order to understand the demographic of my learners, I found that the SOLO taxonomy underpinning was no longer an entirely suitable framework to base my curriculum and strategic learning plan on. According to the SOLO taxonomy, I had planned to develop legal skills and knowledge progressively (see figure 4 below). The reason for this was that due to the nature of the subject of law, literacy skills form the essential for the lower order thinking skills, which I presumed to already be present and had hoped to build upon to develop legal skills.
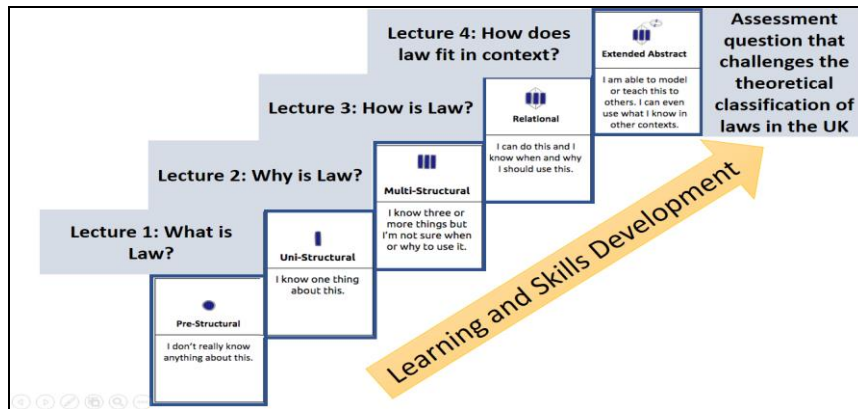
Figure 4: My curriculum design based on the SOLO taxonomy
(Adapted from: Pamhook.com. (2018). *SOLO Taxonomy — HookED.*
[online] Available at: http://pamhook.com/solo-taxonomy/ [Accessed 4 Jan. 2018].

Thus, when using Bloom's revised taxonomy, it became clear, that many of my learners lacked the fundamental lower order thinking skills. This was problematic for both my planning and the learning environment, as it had become apparent that there was a significant divide in terms of prevalent thinking skills amongst my students, predominantly based on language skills, which needed to be bridged. The key issue in this respect related to motivation and inclusiveness. In this sense, if I changed my teaching to focus on closing the gaps in literacy skills, on the one hand, I was risking the students who did not have these gaps from becoming demotivated (see Pintrich, 2003; Gibbs, 2008). However, if I continued to teach the set content of the curriculum without addressing the literacy skill gaps amongst a large percentage of my learners, I was risking them becoming demotivated, as they would not be able to understand the lectures and would fall behind. In search of a solution to this problem within the literature, I needed to gather further information to understand the divide in thinking skills amongst my learners. In addition to the literacy checks, I carried out further assessments of the language skills of my learners, by having them submit written work for formative feedback, through class presentations that were not graded, and through Kahoot quizzes (see stage 1). An evaluation of these findings revealed that there were three predominant demographic clusters in which my learners could be classified, which appeared to be connected to their language skills (see figure 5).
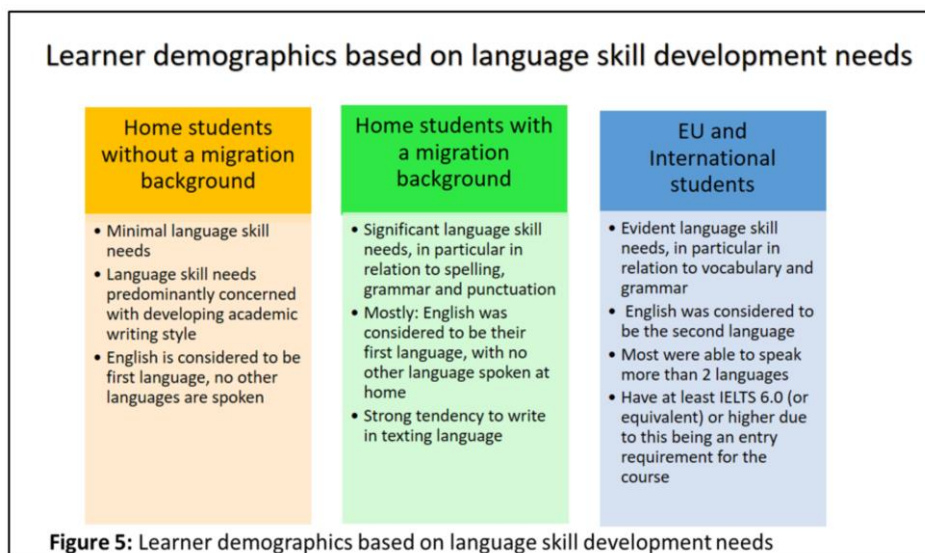

Figure 5: Learner demographics based on language skill development needs

The journey to achieving a more inclusive learning environment was divided into 3 stages:

> **Stage 1:** Demographic - Subject area – Planning - The learning environment - What has or has not underpinned my current practice?
> **Stage 2:** Critical Reflection on the basis of Teaching and Learning Theories
> **Stage 3:** Critical Reflection on the basis of Assessment and Feedback Theories

In the following, each of these stages will be presented in turn.

Stage 1: Demographic - Subject area – Planning - The learning environment - What has or has not underpinned my current practice?

According to the Oxford online dictionary (2017), demographic, when used as a noun refers to a specific sector of a population. Thus, when seeking to categories my learners into a demographic, the first step would involve finding a category in which all my learners can be placed. At first, this may seem a difficult task, due to the diversity of my students, who are from different countries, identify as different genders, are of a wide range of ages, have had a variety of different experiences, and are each in many ways unique. However, when viewing this point with the second point to be covered, namely my subject area, which is Law Foundation, one demographic does come to mind. All the students are Foundation Law students. When reflecting on this demographic, this comes with a number of characteristics, which all will share merely due to their classification within this demographic, including that they all have some form of deficiency, which prevented them from being able to study law on the normal LL.B. programme, such as that their grades were not good enough at school or college, language issues or gaps in their education history. Thus, it will be important to understand, that the Foundation modules are in place in order to close any gaps and help these students to develop academically in order to progress successfully through the LL.B. programme. In light of the above, my teaching will need planning, which takes the demographic into consideration. The lectures will need to begin with the very basics of studying law, such as how to structure essays, or even how to use the English language. I also have to remember, that being able to study, including reading, sitting for long periods, processing resources, and everything else academics easily take for granted, are actually skills which need to be trained, similarly to training your body physically. In this sense, the resilience, patience, discipline etc. are all capabilities, which are developed and trained over time through continuous practice. One would not try to run a marathon, if one had not run regularly, as the muscles are not trained and developed to be capable to do so.

Thus, in relation to my students, I need to understand, that they are at the very beginning of their study journeys. When planning, this will need to be factored in, by, for instance making sure, I use easier language, I plan to include regular breaks, I provide more smaller articles to read, say, for example journal articles up to 15 pages, rather than cases which are 100 pages long (These numbers are merely exemplary, and are not to be taken as fixed quantities). Continuing with the comparison of training studying skills with training physically for a sport, the planning process cannot involve merely planning each lecture as an isolated entity, but should rather view each consecutive lecture as a part of a continuous learning process which is aimed at reaching a specific target by the end of the entire training experience across all the lectures of my modules.

Thus, I will need to start with more general skills, and using simpler language, planning more breaks, and with the lectures being more interactive, and gradually, over the course of the lectures, work towards creating a learning environment, which the students will expect to actively take part in and successfully complete in their later years as university students in law. Thus, the targets will include enhancing the students language skills, training them to be able to read large amounts of legal text, encourage studious attitudes with which the students will voluntarily engage in legal research and use the hours designated in the week for self-study, to actually study. In the induction session, one of my students make a happy comment about her having an early weekend, as her last lecture in the week was on a Thursday.

This showcased a serious misconception amongst students. It was clear that this student had not understood what full-time study means. I tried to explain to this student, that just because they only have a limited time of lectures during the week, this does not mean that the university does not expected them to be studying on their own the rest of the time. Full-time study is, like any full-time activity, approximately 38 hours a week. This is the time students are expected to be learning each week to justify the number of credit points they are awarded each semester, as these are based on a minimum number of hours studied. In this sense, if a student only has

15 hours of lectures each week, they will be expected to commit the rest of the 23 hours to self-study. This experience has shown me, that I will also need to inspire and motivate my students to leave the lectures and commit to these study hours. Going back to the point of planning, I will need to map out the developmental journey my students will need to take over the course of my module, and plan how I will break this down into steps and milestones. The learning environment is quite traditional. We have a number of classrooms with projectors for PowerPoint presentations. The seats are front-facing and cannot be changed. One session a week is in a room with individual computers, which means I can use this for more practical exercises.

The days are long, meaning that the focus and concentration of my students will undoubtedly decrease over the 6 hours of lectures each day. Thus, I will also need to take this into consideration in relation to the previous point of planning. Later reflection on the above experiences indicated that I should look more closely into the makeup of my class of learners and their demographics in relation to English language skills. It was consciously decided to move away from the term "deficiency," as I feel this is understood differently by people. In this sense, I now presume that, as I do not know how the language skills problems have come about, and the term "deficiency" appears to have some form of stigma tied to it, I will now use the term "gaps" or "development needs" for the language issues I previously referred to as "deficiencies." Following an in-depth analysis of the student demographics I had before me in relation to language gaps, I discovered no significant connection to age, gender or study backgrounds. However, it appeared that ethnicity plays a role in the lanuage skills. For this reason, I have broken down my learners into three categories, which are based on their student status and is connected to literacy. These three categories are:

1) Home students without a migration background
2) Home students with a migration background
3) EU and international students

The categories were not developed through stereotyping, but instead, have been derived from information that has been provided by the individual students.

Stage 2: Critical Reflection on the basis of Teaching and Learning Theories: On the basis of the findings in stage 1, it was decided that the key issue was related to inclusion. Somehow, I needed to create a learning environment in which all categories of students, regardless of their ethnicity, could equally benefit from my teaching, while, closing the language skill gaps, and at the same time, providing challenging and stimulating content that would achieve the necessary learning outcomes. Thus, research was carried out in this area in search of solutions. Two significant points areas to focus on were taken from the literature. In this sense, following Carroll and Ryan (2005), without making assumptions about individual learners, I, collaboratively with the learners, developed ground rules for the classroom, which sought to enhance an inclusive learning environment.

Following the establishment of ground rules, I looked further into different inclusion concepts and tools. As the inclusion issue, I was facing within my classroom was evidently based on different cultural backgrounds, I chose to follow the guidance for teaching international students by Dolan and Macias (2009) as a tool to change my teaching practices in a way which would aid overcoming the language skills discrepancies. In particular, I looked into methods of inclusion, which would not have a negative effect on the quality and content of the lectures. In particular, I changed my teaching practices, to acknowledge the four key points from the guide which dealt with language, namely issues students may have with English as a foreign language, issues related to strong regional accents, issues related to particular uses of English and issues related to culturally specific references. According to Dolan and Macias (2009) international students struggle at first to understand what others are saying particularly well, and also struggle to make themselves understood, although they fulfill the entry requirements in terms of language standards. I experienced this with one of my international students, who disclosed to me, that he was struggling to interact with his fellow learners because his language skills made him feel too shy to approach home students and talk to them. As these language issues threaten to isolate affected students, I tried to give this student advice and also sought to encourage him to approach his fellow learners. In this sense, I recommended that the student join the international student society, as there will be other students in the same position. Through a coincidence, while I was speaking to

this student, who was from a European country, another student from an African country approached me with the same issue. During the conversation, it was revealed that this student had lived in the same European country for 20 years. The two students started talking and I already felt relieved that these students could bond over shared experiences, and would be less likely to be socially isolated. However, to prevent these students from speaking solely in the native language of the European country, as they still needed to develop their English language skills, I encouraged the two of them to join the international student society, as well as advised them to get to know native English speakers, as this would benefit their language development and would also help them to make the most out of their studies abroad.

Another issue student whose mother tongue is not English may face is that they may feel inhibited to ask for clarifications when they have not understood something, which may affect their performance. This issue was initially tackled during the ground rules session mentioned above. However, this is resulted in other issues, namely, that over the past months, the international students appear to be understanding everything, yet some of the home students are feeling very comfortable asking a lot of questions about things they are not understanding in class. Although I encourage questions, I feel that many of these questions could be avoided by studying more at home, listening properly to what is being said, or thinking about the matter before asking. Currently, I still do not have a solution to this problem, as the few students this issue relates to, ask many questions about things they have not understood, thereby holding up the lectures. I will need to investigate more into ways I can prevent these students from asking all these irrelevant questions, while still encouraging students to ask for legitimate clarifications. Currently, I am passing most of the questions back to the class, to use them as reflection tools for the other students, however, in my opinion this is only a short-term solution. Due to English language gaps and insecurities, in particular in the first few months, international students rely on a number of verbal as well as non-verbal cues when trying to understand what is being said, such as "pace and emphasis, lip reading, facial expressions, hand movements, multisensory signals and contextual prompts" (Dolan and Macias, 2009, 7). Due to this, I make sure I convey the content in a variety of ways, including the use of PowerPoint slides, which may contain important text elements, so students can read them whilst hearing them. I also use a number of pictures, graphs, figures, moving shapes, videos, gifs, recordings, colours, and animations to underpin what is being said to ensure the content of the lecture is easier to follow. In addition, I occasionally use handouts, and I upload everything onto the university's VLE platform, so students can go over anything they may have not understood in class. When looking into other tools I could give the students to make it easier to develop their language skills, I came across Read& with specific learning difficulties, I found this tool to also be particularly useful for Write 11, which the University offers to students free of charge. Although this software is initially intended for people international students or anyone seeking to improve their lanuage. In this sense, the software can read text, check text for spelling and grammar mistakes (including phonetic spelling mistakes that other programmes, such as MS word does not), it provides definitions for any unknown words, and also allows students to generate vocabulary lists of words they did not understand to help them revise these later. After having discovered this software, I familiarised myself with it, and used the opportunity I have on Thursday afternoons when I teach in a computer lab, to demonstrate this programme to all the students and to encourage them to try it. The issue of strong regional accents affects most learners in diverse settings. In this sense, strong regional accents may be difficult to understand for both native speakers and speakers of English as a foreign language. I have found myself, that strong regional accents from the local area were initially difficult to understand. Issues that came about due to this involved not understanding what students say. Although it is tempting to just pretend to have understood what was said, this was not advised by the guide. Here it was explained that the best thing to do would be to have the student write the question or information on a board to share with the class. However, I do not have these kinds of facilities in most of my classes. What I ended up doing instead in these situations, is to apologise and explain that I am struggling to understand the accent, in a way which does not make the student feel uncomfortable, and either have them explain more slowly, or, in some cases, other students have been kind enough to restate the question. This, however, has not been a major issue in my class. A more prominent issue occurs when students speak very quietly and others are talking in the background. However, as this was a point covered in our ground rules, I usually subtlety remind the class about this rule, which so far has always solved the problem.

"In the context of lectures and tutorials, we should write down all specialised jargon, abbreviations (for example, e.g. and i.e.) and acronyms, and what they mean in legible print so that we can refer to them when we use them. It is helpful if we can refer to a glossary that we have previously made available to students"

(Dolan and Macias, 2009, 8). This point applies equally to native as well as non-native English speakers, as the language used in law may sometimes be quite specialised. Thus, I have handed out vocabulary sheets, in particular with Latin phrases, for the students to study at home, which will provide them with a solid foundation for future legal studies. Interestingly, the home students who do not speak a second language appear to find this more difficult that the international students. Moreover, some of the international students had already studied Latin at school and found this task very easy. In this sense, in relation to the more specialised terminology, it appears that the non-native speakers have the advantage, that they are learning specialised uses of the English language earlier in their overall English language learning, and appear to be able to adapt to this more flexibly, than the native speakers (both with and without a migration background). In this sense, I will need to look into ways in the future of helping native speakers to use a more specialised version of their mother tongues. I will need to see if I can find anything in the literature about this in the future.

The point that Dolan and Macias (2009) make here is useful regarding cultural references, for instance to cartoon figures, historical or political events or other culturally specific examples, in the sense that I need to be aware that these kinds of references are not necessarily understood by everyone, this has not been an issue, as it is not very common in my lectures and when these situations come about (for instance in relation to the "thy neighbour" reference in relation to duty of care precedent) I am able to check with the class if everyone understands these points, and if not, then I explain them. However, in relation to their second point, I have to disagree in relation to my subject area. In this sense they write that "[i] In cases where our lectures focus on UK specific systems, say the UK tax system, some international students may feel that this is not relevant to them. We can explain that the underlying thinking and practicalities about systems in the UK can be transferable to other systems, and that it is of value to analyse different models of organisation and to learn how to access relevant information" (Dolan and Macias, 2009, 8). As I am teaching English and Welsh law, which is solely focused on UK specific systems, the students should be in the class to learn this. If they were to feel that this is not relevant for them, as they wish to practice in another jurisdiction, they would need to study law within another jurisdiction. However, as they have chosen to study law in the UK, it is fair to assume, that they are hoping to practice law in the UK, and thus, these culturally specific references are not only necessary, but a core element of my subject matter.

Another important revelation from the literature was the need to encourage the students to develop their language skills during their self-study time (see for example Moore, 1993), in particular, as I only teach the learners for 12 hours a week. However, this is insufficient learning time to fulfil the requirements of full-time study, especially as in accordance with the outcome of the Bologna process, full time study in the EU should consist of approximately 32–40 hours of study time per week (Council of the European Union, 2011). Considering that my learners have 18 hours of lectures each week, this leaves my students after class attendance time with a minimum of 2-3 hours of self-study time each day excluding weekends. Thus, I sought to promote various means of language skills training tools for the learners to target their gaps.

Promotion of internal self-study tools: At the beginning of the semester, the academic librarian joined one of my lectures to introduce the internal online self-study tools to the class. The online modules have been designed by the university to support learners academic and personal development. The modules are split into sections that contain information, videos and activities to develop and train skills learners will need, including a number of academic language training modules. The learners can earn digital badges by completing the assessments, which not only gives them a sense of achievement, but also allows me to monitor how much they are doing.

Free online English grammar lessons: After having realised how significant the gaps are amongst the majority of my learners, I started to recommend a number of online grammar exercises. One page I thought was particularly useful was https://www.englishgrammar.org/lessons/, which I shared with the learners on the university's VLE platform with the recommendation that they complete some of these during their self-study time.

Punctuation exercises: One of the main areas, which appear to be an issue amongst almost all my learners, is punctuation. Thus, during 1-2-1 sessions, I handed out punctuation exercises and offered to go over these when if they completed them and submitted them to me.

Reading lists: I provided the students with reading lists of materials I thought would benefit them not only in terms of content, but also in relation to their language capabilities. In particular, I also encouraged them to read certain legal writing and language skills books. After realising that the majority of my students were not reading the materials I recommended, I even included one of the books in a scavenger hunt I arranged across the University to ensure that they knew where the section was in the library. However, currently it appears that the learners (apart from a few exceptions) are not following my advice.

Academic phrase banks: As some of the learners have significant gaps in their language skills (in particular many of the home students with migration backgrounds) that make their texts incomprehensible for me to understand, I have tried to invite the specific students to 1-2-1s in my office to try to tackle some of the more substantial issues. This practice was based on ideas I had found in relation to teaching children to read, as this was the closed literature, I could find to address the issue at hand (see for example Wallach and Wallach, 1976). After going over some of the main issues with these students, I printed off academic phrase banks and encouraged the learners to practice basing their sentences on the example sentence elements within this document. The students seemed very enthusiastic and claimed to do this and to even send me some examples to look over, however, until now, merely two of the students have done this (Although approximately 10 ensured me that they would). The two who have completed the task were both international students. The non-submitters were all home students with migration backgrounds. In this sense, I think there must be a cultural issue I am not understanding, due to my own culture, as I believed the students when they told me they would do the exercises, and feel like they have lied to me. If they were not going to do the work, they should have told me straight that they were not going to.

Stage 3: Critical Reflection on the basis of Assessment and Feedback Theories: In relation to this stage, I will clarify that with the "term" assessment, I am initially referring to both summative and formative assessment. Accordingly, the former, on the one hand, is the process of assessment is a judgement that encapsulates all evidence up to a specific point in time, which is viewed as final at the that point of judgement. Summative assessments may have a number of functions that do not impinge the overall assessment process. The latter, on the other hand, views the process of assessment, according to Scriven (1967) as a single process that involves making judgements on specific criteria, standards and goals. In this sense, formative assessment may be the same process as summative assessments, however, with the additional requirement that the feedback indicates any gaps between the level of work being assessed and the standard expectations (Taras, 2005). It also requires an indication of how work can improve in order to achieve the expected standards.

Thus, the two forms of assessment cannot be entirely independent of each other. In this sense, although summative assessments can stand on their own, formative assessments are built on some form of summative assessment. However, the preceding summative assessment does not necessarily need to be explicit, as it would suffice for the underlying summative assessment to be implicit (Black and Wiliam, 1998, p. 8). According to Scriven (1967) a dichotomy between formative and summative assessments should not be made due to the interconnectedness of the two forms of assessment. Formative assessment, in other words assessment for learning, however, is often misunderstood and, thus, loses its value, due to an often-used false separation between the two. The result has been that summative assessments have been criticised in the literature and used to critique the educational system (see for example Harlen, 2007; the Higher Education Academy, 2012; 2016). However, it needs to be understood that summative assessments are central and neutral considering that they are the essential basis for formative assessments.

In relation to the contribution of assessments to knowledge, it needs to be acknowledged that there are different assessment designs, which support different forms of learning. In this sense, assessments that merely check memorised facts may contribute more towards surface learning (Ramsden, 2003; Beattie, Collins and McInnes, 1997; Biggs, 1996), whereas, problem-based essays, for example, may contribute more towards deep learning (Biggs, 1996; Scouller, 1998).

How I assessed: According to Nicol (2007), there are 10 principles that determine good assessment feedback. In light of issues outlined in stage 1 and 2, I based my assessment methods on these principles, yet sought to focus on the gaps I was wanted to close at the same time. I have laid out my assessment strategies below in accordance with the 10 principles:

Help clarify what good performance is (goals, criteria, standards): The module guide sets out exactly what is expected of the students in terms of goals, criteria and standards. Moreover, before the students submitted their first assessment, I uploaded 3 example assessments, which I had the students mark themselves. These examples included an essay that had previously received an excellent grade, an essay that had been marked within the mid (around 50), and an essay what had just passed. Leading up to their final assessment, the students were given many opportunities to submit other completed exercises to receive feedback that explained how they could improve. Also, the two assignments were split into two parts. The first part was worth 20% and involved writing an essay plan. The feedback was given to these students both verbally as well as in writing. For the written feedback I broke the criteria down into 7 blocks of individual points. These blocks were Relevance, Knowledge, Argument/Analysis, Structure, Presentation, Written English and Research/Referencing. Each of these parts were broken down into subsections, which listed all the points that needed to be addressed. After each point I explained whether the learner had fulfilled the elements, and which ones were either missing or required further attention. Hereafter, each student was invited to an individual feedback session, where I spoke to them in person, and explained what could be improved and how this could be accomplished, before embarking on the next assignment, which consisted of writing the full essay. In particular, my feedback has been focused on providing comment feedback rather than merely grades, as this technique has proved invaluable for learning development amongst learners Black and Wiliam (1998).

Encourage 'time and effort' on challenging learning tasks: In particular the essay question assignments require research into a subject matter which necessitates longer periods of time. The essay questions chosen, form complex challenges which require an in-depth understanding of several lectures, thereby encouraging a continuous engagement with the lecture content before and after each lecture, which requires deep learning. Moreover, although I also test a number of surface learning tasks each week by conducting Kahoot tests in class every Wednesday about the content of the previous lecture, the surface learning only applies to the content of what is being learnt. In this sense, the skills I actually want the students to develop is being able to sit and study for several hours at a time, to engage with and review the materials from previous lectures and to get used to engaging with legal texts and materials. Thus, while the learners are surface learning the material I check though multiple choice questions, I am seeking for them to deep learn study skills. Moreover, in particular for the area of law, the ability to surface learn is vital, as there will be many instances in the learners future careers in legal practice, when they will need to temporarily memorise vast amounts of information for specific cases. In this sense, the ability to surface learn is actually a skill I want to learners to develop via deep learning.

Deliver high quality feedback information that helps learners self-correct: As explained in point 1. I provide a wide range of feedback, including written and verbal feedback. Moreover, I go over any voluntarily submitted exercises (see stage 2) and correct any language mistakes with the track changes function in MS Word as well as providing additional comments underneath regarding any relevant areas, such as content, structure, references etc. In the event that certain mistakes are made repeatedly, I suggest further ways to practice this, such as reminding them about relevant ways to practice, such as the internal online modules (see stage 2).

Encourage positive motivational beliefs and self-esteem: In particular, by providing regular feedback, the students are able to document their progress and see when they are improving. I try to highlight the improved areas, to show them that their efforts are working before telling them where they still need to improve. Moreover, by providing them with a wide range of feedback and also giving them a wide range of different ways to get feedback, I try to ensure that everyone has the change to get positive feedback. In this sense not only have them complete exercises and submit them via email, but I have also implemented a number of assessments in the lectures, which try to motivate a number of different learners. In this sense, I arranged for the students to give class presentations about interesting cases in UK legal history. These presentations are not graded, but the students did get feedback sheets. In these sheets, I tried to highlight many positive things, while also mentioning a few areas that can be improved. The reason I did this was to encourage every student to get positive experiences speaking in class and sharing their views, as this is important in the legal field. As the

most important part of a good presentation is confidence, this was the main aspect I wanted to boost with my feedback. Other assessments include the Kahoot quizzes every Wednesday, which have turned into an exciting event over the course of the semester, as the top three performers win "get into class late vouchers." As I am known amongst the students to be strict in relation to entering class late, meaning that without a previous notification and a valid reason, students who are more than 15 minutes late in class are unable to enter until the break, the students got excited about the prizes. The result was that the students were so motivated, that regardless how many pages of homework I provided, they always completed this prior to the Wednesday sessions for a chance that this could be the content of the quiz.

Encourage interaction and dialogue around learning (peer and teacher student: The learners are able to book appointments to discuss any questions or drop into my office during my office hours. Moreover, I have revision sessions, during which the students are able to ask questions. In addition to this, I there are opportunities to share answers to completed tasks in class, whereby the rest of the class is given the opportunity to give feedback. As my class number is very small with only 23 students, class discussions and group work activities work very well, thereby providing a fruitful environment for feedback dialogue.

Facilitate the development of self-assessment and reflection in learning: This is an area I have not covered in my module. Instead, this area has been focused on in the third module the learners have, which I do not teach in. In order to ensure the learners are exposed to a wide range of assessments and learning tools, it was discussed prior to the start of the semester, how some of these tools could be split between modules. In this sense, my colleague has the learners complete self-reflective logs each week, which, however, also include reflections of the developments in my modules. My colleague who is implementing the self-reflective logs is also working on closing the language skill gaps of some of the learners, so she corrects every log by every learner each week by going over the language with the tracked changes function in MS Word as well as providing feedback comments. Fortunately, there are the two of us working collaboratively on the issue, as it makes the workload manageable.

Give learners choice in assessment – content and processes: Many of the voluntary exercises and the class exercises offer the students a variety of topics to chose from to write about. However, in relation to the final assignments, the overall topic is set. Nevertheless, the topics were revealed at the beginning of the semester, so the students could be in charge of their time management themselves. In addition to this, although the topics are already set for the assignments, these relate to wide topic areas, with ample scope for the learners to choose how to approach the questions and what aspects they wish to focus on. In this sense, one of the assignment questions involved evaluating the legal aid system in the UK as a tool to ensure access to justice. As legal aid is a very broad topic, the learners had plenty of scope to influence the way they answered the question. As the word count was only 1500 words, it meant that they would only be able to concentrate on limited areas of this topic, thereby forcing them to take control over their answer content.

Involve students in decision-making about assessment policy and practice: At this stage of their higher education journey, the students have little say over the assessment policy. However, the learners are given the opportunity to provide feedback on the way they were assessed, which may be taken into consideration in the future. However, this only applies to the graded assignments that determine the awarded grade in the module. In relation to assessments in class students have been made aware, that they can comment or make suggestions at any time. In this sense, following the initial Kahoot quiz success, the students specifically requested that this become a regular activity, which may have contributed to the success of this tool overall, as I was aware that the students enjoyed it and could use this to motivate them, while they were being motivated to engage with the class materials at the same time.

Support the development of learning communities: Due to my own experience as a student who was fortunate to study on a programme with only 25 students, I learnt how valuable it is to have such a learning community, as the class I was in formed a strong bond and we learnt well together as a group. Thus, I have actively tried to encourage the same amongst my learners. In this sense, I have deliberately tried to alternate the groups formed in class for various assessments via different methods. Sometimes I have debates between

two groups that are formed on the basis of where the students sit in class, sometimes the debating groups were formed on the basis of opinion. Other groups for class presentations about certain legal theories were formed by going through the students by numbers from 1 to 5. The best group formation activity I conducted was to hand out random pieces of paper with farm animals written on then, such as goat, chicken, cow, pig etc. Then the students needed to find their groups only speaking in their "herd's" native language. The students thought this was hilarious. For about 2 - 3 minutes the students were walking around the room going "oink, oink" or "bah, bah" until the groups had formed. The excitement already helped encourage healthy group atmospheres. The assessment that followed was a scavenger hunt across the university, which involved crossword puzzles and other word games that quizzed the content of the module in order to reveal next clues, as well as creative tasks that encouraged the students to engage with theories, or online quizzes. The assessment feedback in this activity was twofold. On the one hand, the students knew when their answers were correct if they got the clue to the next task, and, on the other hand, the groups were competing against one another in terms of time, so the learners could also assess how they were performing in relation to their classmates.

Help teachers adapt teaching to student needs: As I have included various regular assessment methods, I have been able to monitor the progress of the learners the throughout the semester, thereby making amendments to my teaching wherever necessary. If I realised the students were not understanding something, I could explain it again, or differently in the next session or, as was seen in relation to the language gaps, I could make additional arrangements to tackle the development needs of the learners. Although one of the key benefits of formative assessment is the ability to provide feedback, which can contribute to achieving the set learning outcomes (Black and Wiliam, 1998), Gibbs and Simpson (2004) explain, that feedback will only be effective if it is timely and the learners take note of it, understand it, and act upon it. Following the ideas of Black and Wiliam (1998) who stated that feedback that was in form of comments were more effective for future improvement than mere grades (See above), extensive feedback in form of verbal and written comments was provided to each student. However, not all students took note of this and failed take action. The same applied to my attempts to provide "feed forward".

Again, significant differences were documented on the basis of the categories of students, with the EU and International Students demonstrating the strongest improvements based on their provided feedback and the home students with migration backgrounds benefiting least from the feedback received. A contributing factor in this scenario could be the fact that the EU and International students were evidently more motivated and submitted the most work for formative assessment, whereas a significant number of home students with migration backgrounds not only failed to submit any of the voluntary assessments, but also failed to attend the mandatory sessions for formative feedback. In this sense, the international students all submitted more work than was even asked for. In this sense, I often found, that if I told the students to choose an essay topic to write a short essay, and there was a selection of two or three, the majority of international students would complete all the available exercises, even though I had only asked for one. Some even approached me and asked if I could give them additional questions to practice. One international student was able to volunteer to present her case presentation weeks before hers was even due when a fellow classmate, who was a home student with a migration background failed to attend their turn.

In contrast, I was not sent a single voluntary exercise by any of the students with a migration background, and the home students without a migration background all submitted sporadic work for formative feedback. In addition, the five presentations that never took place in class, as the students did not show up on the days they were meant to present were all students with a migration background. Furthermore, the two students who never turned up for their mandatory feedback session following their submission of their first assessment were also both home students with a migration background. Thus, it is clear that a contributing factor to the lack of success of my formative feedback can be based on the fact that many of the students with a migration background did not get any formative feedback, which leads me to conclude that I will need to investigate other theories from the literature to tackle this demographic of students. I assume this may be more of a motivation issue than an inclusion issue. However, as the motivation appears to only be lacking amongst one demograohic, I am assuming that it may be an inclusion issue based on motivation or vice versa.

Reflections on Stage 3: Although one of the key benefits of formative assessment is the ability to provide feedback, which can contribute to achieving the set learning outcomes (Black and Wiliam, 1998), Gibbs and

Simpson (2004) explain, that feedback will only be effective if it is timely and the learners take note of it, understand it, and act upon it. Following the ideas of Black and Wiliam (1998) who stated that feedback that was in form of comments were more effective for future improvement than mere grades (See above), extensive feedback in form of verbal and written comments was provided to each student. However, not all students took note of this and failed take action. The same applied to my attempts to provide "feed forward". Again, significant differences were documented on the basis of the categories of students, with the EU and International Students demonstrating the strongest improvements based on their provided feedback and the home students with migration backgrounds benefiting least from the feedback received. A contributing factor in this scenario could be the fact that the EU and International students were evidently more motivated and submitted the most work for formative assessment, whereas a significant number of home students with migration backgrounds not only failed to submit any of the voluntary assessments, but also failed to attend the mandatory sessions for formative feedback. In this sense, the international students all submitted more work than was even asked for. In this sense, I often found, that if I told the students to choose an essay topic to write a short essay, and there was a selection of two or three, the majority of international students would complete all the available exercises, even though I had only asked for one. Some even approached me and asked if I could give them additional questions to practice. One international student was able to volunteer to present her case presentation weeks before hers was even due when a fellow classmate, who was a home student with a migration background failed to attend their turn.

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IV. DISCUSSION OF THE OVERALL EXPERIENCE AND KEY FINDINGS

On the basis of stage 1, it was decided that the key issue was related to inclusion. Thus, research was carried out in this area in search of solutions (See stage 2). Following Carroll and Ryan (2005), without making assumptions about individual learners, I, collaboratively with the learners, developed ground rules for the classroom, which sought to enhance an inclusive learning environment (See stage 2). As the inclusion issue within my classroom was evidently based on different cultural backgrounds, I chose to follow the guidance for teaching international students by Dolan and Macias (2009) to overcome the language skills discrepancies. As can be seen in stage 2, there were some practical changes I could make to my teaching, which did not have a negative effect on the quality and content of the lectures. Another important revelation from the literature, was the need to encourage and motivate the students to develop their language skills during their self-study time. Following the outcome of the Bologna process, full time study in the EU should consist of approximately 32– 40 hours of study time per week (Council of the European Union, 2011), leaving my students after class attendance time with a minimum of 2-3 hours of self-study time each day excluding weekends. Thus, I sought to promote various means of language skills training tools for the learners to target their gaps, including the university's internal online skills modules, free online English grammar lessons, punctuation exercises, reading lists and academic phrase banks (See stage 2). However, I encountered mixed responses to these efforts. An autoethnographic reflection has revealed some presumed cultural issues that I still need to work on. Many of my learners who could be classified as home students with a migration background as well as some of the home students without a migration background would often state that they would complete certain tasks and then fail to do so. However, the opposite can be said for the experiences I had with the EU and international students. Here, the approaches taken were effective, as evidenced by the frequency of voluntary submissions of completed exercises and the quantity of university's internal online skills module online badges earnt. In particular, the online badges demonstrated the motivation amongst the EU and International students to enhance their language skills, as by November, 53% of the total online badges in the class had been

completed by EU and International students, who only make up 21% of the learners. In contrast, 45% had been completed by home students without any migration background (34% of the class population) and merely 2% had been completed by the home students with a migration background (43% of the class population).

Similar findings became apparent in relation to my later reflections, and my actions taken in relation to stage 3, which focussed on my development of feedback and assessment practices in relation to my findings from stage 1 and stage 2. Although I used both formative and summative assessment techniques (see stage 3), I will focus on my approach to formative assessment, which I found to be vital to close any literacy gaps of the learners, as well as ensure that effective learning was actually taking place. Formative assessments allowed me to provide feedback to the learners to assist their learning and assess the individual learners' strengths and weaknesses, so I could amend my teaching practices wherever necessary (Mutch and Brown, 2002). Particularly the notions of surface and deep learning became relevant here (Biggs, 1999; Entwistle, 1988; Ramsden, 1992). However, although many assessments seemed to promote surface learning, such as the multiple choice Kahoot quizzes (see stage 3), the nature of my teaching objectives resulted in deep learning outcomes of the skills I wanted my learners to learn. Without realising it, the learners were learning how to study, how to engage with legal text, how to take lecture notes and go over these and how to memorise information. These learning outcomes were achieved via deep learning, while the students thought they were surface learning other information.

Although one of the key benefits of formative assessment is the ability to provide feedback, which can contribute to achieving the set learning outcomes (Black and Wiliam, 1998), Gibbs and Simpson (2004) explain, that feedback will only be effective if it is timely and the learners take note of it, understand it, and act upon it. Following the ideas of Black and Wiliam (1998) who stated that feedback that was in form of comments were more effective for future improvement than mere grades (stage 3), extensive feedback in form of verbal and written comments was provided to each student. However, not all students took note of this and failed to take action. The same applied to my attempts to provide "feed forward" (see stage 3). Again, significant differences were documented on the basis of the categories of students, with the EU and International Students demonstrating the strongest improvements based on their provided feedback and the home students with migration backgrounds benefiting least from the feedback received. A contributing factor in this scenario could be the fact that the EU and International students were evidently more motivated and submitted the most work for formative assessment, whereas a significant number of home students with migration backgrounds not only failed to submit any of the voluntary assessments, but also failed to attend the mandatory sessions for formative feedback (stage 3).

V. CONCLUSION

In conclusion, the focus on inclusion as the main theme in solving the disparities in terms of literacy and learning skills amongst my learners has only been partially successful. In this sense, the EU and International students benefitted most from this approach, closely followed by the home students without a migration background, who did not have significant literacy gaps, as the approaches taken did not compromise the quality or the content of the lectures, which meant that the initial learning plan, that was based on the SOLO taxonomy still rendered the desired outcomes. However, my teaching practices are still not benefitting the majority of home students with migration backgrounds. Thus, I will seek to utilise other approaches in the future. In particular, it has become apparent, that motivation is an area, which will need more attention, as this appears to be the significant factor that is hindering an inclusive learning environment from which my home students with migration backgrounds could benefit equally. Thus, I will need to research motivation practices that can engage students from all cultural backgrounds.

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