

# Subject Benchmark Statement

**Law**

July 2015

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## How can I use this document?

This document is a Subject Benchmark Statement for law that defines what can be expected of a graduate in the subject, in terms of what they might know, do and understand at the end of their studies.

You may want to read this document if you are:

- involved in the design, delivery and review of programmes of study in law or related subjects
- a prospective student thinking about studying law, or a current student of the subject, to find out what may be involved
- an employer, to find out about the knowledge and skills generally expected of a graduate in law.

Explanations of unfamiliar terms used in this Subject Benchmark Statement can be found in the Quality Assurance Agency for Higher Education's (QAA's) glossary.<sup>1</sup>

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<sup>1</sup> The QAA glossary is available at: [www.qaa.ac.uk/about-us/glossary](http://www.qaa.ac.uk/about-us/glossary).

## About Subject Benchmark Statements

Subject Benchmark Statements form part of the UK Quality Code for Higher Education (Quality Code) which sets out the Expectations that all providers of UK higher education reviewed by QAA are required to meet.<sup>2</sup> They are a component of Part A: Setting and Maintaining Academic Standards, which includes the Expectation that higher education providers 'consider and take account of relevant Subject Benchmark Statements' in order to secure threshold academic standards.<sup>3</sup>

Subject Benchmark Statements describe the nature of study and the academic standards expected of graduates in specific subject areas, and in respect of particular qualifications. They provide a picture of what graduates in a particular subject might reasonably be expected to know, do and understand at the end of their programme of study.

Subject Benchmark Statements are used as reference points in the design, delivery and review of academic programmes. They provide general guidance for articulating the learning outcomes associated with the programme but are not intended to represent a national curriculum in a subject or to prescribe set approaches to teaching, learning or assessment. Instead, they allow for flexibility and innovation in programme design within a framework agreed by the subject community. Further guidance about programme design, development and approval, learning and teaching, assessment of students, and programme monitoring and review is available in Part B: Assuring and Enhancing Academic Quality of the Quality Code in the following Chapters:<sup>4</sup>

- *Chapter B1: Programme Design, Development and Approval*
- *Chapter B3: Learning and Teaching*
- *Chapter B6: Assessment of Students and the Recognition of Prior Learning*
- *Chapter B8: Programme Monitoring and Review.*

For some subject areas, higher education providers may need to consider other reference points in addition to the Subject Benchmark Statement in designing, delivering and reviewing programmes. These may include requirements set out by professional, statutory and regulatory bodies, national occupational standards and industry or employer expectations. In such cases, the Subject Benchmark Statement may provide additional guidance around academic standards not covered by these requirements.<sup>5</sup> The relationship between academic and professional or regulatory requirements is made clear within individual statements, but it is the responsibility of individual higher education providers to decide how they use this information. The responsibility for academic standards remains with the higher education provider who awards the degree.

Subject Benchmark Statements are written and maintained by subject specialists drawn from and acting on behalf of the subject community. The process is facilitated by QAA. In order to ensure the continuing currency of Subject Benchmark Statements, QAA initiates regular reviews of their content, five years after first publication, and every seven years subsequently.

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<sup>2</sup> The Quality Code, available at [www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code](http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code), aligns with the *Standards and Guidelines for Quality Assurance in the European Higher Education Area*, available at: [www.enqa.eu/wp-content/uploads/2013/06/ESG\\_3edition-2.pdf](http://www.enqa.eu/wp-content/uploads/2013/06/ESG_3edition-2.pdf).

<sup>3</sup> Part A: Setting and maintaining academic standards, available at: [www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-a](http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-a).

<sup>4</sup> Individual Chapters are available at: [www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b](http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b).

<sup>5</sup> See further Part A: Setting and maintaining academic standards, available at: [www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-a](http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-a).

## **Relationship to legislation**

Higher education providers are responsible for meeting the requirements of legislation and any other regulatory requirements placed upon them, for example by funding bodies.

The Quality Code does not interpret legislation nor does it incorporate statutory or regulatory requirements. Sources of information about other requirements and examples of guidance and good practice are signposted within the Subject Benchmark Statement where appropriate. Higher education providers are responsible for how they use these resources.<sup>6</sup>

## **Equality and diversity**

The Quality Code embeds consideration of equality and diversity matters throughout. Promoting equality involves treating everyone with equal dignity and worth, while also raising aspirations and supporting achievement for people with diverse requirements, entitlements and backgrounds. An inclusive environment for learning anticipates the varied requirements of learners, and aims to ensure that all students have equal access to educational opportunities. Higher education providers, staff and students all have a role in, and responsibility for, promoting equality.

Equality of opportunity involves enabling access for people who have differing individual requirements as well as eliminating arbitrary and unnecessary barriers to learning. In addition, disabled students and non-disabled students are offered learning opportunities that are equally accessible to them, by means of inclusive design wherever possible and by means of reasonable individual adjustments wherever necessary.

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<sup>6</sup> See further the *UK Quality Code for Higher Education: General Introduction*, available at: [www.qaa.ac.uk/publications/information-and-guidance/publication?PubID=181](http://www.qaa.ac.uk/publications/information-and-guidance/publication?PubID=181).

## About this Subject Benchmark Statement

This Subject Benchmark Statement refers to bachelor's degrees with honours in law.<sup>7</sup>

This version of the statement forms its third edition, following initial publication in 2000 and review and revision in 2007.<sup>8</sup>

### Note on alignment with higher education sector coding systems

Programmes of study which use this Subject Benchmark Statement as a reference point are generally classified under the following codes in the Joint Academic Coding System (JACS):

M100	(Law by area)
M110	(UK Legal systems)
M111	(English law)
M112	(Welsh law)
M113	(Northern Irish law)
M114	(Scottish law)
M120	(European Union law)
M130	(Public international law)
M140	(Comparative law)
M190	(Law by area not elsewhere classified)
M200	(Law by topic)
M210	(Public law)
M211	(Criminal law)
M220	(Private law)
M221	(Business & commercial law)
M222	(Contract law)
M223	(Property law)
M224	(Torts)
M240	(Jurisprudence)
M250	(Legal practice)
M260	(Medical law)
M270	(Sociology of law)
M900	(Others in law)
M990	(Law not elsewhere classified). <sup>9</sup>

### Summary of changes from the previous Subject Benchmark Statement (2007)

- We have made considerable changes to the structure of the statement. We have done so to reflect the panel's view that a law graduate is far more than a sum of their knowledge and understanding, and is a well skilled graduate with considerable transferable generic and subject-specific knowledge, skills and attributes. This is why the benchmark outcomes are titled 'A law student's skills and qualities of mind' and not, simply, 'Subject knowledge and understanding'. By qualities of mind,

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<sup>7</sup> Bachelor's degrees are at level 6 in *The Framework for Higher Education Qualifications in England, Wales and Northern Ireland* and level 10 in *The Framework for Qualifications of Higher Education Institutions in Scotland*, as published in *The Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies*, available at: [www.gaa.ac.uk/assuring-standards-and-quality/the-quality-code/qualifications](http://www.gaa.ac.uk/assuring-standards-and-quality/the-quality-code/qualifications).

<sup>8</sup> Further information is available in the *Recognition Scheme for Subject Benchmark statements*, available at: [www.gaa.ac.uk/publications/information-and-guidance/publication?PubID=190](http://www.gaa.ac.uk/publications/information-and-guidance/publication?PubID=190).

<sup>9</sup> Further information about JACS is available at: [www.hesa.ac.uk/content/view/1776/649/](http://www.hesa.ac.uk/content/view/1776/649/).

we mean the intellectual abilities and attributes of graduates in law, including but not limited to legal knowledge and understanding. Accordingly, we have kept references to knowledge and understanding from previous law Subject Benchmark Statements, but we have added references to self-management and academic integrity.

- The panel also considered that a law student's skills and qualities could be clearly and succinctly stated, without educational jargon, in a single statement; so we amended the previous version which had one statement for employers and the general public and another for law schools.<sup>10</sup> In respect of the latter, there is considerable support and guidance provided in the Quality Code. We do not duplicate that here.
- We have updated the language, tone, style and structure reflecting contemporary issues in learning, teaching and assessment and to reflect the need to add employability skills to the threshold statement. So, for example, we have added the requirement that the law graduate will have demonstrated the ability to work with a range of data including textual, numerical and statistical.
- We have added an explanation in the Contextual Statement (see paragraph 1.4) about the study of ethics, and taken this opportunity to explain that we have used the term awareness in respect of ethics, to capture the dictionary definition of 'the quality or state of being informed, cognisant, conscious, sensible'.

We encourage law schools to help students to articulate to employers what they can do and what their qualities of mind are by using this Statement.

## **UK-wide application of the statement**

This Statement is designed for use by all UK higher education providers, providing non-prescriptive guidance and setting benchmark standards for law degrees which are relevant whichever legal system or systems studied and whatever the regulatory requirements for those students who wish to enter the legal profession. In revising the Statement the review group was mindful that law degrees are foremost an academic qualification and provide a route to a range of careers, the legal profession being just one career.

The application of the Statement to law degrees in Scotland was specifically addressed by the review group and account taken of consultation responses received from Law Schools in Scotland.

The Group reflected on the change of approach in the revised statement in 2007 compared with the first iteration of the statement in 2000. The latter had included specific sections addressing the standards applicable for Ordinary degrees, the 2007 version did not. The Group is of the view that, consistent with other Subject Benchmark Statements it is unnecessary to include benchmark standards for Ordinary degrees as (in Scotland) these represent an exit award for candidates who do not wish or who are not permitted to progress to the Bachelor with Honours degree. This approach is comparable with that for other exit awards (such as the Diploma in Higher Education). It does however enable the Statement to be used as a starting point for the articulation of standards for any exit award in the same way as for any award below bachelor's level, such as foundation degrees.

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<sup>10</sup> This Statement uses the term Law School to include all providers of bachelor's degrees with honours in law.

# 1 Contextual statement

1.1 Studying law at undergraduate level is an academic matter. Law graduates do not, by virtue of their degree, have a right to practise law professionally. The study of law involves the acquisition of legal knowledge, general intellectual skills and certain skills that are specific to the study of law. The balance that there will be between the acquisition of legal knowledge, general intellectual skills and subject specific skills in a curriculum will vary between law schools.

1.2 The study of law exposes students to a wide range of methods and techniques, some of which are specific to the discipline but some of which are drawn from the humanities and social sciences. The emphasis placed on the range and type of methods varies between law schools. Courses differ in some respects and their emphases reflect the interest and expertise of their staff as well as the resources at their disposal. The common denominator is the requirement on the student to apply their understanding of legal principles, rules, doctrine, skills and values. There are many ways of achieving this and different higher education providers will choose different approaches.

1.3 The study of law may focus on one or more jurisdictions. This Statement requires knowledge of the main features and principles of whichever legal system is (or systems are) being considered. Areas covered may include the relationships between individuals, between individuals and other entities, individuals and the state, as well as sources of law. Law is, however, shaped by and in turn impacts on, among other things, the ethical, social, political, environmental, and economic norms of that (or those) jurisdiction(s) and these may also be reflected in the curriculum.

1.4 At undergraduate level students are aware of the consequences of law as a human creation and that it is subject to the ethics and values of those that make and apply it. The implications of this in the context of securing justice and the public interest is considered as part of legal study. Law schools will determine for themselves how ethics are addressed in the curriculum, but it is expected that students will have opportunities to discuss ethical questions and dilemmas that arise in law and to consider the features of ethical decision making.

1.5 In addition to the general intellectual training that they provide, law degrees give a preparation for a range of careers. Law students are employable not only in the law but also in a variety of highly skilled and analytical roles in, for example, business, finance, education, public policy, public service, social services in the UK and internationally.

1.6 This Statement focuses on the minimum that a law student will know or be able to do in order to pass at undergraduate level with honours, in other words the threshold standard. All law schools will expect the vast majority of their graduates to be able to do much better than achieve this minimum standard.

## 2 Benchmark standards

2.1 This section describes the minimum or threshold level of achievement reached by all graduates with a bachelor's degree with honours in law.

2.2 Important abilities and qualities of mind are acquired through the study of law that are readily transferable to many occupations and careers. Some of these qualities and abilities are generic, in that they are imparted by most degree programmes in the humanities and social sciences. But degree-level study in law also instils ways of thinking that are intrinsic to the subject, while being no less transferable. These include an appreciation of the complexity of legal concepts, ethics, rules and principles, a respect for context and evidence, and a greater awareness of the importance of the principles of justice and the rule of law to the foundations of society.

2.3 The following list of skills and qualities of mind is designed to be comprehensive but is not intended to be exhaustive or definitive. The order is not indicative of priority.

### A law student's skills and qualities of mind

2.4 A graduate of law with honours has demonstrated:

- i intellectual independence including ability to ask and answer cogent questions about law and legal systems, identify gaps in their own knowledge and acquire new knowledge, and engage in critical analysis and evaluation
- ii self-management, including an ability to reflect on their own learning, make effective use of feedback, a willingness to acknowledge and correct errors and an ability to work collaboratively
- iii awareness of principles and values of law and justice, and of ethics
- iv knowledge and understanding of theories, concepts, values, principles and rules of public and private laws within an institutional, social, national and global context
- v study in depth and context of substantive areas of law
- vi ability to conduct self-directed research including accurate identification of issue(s) which require researching, retrieval and evaluation of accurate, current and relevant information from a range of appropriate sources including primary legal sources
- vii ability to work with a range of data, including textual, numerical and statistical
- viii ability to recognise ambiguity and deal with uncertainty in law
- ix ability to produce a synthesis of relevant doctrinal and policy issues, presentation of a reasoned choice between alternative solutions and critical judgement of the merits of particular arguments
- x ability to apply knowledge and understanding to offer evidenced conclusions, addressing complex actual or hypothetical problems
- xi ability to communicate both orally and in writing, in relation to legal matters, including an ability to listen and respond to written and oral stimuli including questions and instructions
- xii engagement with their own personal and professional development, and academic integrity.

### **3 Learning, teaching and assessment**

3.1 Students engage with legal education in a variety of ways and may include classroom or online learning, independent study, or a mixture of options, full or part-time. Law schools consider how standards, quality and the coherence of the learning experience may be maintained while taking steps to enable informed learning choices for students. The introduction of more flexible modes of study are accompanied by due consideration of the implications for learning design. Law schools ensure that the activities envisaged are consistent with the overall goals of the programme, and that they are well supported and fully documented, including where appropriate: information about module requirements and responsibilities; intended learning outcomes; supervision arrangements; and assessment strategies and standards.

3.2 A programme of learning and teaching in law is designed to enable students to demonstrate the attainment of the relevant learning outcomes, and assessment strategies are capable of demonstrating how well students have achieved these outcomes. Law schools also ensure suitable safeguards to ensure the authenticity of learning and be clear with students about the benefits and limits of cooperative learning. Students are supported in a progressive acquisition of subject knowledge and skills, gradually advancing towards more independent learning. The acquisition of skills is planned in conjunction with the knowledge-based curriculum, so that the relationship between the two is given detailed consideration. Skills are taught, practised and assessed within a curriculum framework that is balanced, coherent and progressive, so that the level of challenge and achievement is gradually increased throughout. The development of the skills specified in this Statement requires that students are well supported to be able to use the range of tools and resources available to them. Students have the opportunity to receive critical and constructive feedback on their performance. Feedback may come from a range of sources (for example, tutors, peers and work-placement employers) but to be effective it assists students to develop further their understanding of the requirements of the discipline, and help them to demonstrate their knowledge and skills.

3.3 Whatever their study mode, it is recommended that students experience a range of teaching methods throughout their law programme and this might typically, although not exclusively, include lectures, small group formats, online learning environments, self-directed or collaborative study, experiential learning and problem-based learning. Law schools are encouraged to ensure that students are able to actively engage in, and reflect on, their learning and thereby help them to progressively grow in confidence as independent learners.

3.4 Higher education providers with direct or indirect responsibility for law degrees ensure that teaching and learning resources, including staff, library provision, and information and communications technology, are adequate to enable students enrolled on a law programme to gain the knowledge and acquire the skills set out in this Statement and in any regulatory competence or professional framework statements of the legal regulation bodies, as relevant to the programme of study.

3.5 The range of assessment methods are appropriate to make valid judgements about a student's overall level of achievement in relation to the prescribed learning outcomes. Assessment may be timed or untimed, seen or unseen, continuous or examination based, and tasks that a student might be expected to encounter could include: essays and reports of varying length; case notes; statutory interpretation; briefs; annotated bibliographies; critiques of articles; oral/video presentations; moots; skills-based assessments; reflective learning journals; research project/dissertation; work/clinic-based assessments; creation, use and management of online resources.

3.6 Learning, teaching and assessment procedures provide all students with the opportunity to demonstrate they have met the skills and qualities of mind set out in this Statement. Law schools recognise the importance of inclusive practice in this regard and are sensitive to equal opportunities requirements as indicated by good practice and relevant legislative obligations.

3.7 Learning, teaching and assessment strategies are regularly reviewed and updated as appropriate, reflecting advances in teaching practice and information technology. Law schools are also encouraged to seek out and to share examples of effective learning, teaching and assessment practice.

## **Appendix: Membership of the benchmarking and review groups for the Subject Benchmark Statement for law**

### **Membership of the review group for the Subject Benchmark Statement for law (2015)**

Professor Rebecca Huxley-Binns (Chair)	University of Law
Professor Chris Ashford	Northumbria University Newcastle, Association of Law Teachers
Professor Anthony Bradney	Keele University, Society of Legal Scholars
Graeme Broadbent	Kingston University
Dr Chantal Davies	University of Chester, Forum for Research into Equality and Diversity
Jane Chapman	Formerly University of Law
Richard Grimes	University of York
Dr Jess Guth	University of Bradford, Socio-Legal Studies Association
Professor Jenny Hamilton	University of London
Dr Gráinne McKeever	University of Ulster
Sheree People	De Montfort University, Committee of Heads of UK Law Schools
Dr Maureen Spencer	Middlesex University
Caroline Strevens	University of Portsmouth
Zoe Swan	University of Greenwich
Donna Whitehead	University of South Wales
Tracey Varnava	University of London
Lucy Yeatman	University of Greenwich
Dr Tim Burton	Quality Assurance Agency for Higher Education
Dr Cathy Kerfoot	Quality Assurance Agency for Higher Education
Dan Murch	Quality Assurance Agency for Higher Education

#### **Employer representative**

Tony King Clifford Chance LLP

#### **Professional, statutory and regulatory body representative**

Carol Cook Solicitors Regulation Authority  
Simon Thornton-Wood Bar Standards Board  
Alison Hollyer The Chartered Institute of Legal Executives

#### **Student reader**

Charlie Eastaugh University of Surrey

#### **Scottish reader**

Alison White Shepherd and Wedderburn LLP

## **Membership of the review group for the Subject Benchmark Statement for law (2007)**

Details provided below are as published in the second edition of the Subject Benchmark Statement.

M Cuthbert	University of Northampton
A Dugdale	University of Keele
Professor M Gunn (Chair)	Nottingham Trent University
A Wilton	Newcastle University

## **Membership of the original benchmarking group for law (2000)**

Details provided below are as published in the original Subject Benchmark Statement.

Professor S Bailey	University of Nottingham
Professor J Bell	University of Leeds
Professor A Bensted	University of the West of England, Bristol
Mr J Campbell	The Law Society of Scotland
Mr M Cuthbert	University College Northampton
Professor C Gane	University of Aberdeen
Professor D Hayton	King's College London
Professor R Hepple (Chair)	Clare College, University of Cambridge
Mr J Hodgson	The Nottingham Trent University
Professor B Lee	University of Wales, Cardiff
Mr A O'Donnell	Glasgow Caledonian University
Professor A Paterson	University of Strathclyde
Professor A Sherr	Institute of Advanced Legal Studies

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