

**THEORIES OF EDUCATIONAL
MANAGEMENT IN PRACTICE: AN
ANALYSIS OF A CRITICAL
INCIDENT AT A COLLEGE OF
HIGHER EDUCATION**

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Doctorate in Education

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Biographical Note

David Halton is Deputy Director of Nene College of Higher Education. He has twenty-one years experience of teaching and management in schools and institutions of FE and HE. He was previously Dean of the Business School at the University of North London and Head of the Schools of Marketing and Management at the London Institute. Research interests include imagery and related language comprehension in teenagers as well as all aspects of educational management in Higher Education.

Theories of Educational Management in Practice; an Analysis of a Critical Incident at a College of Higher Education.

Thesis presented by David J Halton.

Abstract

This thesis describes a case study which was designed to evaluate data derived from an analysis of a critical incident at Nene College of Higher Education. The purpose of the case study is to assess whether there is any evidence derived from the analysis of the data emanating from the critical incident to indicate (1) that some or all theoretical models of educational management existed in practice in a Higher Education Institution (HEI), and (2) that one or more theoretical models of educational management in that HEI may dominate in practice. In addition, the case study results are used to respond to research questions relating to organisational goals and culture as well as the influence of the external and internal environment upon the members of College staff involved in the critical incident. The results are also used to examine the likelihood of particular theoretical models of educational management being more or less dominant at different levels of the College's hierarchy and provides the evidence against which a new comprehensive model integrating five theoretical models of educational management can be evaluated.

The thesis concludes that formal, collegial, ambiguity, political and cultural models were in evidence throughout the critical incident, although formal, collegial and cultural models tended to dominate across all organisational hierarchical levels. The external environment played a key contextual role in the process of the incident response, and the clarity of the organisation's goals and the positive subscription to those goals of staff interviewed was significant in overcoming the problems posed by the critical incident. In addition, the results indicated that the College's culture was a powerful factor in determining the manner in which the critical incident was handled. As a consequence, a new comprehensive model of educational management has been developed which included the cultural model as a variable.

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Chapter 1 - Background to the Study

1. The Purpose of the Study

There is an increasing interest in theoretical models of educational management and their relevance to practice. Whilst over the last ten years there has been some research linking theory to practice in schools and further education colleges, this study aims to explore the links between theory and practice in a Higher Education Institution (HEI). There has been little recent work relating theory to practice in UK HEIs, although there has been some important work in the USA, notably Baldridge et al (1978) and Cohen and March (1974).

Whilst the research is interested to evaluate the operation of theoretical models in practice, the study may also provide sufficient data to draw some tentative conclusions regarding the interrelationship of theoretical models of educational management. From such an analysis, the study will reflect upon models currently available in the literature and through such reflection will develop a comprehensive model which diagrammatically portrays the evidence derived from this study. In addition, it is hoped that the conclusions of this study might aid management practice in Higher Education Institutions as well as making a contribution to the wider debate concerning theories of educational management. As Landers and Myers (1977) suggest *"There is nothing more practical than a good theoryit can....help the practitioner to unify and focus his [sic] views on an organisation, on his role and relationships within the organisation, and the elusive phenomena of leadership and achievement"* (Landers and Myers, 1977 p 365).

Education management has often been confused with other terms such as leadership and administration. However, work by researchers such as Caldwell and Spinks (1988) and Sergiovanni (1984) has indicated that leadership should be considered as a distinctive component of organisational effectiveness. Torrington and Weightman (1989) on the other hand suggest that administration is concerned with routine functions requiring limited individual discretion. West-Burnham (1994) has gone further and suggests *"a three-way dichotomy between leadership concerned with values, vision and mission, management, concerned with execution, planning, organising, deploying and administration concerned with operational details"* (West-Burnham, 1994 p 12). In practice, however, it may be difficult to differentiate between educational management and leadership, for example, and in researching the relationships between the practice and the theory of educational management, issues relating to leadership as well as management and administration are likely to appear.

In studying the literature that relates theoretical models of educational management to practice, the research questions that have been developed, and which this study aims to answer, have evolved from the analysis of research drawn from a number of sectors of the UK and the USA educational systems. The research questions that follow, however, relate generally to UK HEIs, and more particularly, Nene College of Higher Education. The research design is that of a holistic case study and a critical incident is analysed and evaluated after using documentary analysis and interviewing as data collection techniques. The research questions the study aims to answer are:-

- 1) What evidence is provided from an analysis of a critical incident at Nene College that theoretical models of educational management were operational and were applied and used throughout the incident process?
- 2) Do the results derived from an analysis of the critical incident suggest dominance of one or more theoretical models?
- 3) What influence did the external and internal context have upon 1) the process of the critical incident event and 2) the action of the "players" within the critical incident event?
- 4) What influence did the stated aims and mission of Nene College have in determining some or all of the actions of the "players" within the critical incident event?
- 5) Are different theoretical models of educational management more or less likely to be dominant in influencing actions of Nene College staff involved in the critical incident located at different hierarchical levels within the organisation?
- 6) Is there any evidence from the analysis of the critical incident to suggest that the interrelationship (if any) between theoretical models of educational management is developmental and phased rather than complex and dynamic.

2. Nene College of Higher Education

Any researcher interested in exploring educational management practice in higher education has necessarily to gain access to and data from one or more universities and colleges of higher education. Nene College of Higher Education is a suitable organisation in that it is a complex institution comprising around 1,000 staff (450 academic, 300 non-teaching, 250 manual), 11,000 students (8,500 full-time, 2,500 part-time) and situated on several sites stretching from Milton Keynes in the South to Kettering in the North. Approximately 25 percent of its full time students are from the local region and it has a good reputation for the quality of its teaching and the systems of academic audit it pursues to evaluate its academic programmes. It has powers to award taught degrees and is likely to apply for powers to award research degrees in Autumn 1998. Central to its mission is the achievement of university status by the year 2000 and it is currently on course to achieve that aim. It is financially robust and has built £42 million of new buildings over the last five years. However, whilst the above data relates to Nene College in 1997/98, the data provided for the following case study derives from an analysis of a critical incident that occurred in the academic year 1992/93. It is therefore important that background information is provided which relates to that period in the College's history.

3. Nene College of Higher Education in 1992/93

Nene College was formed in 1975 from the merger of the Northampton College of Education and Northampton Colleges of Art and Technology. The newly established Nene College was the responsibility of Northamptonshire County Council until incorporation under the Education Reform Act of 1988. From the outset the College had links with the University of Leicester, and the characteristic of the College's development has been the inter-twining of its historic public sector roots with the benefits of a close and maturing academic relationship with an established university.

By 1992/93, Nene College was one of the largest general Colleges of Higher Education with a mix of further and higher education students taught by some 350 academic staff (see Figure 1 overleaf)

Student Numbers		Academic Staff Numbers	
Total number of FT/HE students	5703	Senior Post Holders	8
Total number of PT/HE students	2300	Senior staff	13
Total number of actual HE students	8003	Principal lecturers	37
Total number of FTE/HE students	6554	Senior Lecturers	203
Total number of actual FE students	2847	Lecturers	91
Total actual all students	10840	Total	352

Figure 1 Students and Staff at Nene College - 1992/93

From its origins and through the 1980's, Nene provided both higher education and further education courses. Post-incorporation, further education work was retained, but the institution devoted its main energies to the expansion of higher education provision. As a consequence, the proportion of the work of the institution in further education decreased. After full and careful debate, the decision was taken by the Academic Board and Governors to transfer the remaining further education in 1992 to local partner further education institutions. By 1994/95, therefore, only a limited amount of highly specialist further education was provided by Nene, thus allowing the institution to concentrate on its mission to provide university education to and for Northamptonshire.

4. Nene College's Management Structure in 1992/93

The formal structure of authority, advice and representation in 1992/93 is outlined in Appendix 1. The College Articles clearly established a pivotal role for the Director in the management of the institution. He was and is required to provide leadership to the Board of Governors and the College Academic Board, and to ensure effective day to day operations. In the exercising of his own executive responsibilities, the provision of advice to the Board of Governors, and responding in turn to advice from the College Academic Board, the Director engages in dialogue and debate with his senior colleagues. Such dialogue and its resulting decisions took place in 1992/93 within the Directorate, the Senior Executive Team and the Director's Advisory Group.

4a) The Directorate in 1992/93

Of the Directorate, the Deputy Director had at that time overall responsibility for financial and strategic planning and resource management. The Assistant Director was responsible for learning support, academic quality, the development of research, academic services and corporate affairs. Members of the Directorate met weekly to share information, to address matters of urgency and to engage in long-term thinking.

4b) The Senior Executive Team and the Director's Advisory Group

The Senior Executive Team was composed of the Directorate and the four Deans of Faculty. It met fortnightly and dealt primarily with College strategy relating to the short and medium term. For operational issues, the Senior Executive Team was joined by heads of administrative departments and together became the Director's Advisory Group which again met fortnightly.

That part of the College's organisation chart which relates to members of the Directorate, Senior Executive Team and Director's Advisory Group is given in Appendix 2.

5. The Collegial Structure Operating at Nene College in 1992/93

Under College Articles, the College Academic Board was and remains responsible for the curriculum, academic standards, issues relating to research, scholarship and teaching, matters consequential to validation and for advising the Governors and the Director on the resources necessary to support academic activity. In 1992, the College Academic Board had twenty five members and was chaired by the Director of the College.

In addition to the Faculty Academic Boards and their sub-committees, the College Academic Board had established a Committee for Academic Planning, a Committee for Academic Standards and a Research Degrees Board that reported directly to it. In addition, there were two standing committees, Admissions and Research. Figure 2 overleaf outlines the structure of Committees and Boards serving the College Academic Board in 1992.

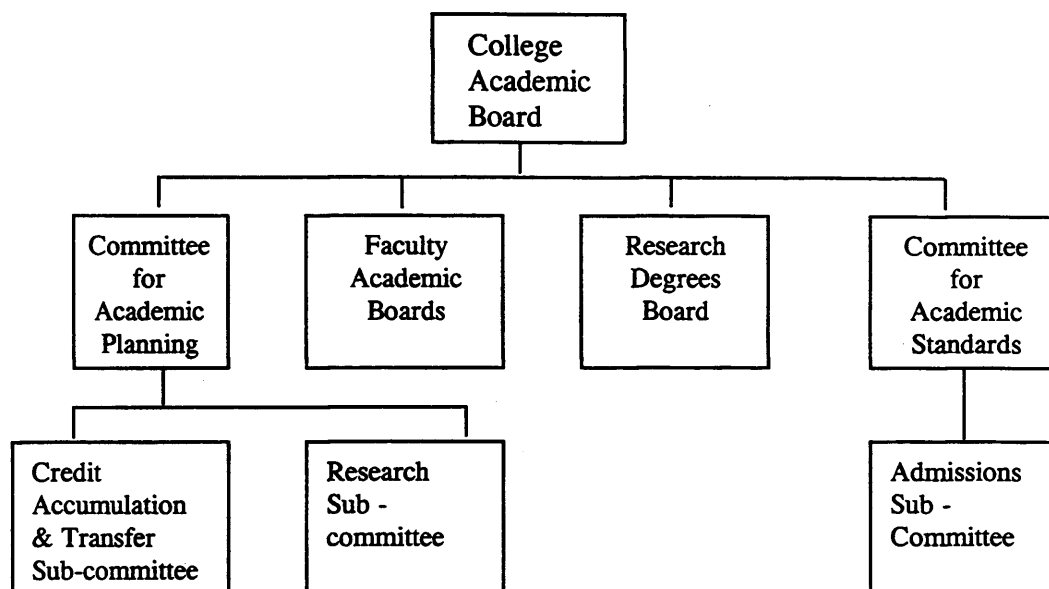


Figure 2 - The Collegiate Structure Operating at Nene College of Higher Education in 1992/93

6. Relationship with the University of Leicester

The involvement of the University of Leicester dated from the establishment of the Northampton College of Education in 1972, and Nene College continued to offer degrees of the University since its inception in 1975. Progressively the relationship between the University and the College changed as the College matured into an institution capable of taking increasing responsibility for academic matters. Originally, the University was involved in teaching, setting examination papers and marking, but over the years such matters were devolved to the College. In February 1990 a significant change took place when the University accredited the College to offer taught degrees. Under an Accreditation Agreement the College was given responsibility for all academic matters to the fullest extent possible under the University Charter. Implementation of the agreement from the University side was left largely in the hands of University Moderators who were given authority to observe, advise and report. The key organisational arrangements associated with accreditation were the University Board of Collegiate Studies on which there were representatives from both the University and the College. The University Board was chaired by a Pro-Vice Chancellor of the University of Leicester.

Chapter 2 - Literature Review

1. Introduction

In exploring the variety of models of educational management, writers have tended to differentiate between formal, collegial, political, subjective, ambiguity and cultural models (Bush, 1995) before bringing such models together to form a comprehensive model (Davies and Morgan, 1983; Enderud, 1977; Becher 1984; Hardy et al, 1984; Bush, 1995). Whilst within the discussions evoked by the application of a particular theoretical stance to the educational management of schools and colleges there is cross referencing to other models, the only direct comparison and analysis of two distinct models has been undertaken by Theodossin (1983) where he uses an analytical continuum to investigate subjective and formal models. Additionally, Wallace and Hall (1994) describe suggested links between political and cultural models in their study of senior management teams in secondary schools and Becher and Kogan (1992) have evaluated the relationship between collegial and hierarchical approaches.

This literature review will assess the inter-relationship of collegial models and formal models (particularly hierarchical models) and place such an assessment in a broader context of model evaluation with particular reference to culture. It is clear from an analysis of the literature relating to systems and processes that the influence of one or more models in the collective whole of a large organisation is likely to be determined by the methods of decision making and consultation that take place and the arrangement of links between the “players” (staff) and the variety of organisational structures within which they operate.

2. Formal Models

As a former business studies student, the writer feels comfortable with the notion that most formal models are stated to be associated with the work of Weber (1947). Clearly bureaucratic and hierarchical models are closely intertwined with Weber's recognition that organisations will strive towards the most efficient form of management. Thus *“The purely bureaucratic type of administrative organisation ... is, from a technical point of view, capable of attaining the highest degree of efficiency and is in this sense formally the most rational means of carrying out imperative control over human beings. It is superior to any other form in precision, in stability, in the stringency of its discipline, and in its reliability”*. (Weber, 1989, p 16).

Whereas bureaucracy is defined as an organisation which has clear goals, labour divided into specialisms, rules and regulations to which all staff adhere, impersonal staff relationships and promotions predicated purely on merit, hierarchical organisations are those which, usually in

addition to displaying bureaucratic features, emphasise verticality; vertical management communications, vertical authority structures (usually pyramidal with superior/subordinate, instructional/ delegation arrangements) and, as a consequence, vertical organisation charts. Such organisational systems are expected to operate in a rational manner following a rational process of decision making. The larger the organisation, the more likely it is to have adopted a formal model of organisational structure (Livingstone, 1974) and the greater it needs to interact with its external environment, the more likely the formal model will constitute an open system (Richman and Farmer, 1974). Given the vulnerability of HEIs to their external environment (as exemplified by the impact of the 1995 budget on future funding), it is unlikely that any HEI organisation (even Oxbridge) can afford to continue to operate a closed system. It may, however, be interesting to note that organisations might operate a closed system in response to actions in the external world (eg enhanced security in primary schools in response to the Dunblane tragedy).

Such formal models place a heavy burden upon its leader(s) for the operation and success of the organisation. The assumption that a head of an institution will “lead from the front”, “carry the can”, “take the institution forward” and “solve all its problems” provides for a Tolkienesque model of the hero as the basis for a Vice Chancellor's or Director's role against which to model him or herself.

“Under the bureaucratic model the leader is seen as the hero who stands at the top of a complex pyramid of power. The hero's job is to assess the problems, consider alternatives, and make rational choices. Much of the organisation's power is held by the hero and great expectations are raised because people trust him [sic] to solve problems and fend off threats from the environment”.

(Baldrige et al, 1978, p.44)

Whilst a bureaucratic, hierarchical formal model of educational organisational structure can be traced back to the writings of Weber, other writers, eg (Becher and Kogan, 1992) see a wider organisational context for a structural model which includes national authorities (funding, quality inspection etc) as well as the HEI, the individual faculty or department and the individual staff and/or student member. Like all formal models, the structural model exhibits normative modes but in addition concerns itself with the operation of the organisation at different levels of the system. Whilst a structural organisational model does not have to be organised hierarchically, an organisation, in practice, is likely to embrace some form of hierarchical model, either as an enveloping structure or as one or more parts of the internal

organisational structure. However, smaller organisations (eg a primary school) may espouse a flatter structure, but in reality will acknowledge that it is the head teacher who carries greatest weight in the decision making process. (Bush, 1995)

3. Collegial Models

Collegiality in higher education reflects a tradition developed to support the activities and status of the autonomous professional. Originating as an organisational model at the universities of Oxford and Cambridge, it became the most often quoted model of organisational structure through the 1980s, used by Higher Education Institutions to describe their decision making processes. As with formal models, collegiality is a normative model which reflects the liberal idealist's view of managing by consensus, power-sharing and collective decision making. The development of such a model is not surprising at first glance, given the value placed by lecturers and researchers upon "the autonomous professional". By the very nature of his/her employment, the lecturer/researcher operates in a non-routineable job which, according to Blau and Scott (1962) undermines the possibility of a rigid hierarchy of control. Such autonomous professionalism can often lead to conflict in HEIs when, for example, the views of the professional body conflict with those of an HEI validation panel with regard to course structure and context. The collegial model, certainly up and until the 1989 Education Act, was deemed particularly appropriate as a structure for managing educational organisations:-

"The professional's claim of autonomy in the exercise of his professional skills has become the basis for this general social status inside and outside the work situation and this, once established, reinforces his claim for professional respect and the right to be consulted in a wide range of matters which affect both his work and his status. Where such staff form a large proportion of the personnel, their effect on the authority structure of an organisation is likely to be substantial. Where they dominate the organisation, we are led to infer that a bureaucratic hierarchy of authority would be very difficult to establish or maintain. An authority structure much close to what Weber described as 'collegiality' is probable".
(Noble and Pym, 1989 p.29)

Many examples of collegial models in education are given as emanating from the primary sector. The argument used is that the size of a decision making group is important to the collegial model; if the group is too large then not all members will be able to participate actively. As Bush, (1995, p. 54) states *"This may mean that collegiality works better in primary schools or in subunits than at the institutional level in secondary schools and colleges"*. Such an observation would tend to be supported by the views of Bolam et al (1993)

regarding the likelihood of larger, more complex organisations operating a formal model of organisational structure. Yet the collegial model has been adopted by most universities and colleges and is exemplified by extensive committee systems which allow staff the opportunity for formal representation on a variety of decision-making bodies. As Bush (1995) points out, *"The decision making process inside committees is thought to be egalitarian with influence dependant more on specific expertise than on official position. The assumption is that decisions are reached by consensus or compromise rather than acquiescence to the views of the head or principal"*. (Bush, 1995 p63)

There is a strong consensus in the literature that participation in decision-making can promote better decisions (Piper, 1974) and that increases in the level of participation in decision making will improve communication and motivation (Davies, 1983). Whilst these points are well made, Noble and Pym's (1989) work indicates that committee structures of the complexity found in HEIs demonstrate *"a receding locus of power"*, ie *"that the 'real' decision always seems to be taken somewhere else"* (Noble and Pym, 1989 pp 32,33). In essence, the most effective committee, from a decision making point of view, was seen as being the committee which could exclude influences from others; such a committee thus enjoys greater power over its potential decisions, to the exclusion of external influences. This type of committee was characterised by 1) the willingness of individuals to be available to serve on them and/or 2) the exclusiveness of access to the committee, eg the elite-only access into Senate. Indeed, Lortie, (1964) and Bernstein (1967) go further and suggest that a collegial pattern of decision-making can be more constraining on individuals than a hierarchical pattern because it demands at least a measure of commitment to the decisions reached, and thus limits professional autonomy.

Collegiality or consensus decision-making is unlikely to work without the active, enthusiastic commitment of those in authority. Indeed, the head or principal's commitment to participative decision making is said to be key to a committee structure operating successfully.

"Consensus decision-making requires that the formal leader is trusting of others' abilities and motivations, strong in confidence and skilful in facilitating two-way communication. Without the formal leader's initiation and stimulation of the group's processes, participants will tend to bog down in their involvement and commitment. Teachers of large faculties, in particular, will resent the time meetings take up and the frustrating energies that are spent if important decisions are not made. Without the principal's active initiation and encouragement, collaborative decision-making in a faculty is likely to degenerate into private decision-making by subgroups and individuals". (Schmuck, 1976 p 15).

This can be exemplified further by the following quote taken from the Auld Report (1976) relating to the William Tyndale Junior School in Islington. This report resulted from an investigation which had high media coverage and for some became a "cause célèbre".

"Thus, instead of the newly instituted system of regular staff meetings producing a consensus among the staff, there quickly emerged a sharp division of opinion which the discussions, by their very generality, appear only to have aggravated. Mr Haddow very soon showed himself to be the most dominant of the faction who advocated their responsibility to teach children not to be conditioned by society but to think and judge for themselves. Although his views were shared by Mr Ellis (the head), the pace appears to have been set by Mr Haddow, who, as time wore on, influenced Mr Ellis and those of the staff who sympathized with his views to adopt more extreme positions. Similarly, Mrs Walker, on her side, became more strident and more extreme in the way in which she advocated what sounded to some of the staff like a very formal approach to junior school teaching. Her stridency and growing impatience with the view of Mr Haddow and Mr Ellis proved, within a very short time, to be counter-productive to her case. Those whom she was seeking to persuade would no longer listen to her, and those, like Mrs Chowles, who sympathized in general with her approach, were embarrassed by the way in which she repeatedly tried to force her views upon the staff". (Auld Report, 1976)

It is clear from such observations that the issue of organisational goals, and the willingness of all members of the organisation to pursue such goals is a key factor in the ability of leaders to work successfully within collegial models of organisational structure.

4. Weaknesses and Strengths of Formal and Collegial Models

Many of the weaknesses of one of the two models focussed upon in this section are counterbalanced by perceived strengths in the other model. For example, the collegial model is said to be difficult to sustain in the light of external accountability and audit requirements. As Bush (1995, p 68) notes *"In practice, the leader's accountability means that there cannot be more than a conditional democracy in education"*. Yet a feature of the formal model is the emphasis on the accountability of the organisation to external funding publics.

Similarly, the collegial model is said to be time consuming. Note Hellawell's comments (1991, p335) *"My own experience of collegial structures of management in higher education is that they are extremely time consuming and they certainly demand a level of meetings that*

primary school personnel could only fulfil by using considerable time outside the school teaching hours. As resource pressures have increased in higher education, so there has been increasing criticism of the inefficiency and non-cost-effectiveness of collegial decision-making and increasing support for making individual managers more responsible and accountable". In particular, it has been argued that staff participation in decision-making can be a recipe for non-action: *"Such participation can provide a strong unifying force within the institution; but it can also be used to delay or block difficult but necessary decisions"* (Hellawell, 1991, p 335, quoting Jarratt, 1985, p10).

The formal model, on the other hand, is a model which allows for speedy decision making at appropriate levels of the structure or hierarchy. Inevitably those important decisions emanating from the external world requiring speedy responses, are usually taken by the Head or his/her Senior Executive Team as the representative(s) of authority located at the top of a pyramidal structure. As Weber (1947) argues *"the decisive factor in this development (that collegial bodies were rapidly decreasing in importance) has been the need for rapid, clear decisions, free of the necessity of compromise between different opinions and also free of shifting majorities"*. (Weber, 1947 p 308)

Another criticism of the collegial model is that it allows for group interests to gain power and push through their own agenda (Baldrige, 1989). The subject of political models is one the review will return to when it concentrates upon the influence, in organisational process and structure terms, of organisational goals. Nevertheless, the formal model is said to be strong in that the manager/subordinate relationship is clearly defined and the hierarchical position of individuals is understood. This is not to suggest that micro politicking does not take place in a formal organisation; rather that its impact may be limited given the rules and regulations implicit in a bureaucracy.

In a similar way, collegiality is founded on a consensus; all staff members have shared values which form the basis for agreement opportunities. In practice, however, committee members have their own, strong views, especially regarding issues relating to professional experience or positions. The formal model provides a clear framework within which impersonal relationships exist; such a framework is designed to erase, as far as possible, personal views from the decision making process.

The collegial model has been criticised for being too dependant upon the head of institution's

leadership style - *“teachers are given the opportunity to participate in the decision-making process by benevolent heads rather than as of right”*. (Hoyle, 1986, p 91)

However, in HEIs, the committee structure culminating in the Academic Board or Senate, legitimises the right of staff to participate in the collegial system of institutional decision making. Nevertheless, the Principal/Vice-Chancellor is vulnerable, through this system, if agreement cannot be reached over major issues (for example, vote of no confidence in the Vice-Chancellor of London Guildhall University in 1996). Similarly, the head of an institution is exposed, in accountability terms, as to the consequences of poor decisions, given it is clear that s/he has the highest authority within an HEI. Nevertheless that accountability is beholden, in hierarchical terms, through to the Governors or Council or indeed the Government Funding Agency and/or Quality Bodies. The bureaucratic organisation, because of its inherent stability, is perhaps less likely to be thrown into crisis through changes at the top for “accountability” reasons. It is the collegiate organisation which, through the opportunities for political activity or similar actions, might be thrown into disarray if there is shown to be no trust in the actions of the head by the body of the staff. Examples of recent (1997) political activity within the collegiate structure culminating in serious difficulties for the organisations concerned are i) Southampton Institute - vote of no confidence and resignation of chief executive (June 1997) and ii) Luton University - vote of no confidence in chief executive as a response to financial crisis and proposed redundancies (May 1997).

If one considers the weaknesses of the formal model, these could be seen to be counterbalanced by the strengths of the collegial model. One such “weakness” levelled at the formal system is that it is too simple a structure to deal with complex issues facing educational institutions to today. Committee structures, on the other hand, are designed to facilitate debate and argument with regard to academic issues and allow for critical appraisal of policy and procedures as well as particular issues of the moment. Committee structures are constructed in such a way to allow representation of the staff in participative decision making bodies. Such a structure is supportive of individual participation; unlike formal models, it does not underestimate individual contributions to the decision making process.

Other criticisms of the formal model of organisational structure tend to concentrate upon the unreality of bureaucratic, rational structures. Human behaviour is irrational, writers argue (Greenfield, 1973, Best et al, 1983, Theodossin, 1983), and as such, will not respond positively to the rules and regulations of bureaucracy and will react in a variety of disparate ways to the continuance of “top down” decision making. The collegial system does, in part,

create forums for the “irrationality” of human behaviour to be expressed. Committees allow autonomous professionals to express views within a more acceptable decision making group; participants supposedly sharing a common set of values. Opportunities are created in collegial models of decision-making for “bottom-up” initiatives although such opportunities may in essence be “contrived” (Hargreaves, 1994) in such a way to secure support for the government's and the corporation's policies. Such a cynical view of the collegial structure in schools and colleges is not to be underestimated; many autonomous professionals are themselves products of a system of regulatory acceptance, especially as regards the rules and rituals surrounding the delivery and examination of the product to which they make a contribution and through which they have journeyed in order to achieve their own professional status.

A summary table of the counterbalancing of the formal and collegial models' strengths and weaknesses is given below:

Comparison of the Strengths and Weaknesses of Formal and Collegial Models

Formal Model Strengths

- 1 Clear lines of accountability
- 2 Quick decision-making process
- 3 Manager/subordinate power relationships clearly defined
- 4 Independent of staff attitudes and relationships
- 5 Does not depend upon attitude of head to function
- 6 Clear “book of operational rules”

Collegial Model Weaknesses

- 1 Difficult to sustain for accountability reasons
- 2 Time consuming
- 3 Allows for sectional interests to gain power
- 4 Depends upon attitudes of staff
- 5 Depends on attitude of head of organisation
- 6 Contrived collegiality

Formal Model Weaknesses

- 1 Too simplistic
- 2 Underestimates individual contribution
- 3 The rational model is unreal - human behaviour is irrational
- 4 Rules are imposed not agreed
- 5 Power seen as “top-down”
- 6 Too stable in change conditions
- 7 Normative - obscures reality

Collegial Model Strengths

- 1 Allows for complex arguments regarding issues
- 2 Is constructed to allow all to participate in decision-making
- 3 Evaluation of decision is allowed for by autonomous professionals
- 4 Common set of values
- 5 Power available “bottom-up”
- 6 Can “soak-up” change in collective manner
- 7 A clear framework within which participants can express their “reality”

5. Formal and Collegial Models: Further Observations

There are some further observations to be made as regards formal and collegial models which do not really fall into the strengths and weaknesses model outlined earlier. These observations relate to issues of external change, staff passivity, the interplay between interpersonal familiarity and the operation of formal models, and political models of staff activity.

5 i) External Change

Davies (1996) challenges the formal model of organisational structure and the consequent required leadership role by reflecting upon the effect of the increasing rate of external change upon that role. He concludes that the leader of an educational institution should model his/her actions on coaching and delegation, not control. This argument is predicated upon the observation that as more is passed to the educational institution from the external environment to manage and be responsible for, (the notion of “decentralisation to organisations”) then organisations should, in turn, “decentralise decision making to the educationalist interacting with the pupil so that information, knowledge, power and rewards lie at that level rather than at the top of the hierarchy” (Davies, 1996, p16). Such “power giving” is accompanied by the provision of sufficient information and knowledge to teachers so they find themselves in the same position as managers in that they are able to make strategic decisions. He acknowledges that in providing this information and knowledge, heads of institutions will threaten their own power base, especially those leading traditionally structured hierarchical organisations. Whilst one can accept that at times of radical external change, organisations need to radically reappraise their structures and, if necessary, re-engineer (Handy, 1994) it perhaps is an unlikely outcome to expect managers to relinquish authority by taking on a coaching role whilst becoming more and more accountable to an external world for the use of an increased decentralised resource within the educational organisation for which s/he is responsible.

5 ii) Staff Passivity

Collegial models are founded upon the concept that all staff have an equal voice in determining policy. There may, however, be circumstances where staff do not, for a variety of reasons, wish to be involved in a participative decision making process. Campbell (1985) in his inquiry into Warwick schools noted the following, *“One reservation should be mentioned about the use of the terms ‘participation’ and ‘collective decision making’. Although it is true that these staff*

groups tended to report back to whole staff meetings, or be open to all members of staff, it would be more precise to say that school decision making was by the active participants in the curriculum development programmes, rather than by the whole collectivity of the staff, some of whom did not participate at all, or at best attended a staff meeting and passively accepted what was proposed". Similarly, a head teacher commented upon this issue in Hellawall's (1991) inquiry: "I have worked very hard over the last few years, as the number of staff has grown, to build up really a collegial style of management with a lot of staff input into decisions that affect the school and they are saying that they don't like this. They would like an autocracy. They would like to be told what to do. But they would also like the right to change my decisions if they don't like them". [Headteacher, Group No 5, Quoted in Hellawell (1991)]

Such staff passivity can occur in whatever organisational system is in operation but it is more able to be remedied through a formal model of organisational structures which require formal staff appraisal as part of the staff development and assessment process. However, whilst staff passivity can be accommodated within bureaucracies and formal organisations, the collegial process requires positive staff support and commitment to a collegial organisational model for it to operate effectively. Staff passivity can thus be very damaging to the effectiveness of a collegial model operating within an educational organisation.

5 iii) The interplay between interpersonal familiarity and the operation of formal models

Nias (1984) makes an interesting point with regard to the link between interpersonal relationships and structure. She states:

"To argue that the existence of close interpersonal relationships obviates the need for forms of organisation is to overlook the part which the latter play in establishing the former. Knowledge of others often starts with and proceeds from role-determined communication. Moreover, 'formal procedures' cannot exist for long as other than empty rituals unless they are accompanied by some degree of interpersonal familiarity. People in organisations interact at a personal as well as a functional level; the role can seldom be completely separated from the person who fills it. Organisational structures allow and encourage the growth of interpersonal knowledge which can then be used to facilitate (or to obstruct) the smooth functioning of institutional procedures. Predictability, the negotiation of shared goals and the peaceful resolution of conflict over differences come about through the operation of both formal and informal means, yet neither of these can exist for long without the other". (Nias J, 1984, p.118)

This observation comes close to recognising the interrelatedness of knowledge of others activities gained through informal and formal committee and group interaction and the ongoing use of the formal model of organisational structure. Perhaps a conclusion from this evidence that could be drawn might acknowledge the necessity for collegial or informal models to operate in co-existence with formal models in order for them both to survive and be operational. Another conclusion that could be drawn is that the culture of the organisation plays an enormous part in the success of the interaction of formal and collegial models. These issues will be explored further particularly in relation to "synthesis" or comprehensive models of educational management.

5 iv) Political models of staff activity

Baldrige (1989) puts forward a view of an organisational model that rests upon the theoretical base of "conflict theory". This theory relies upon a number of assertions, one being that organisations exhibit diffuse, differentiated goal systems and *"Because the university is similar to the goal-diffuse local community, we can fruitfully adopt the community power theorists' emphasis on goal-setting activities, as well as their stress on interest groups and the conflict between such groups"* (Baldrige, 1989 p59). He goes on further to state, *"When we look at the complex and dynamic processes that explode on the modern campus today, we see neither the rigid, formal aspects of bureaucracy nor the calm, consensus-directed elements of an academic collegium. On the contrary, if student riots cripple the campus, if professors form unions and strike, if administrators defend their traditional positions, and if external interest groups and irate governors invade the academic halls, all these acts must be seen as political. They emerge from the complex fragmented social structure of the university and its 'publics', drawing on the divergent concerns and life-styles of hundreds of miniature subcultures. These groups articulate their interests in many different ways, bringing pressure on the decision-making process from any number of angles and using power and force whenever it is available and necessary"*. (ibid, p60)

There are some interesting assumptions behind the political theorists' arguments and exemplars given in their research. The first is that organisations are goal-diffuse. This may not in fact be the case. As will become evident in Chapters 4 and 5, Nene College, had a clear, explicit and pragmatic goal in its drive to be a university which it was claimed would benefit lecturers, managers and administrators alike.

The second assumption is that interest groups will bring pressure upon the decision-making

process using power and force in order to achieve their aims. If, however, the culture within the organisation is one of non-conflict and rule observance then the emergence of interest groups acting in a forceful and disruptive manner in pursuance of their political aims is much less likely. Again, the issue of culture within an organisation will be examined later with reference to comprehensive models of educational management.

6. Initial Summary and Analysis of the Literature

6 i) Active integration of formal and collegial models

Whilst it might be postulated that formal and collegial systems, given their corresponding strengths and weaknesses, might operate side by side within organisations, the literature is less convincing. The following quotes give support to the opposite view, namely that formal and collegial models are unlikely to live in harmony with each other. Take for example, Weber's argument:- *"collegiality unavoidably obstructs the promptness of decisions, the consistency of policy, the clear responsibility of the individual, and ruthlessness to outsiders in combination with the maintenance of discipline within the group"*. (Weber, 1947, p 39) Similarly, *"the tensions created by the two principles are present throughout the range of institutions. While the senate or academic board may have formal power over academic matters, these are also indirectly affected by the governing body by its power to allocate between different desirable academic ends. The head of the institution may be the servant of the senate or academic board when taking the chair, but is simultaneously accountable to the governing body for running the institution"*. (Kogan 1984, p28)

Such arguments are not necessarily based on practice, particularly where organisations have clear goals. Contrived collegiality may exist under such conditions but, providing goals are being fulfilled, such a contrivance may not matter. The literature recognises the external pressures upon those in authority in education as well as the need for staff to participate in decision making to achieve consensus. Some writers (eg McNay 1993) conclude that both models need each other for organisations to be able to operate, others (eg Baldrige, 1989) suggest that both models are subject to political influences which in turn feed back on themselves to create a dynamic political model. Where perhaps the literature is less substantive, is in its treatment of the operation of models within a culture which allows for clear targets of achievement. Indeed, in conducting the literature search, it has become apparent that formal, collegial, ambiguity and political models may all have a part to play within any organisational development of policy and procedures. As important, however, is the culture within which the organisation's development processes operate. It is this area, that

of cultural models of educational management, which is explored in the next section.

7 Cultural Models

The emergence of recent interest in cultural models is recognised by Bush (1995) by the inclusion of a new chapter, Chapter 8, in the latest edition of his book. He suggests *"The increasing interest in culture as one element in school and college management may be understood as another example of dissatisfaction with the limitations of the formal models"* (Bush, 1995 p130). But is this "dissatisfaction" justified? Simon (1977) in developing the ideas of Weber (1947) with regard to classifying organisations in terms of "validity" and "legitimate order" argues that authority does not rest necessarily with persons in authority but in relationships built upon people's beliefs about their behaviour to each other. It is this notion of individuals bringing beliefs from the wider society within which they have lived and developed which may give some clue to the development of an organisation's culture. For HEIs it is interesting to surmise, as was indicated earlier in this review, that individuals (particularly academics) may bring experiences and values from their own lives which reinforce or contradict those values and beliefs espoused by the organisation within its mission statement and academic strategy. "Shared" values attributable to the members of organisations is a feature underpinning all cultural models and the development of a dominant culture in an organisation is likely to come about if a majority of members share a single set of beliefs or values. It is important, in a Wittgensteinian sense, that all members of the organisation understand the meanings attributable to words, phrases, activities and customs in a consistent way. At Nene College of HE, for example, "Nenespeak", has become embedded as a phrase within the organisational culture. Such understandings and customs are reinforced by rituals and ceremonies (award ceremonies, for example, in HEIs) and by past and present organisational members' activities; particularly those who epitomise in action and folklore the values and beliefs of the organisation's culture (retirees; alumni).

Culture is therefore manifested *"via a complex multi-sensory amalgam of symbols, routines and physical resources"* (O'Neill, 1994, p 106). It may present significant management opportunities inasmuch as *"symbols are not only the means whereby established meanings are communicated but are central to the process of constructing meaning"* (Hoyle, 1986 p 152). Other writers (Goodson, 1988, Handy and Aitken, 1986) recognise the potential for "sub-cultures" to exist in any organisation and clearly there may be groups who operate a "counter-culture" (Beare et al, 1989). Indeed, Handy's (Handy and Aitken, 1986) typology of organisational cultures (described as club, role, task and person) may all be represented in any complex organisation either through the activities of groups developing sub-cultures or

individual “stars” developing their own brand of cultural ethos.

One of the criticisms of the cultural model is that the culture may not be shared by the members of the organisation if it is imposed by the leader. In such cases members may leave, create pressure groups which exhibit different value systems which may eventually conflict with those of the leader in the political sense, or become indoctrinated by the cultural ideology perpetuated by the organisation's leadership. In the latter case, the presupposition is that the leader is potentially “all powerful” in creating an organisation's culture. However, since the 1989 Education Act, HEIs have become more and more responsible to governing bodies and councils who play a significant part in the formulation and perpetration of organisational culture. Within the 1989 Act, governing bodies are not only responsible for the efficient and effective management of the HEIs but also the overall academic direction and development. In the aftermath of the Nolan Committee, governing bodies and councils are under greater pressure to set objectives and appraise the HEI's senior executive team and also receive and comment upon the reports from the Academic Board or Senate.

Another criticism of the cultural model is that rituals and ceremonies may misrepresent the real activity of an educational organisation. As Hoyle (1986) suggests: *“A symbol can represent something which is 'real' in the sense that it acts as a surrogate for reality ... there will be a mutual recognition by the parties concerned that the substance has not been evoked but they are nevertheless content to sustain the fiction that it has if there has been some symbolisation for the substance ... in reality the system carries on as formerly”*. (Hoyle, 1986, p.166).

Such a view is redolent, in a different context, of the contrived collegiality view referred to earlier (p.14).

Whilst these criticisms are acknowledged, the value of the cultural model as an additional insight into organisational structure cannot be underestimated. Culture influences the individual members' approach to policy making and decision making within an organisation and it can reinforce those elements of organisational practice which underpin the goals and mission of organisations. Understanding organisational culture can be an aid to managers in attempting to deliver organisational output in a way which satisfies the diverse range of organisational publics and members. As Bush (1995) points out: *“An appreciation of the salience of values and beliefs, and the ritual that underpins them, is an important element in the management of schools and colleges”*. (Bush, 1995 p140)

Whilst the review thus far has discussed and evaluated theoretical models of educational management, it may be important to consider systems and processes that are used in HEIs to deliver decisions and respond to external and internal requirements of monitoring and audit ie accountability. The following section, therefore, considers organisations from the perspective of operation rather than style or structure.

8. Systems and Processes

8 i) Systems

Organisations, irrespective of structure or ethos (Halpin, 1966), employ systems and processes to interact with the external world and function internally in order to deliver the product. Even Hoyle (1981) recognises that *"a certain degree of systematic integration is necessary for their [schools as organisations] effective function"* (Hoyle, 1981, p.12). Higher Education Institutions employ systems to deliver and monitor quality, to appraise the performance of employees and to construct budgets and monitor their operation. Quality systems are used to develop good practice, maintain and enhance the academic product and assure internal and external stakeholders that satisfactory standards are being maintained. Financial systems provide for the allocation of resources to cost centre managers who operate devolved systems to heads of school who, as a consequence, are responsible on a month to month basis to the finance office for the meeting of agreed budgetary targets. Such systems are commonplace in Higher Education Institutions and rely upon regular internal monitoring activity for their operation and maintenance.

Such internal systems interact with the external world in a number of ways. Quality systems in universities and colleges are subject to scrutiny by external examiners, government agencies (HEFCE), and the sector's Quality Assurance Agency. Financial systems are scrutinised by internal and external auditors, governors' finance committees and government funding agencies. The extent of an internal system's relationship with the outside world is characterised in the literature by the degree of "openness" the system exhibits; *"closed systems tend to minimise transactions with the environment and to take little account of external opinion in determining the purposes and activities of the organisation whereas open systems encourage interchanges with the environment, both responding to external influences and, in turn, seeking support for the objectives of the organisation"* (Bush, 1995, p34).

Systems theorists believe strongly that unless systems are developed and operated, schools and colleges will not operate efficiently and effectively: *"Quality control and maximum effectiveness*

in a large educational organisation are possible only by use of the systems approach. This type of management is imperative in larger systems; it is also the key to producing better results in small school systems" (Landers and Myers, 1977, p 416).

However, in defining systems as open or closed, systems theorists often draw attention to the notion of "boundary". A system's boundary describes the extent of the system and the environment within which the system operates (Latham and Cuthbert, 1983). Whereas it might be possible to argue that certain universities and colleges, because of their unassailable position in the sector, are immune to external influences, in reality this is highly unlikely. In recent years, particularly given the recent government's requirements for value for money, cost-efficiency savings, accountability for governance and management of Higher Education Institutions and the constant public scrutiny via the press and other media of the activities of universities and colleges, the notion of a closed system appears theoretically possible but practically unlikely. As Bush, (1995) points out. *" The distinction between open and closed systems is more blurred in practice than it is in theory. It may be more useful to think of a continuum rather than a sharp distinction between polar opposites. All schools and colleges have a measure of interaction with their environments but the greater the dependence of the institution on external groups the more 'open' it is likely to be".* (Bush, 1995, p 34)

This "openness" is well exemplified in the study conducted by Rutter et al (1979) of twelve schools in the Inner London Education Authority. They conclude *" Schools constitute just one element in a complex of societal factors outside their immediate control The pattern of connections is complex. It is nevertheless clear that within this network, schools have a considerable degree of choice in how they are organised, and that teachers have a similar choice in their decisions on how to respond to the children they teach. Our results suggest that these decisions on how to respond are likely to affect the chances of the children improving in their behaviour and attainments".* (Rutter et al, 1979, pp181-182)

Clearly, the interrelationship of the organisation's internal and external environment and the influence the external environment can exert over the activities of a school, college or university can to a large part affect the way the organisation is structured. Nevertheless, as writers like Hoyle (1981) and Greenfield (1973) suggest, systems in themselves do not operate outside of the participants or "players" within an organisation. Advocates of the systems approach often define a robust system as one which will at first highlight an individual's or group's failings and, if acted upon according to the system's guidelines, remedy the individual's or group's deficiencies. Critics of systems theory offer the view that organisations

are complex and various in their size and nature and that organisations should be viewed to exist in and through individuals. As Greenfield (1988) points out *"Conflict is endemic in organisations. It arises when different individuals or groups hold opposing values or when they must choose between accepted but incompatible values. Administrators represent values, but they also impose them. Administrative science must come to understand these complexities if it is to speak meaningfully to the world of practice. Only then may it begin to help administrators understand and cope with the personal and existential stress of conflict. The texts of administrative science are suffused with metaphors that portray organisations in terms of equilibrium, stability, adjustment, and harmony. We need other metaphors to bespeak the reality of stress and conflict"*. (Greenfield, 1988, p 34).

However, critics of subjective theorists point out that, if conflict and subjectivity is endemic in organisations, organisations in themselves cannot exist. If organisations are defined as "collective" structures relying on individuals operating to achieve the collective's goals, then a degree of agreement as to the aims and meanings provided by the collective enterprise must take place. As Ryan (1988) suggests with reference to Greenfield's assertions, *"By focussing exclusively on the "individual" as a theoretical ...entity, he precludes analyses of collective enterprises. Social phenomena ...cannot be reduced solely to "the individual" "*. (Ryan, 1988 pp 69-70).

Indeed writers (Hills, 1980; Silverman, 1970), in evaluating Greenfield's work conclude that organisations are recognisable as particular kinds of institutions. Whereas schools, colleges or universities will differ in terms of size, complexity, environment, goals etc, they are recognisable as schools, colleges and universities to observers and participants. And if that is the case, ie that organisations exist, they have to be managed. Critics indicate that subjective theory provides no support or "signposts" for the practising manager even though, in universities and colleges, it has been acknowledged that "managing academics is like herding cats". (Partington, 1994)

In order to help practising managers carry out their duties, much work has been undertaken analysing the process rather than the structure of organisations. Whilst within such an analysis the structural framework is recognised and acknowledged, it is the process which leads to the making of decisions that is highlighted. This process is systematic and "rational" in the sense that decision-making within organisations is unlikely to be made in an emotional or subjective way. Indeed, as Ellstrom (1983 p 233) indicates *"in spite of the severe criticism that has been levelled against the rational model and its derivatives, its fundamental elements have, to a large*

extent, been retained as the predominant mode of organisational analysis"

8 ii). Processes

The rational decision making process presents an idealised systems world where the management process is depicted as a matter of systematic, informed and rational decision-making. The process provides for i) the perception of a problem and its analysis and evaluation of the resultant set of choices available to solve the problem, and ii) selection of the most appropriate solution and the implementation of same. Some models additionally put forward the consequent evaluation of the effectiveness of the solutions as part of the decision-making process in order to inform practice and understanding. Such a model is provided by West-Burnham (1994) where the strategic planning cycle is perceived as a process which delivers the "problem" of achieving the organisation's mission, values and vision.

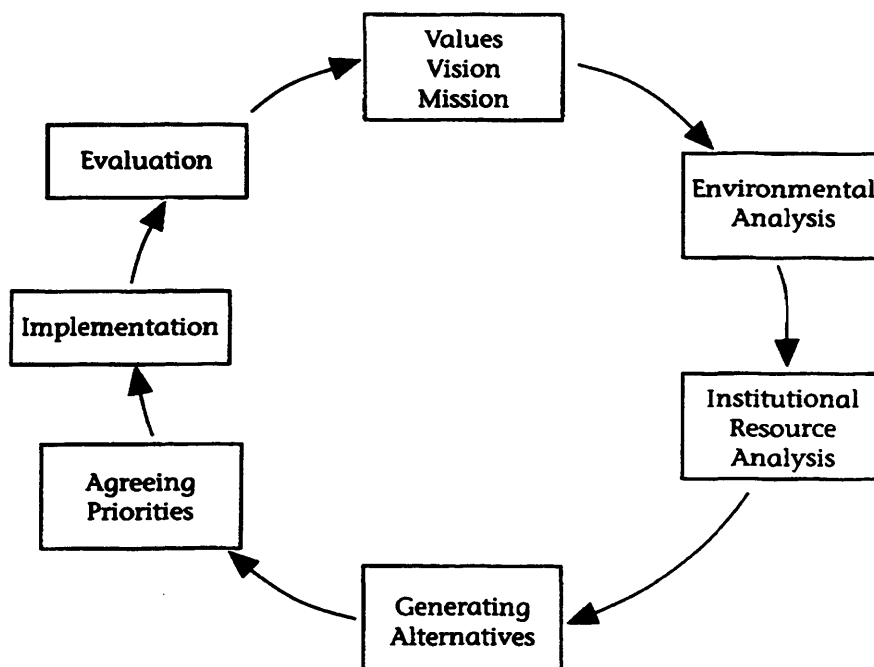


Figure 3 The Strategic Planning Cycle (West-Burnham, p.95)

However, whilst this normative, idealised process provides a strong model for the practising manager to follow, it has its limitations, particularly as regards its applicability to educational organisations.

Schools, colleges and universities are comprised, in the main, of professional academics or

teachers who traditionally hold strong views as to the purposes of their organisation and the manner in which it conducts itself. They may not agree as to the organisation's objectives, nor might they respond easily to "managerialism" which might be interpreted as an intrusive attack upon their professional conduct. They may hide data or develop it within the decision-making process in a manner which supports the view that they individually or collectively espouse. In short, the rational decision-making model may be limited in its applicability to educational institutions.

9. Comprehensive Models

A number of researchers in this field (Davies and Morgan, 1983; Becher, 1988; Hardy et al, 1984; McNay, 1993) have developed models which integrate a number of the organisational models discussed previously. McNay (1993), for example, examined the breadth of management responsibility in a university/college. He posits a dynamic model which relates the degree of tightness/looseness in controlling implementation. From such a model comes four further models: collegium, bureaucracy, corporate and enterprise. The model is diagrammatically described below:

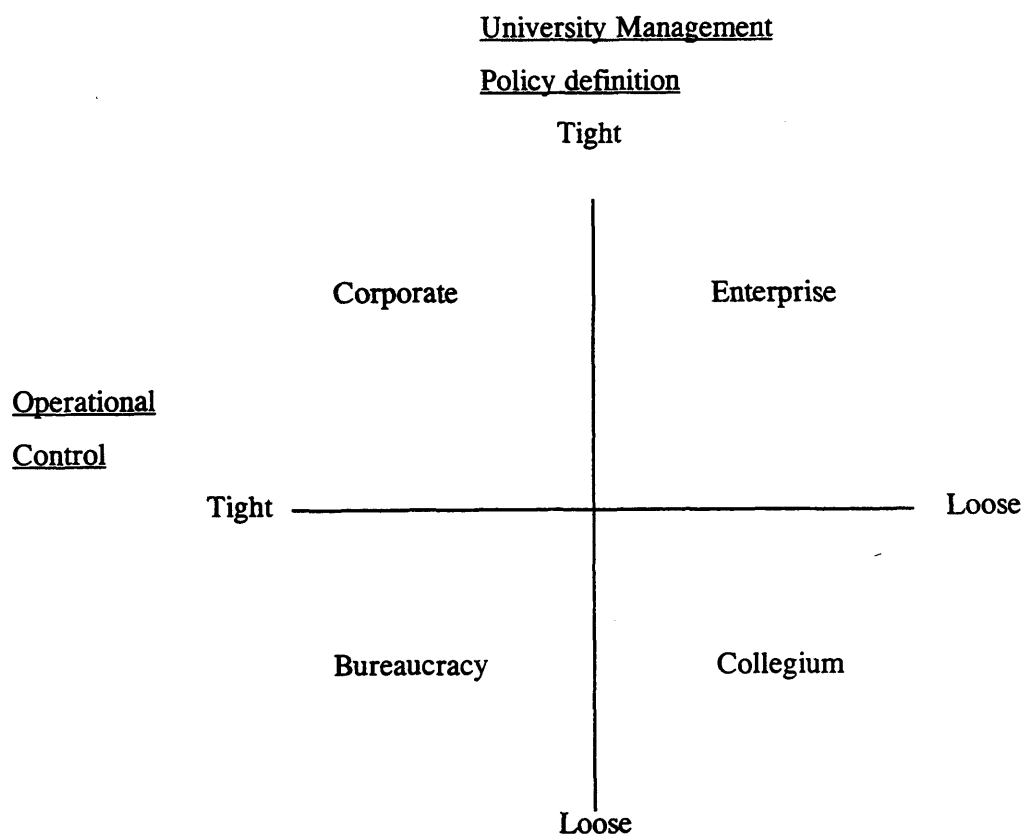


Figure 4 - McNay's Comprehensive model (1994)

McNay (1994) argues that all four models co-exist within universities and colleges of higher education but emphasises that the overall balance may shift in response to context. As with other writers (eg Bush, 1995), McNay suggests that collegial approaches may be more appropriate for small organisations, units and teams (particularly in research in HE, where individual autonomy is high) and bureaucracy may be more appropriate for organisations in a steady state situation. Of the two new models, the corporate model may be best for handling crisis and major change but may not be appropriate once the immediate situation has been managed. The enterprise model integrates price-costing sensitivity inherited from the corporation with a learner-centred approach responding to resource constraints and market needs; it preserves, however, the autonomy of the professional in the development of new learning techniques. McNay's research shows a significant shift as perceived by HE staff from the collegial/bureaucracy approach as a dominant culture in HEIs to an enterprising corporative approach, and he goes on to suggest that this shift will continue over the next 5 years. For managers in HE, therefore “ *One management task is to understand the prevalent culture and the expectations it generates; another is to mediate among the cultures where they clash: corporate impositions on autonomy, or bureaucracy regulations inhibiting market flexibility in the enterprise*”.

(McNay, 1994, p 11)

Becher (1988) bases his synthesis model on the work of Bailey (1977). Becher concludes that Bailey's arenas are complementary to the four patterns of organisational behaviour he identifies: hierarchical, collegial, anarchical and political. These arenas are characterised by using the metaphor of a stage where i) the front stage is in the public arena, ii) the back stage is where bargaining is carried out and deals are made and iii) the under stage is where gossip is disseminated. These arenas are not fixed in time or place; they can all occur over the period of time a committee or group meets. A Board of Examiners committee, for example, could proclaim a set of regulations or standards by which it proposes to make judgement (front stage), enter into discussion concerning border line 2.1s or 2.2s (back stage), or indulge in some gossip as to the real reason the student did not turn up to his/her resit examination (under stage). However, Becher does suggest that, in general, different types of academic committee characteristically occupy different arenas. Academic Boards and Senate represent by their very formal nature the front stage arena, whereas the group who negotiate over resource allocations are likely to be back stage.

Becher argues that, in terms of the four basic organisational models he identifies, hierarchical and collegial models are likely to be front stage. Both models are subject to a high degree of

external and internal scrutiny and public accountability and the collegial model, by its very nature, relies upon being open and in the public domain rather than secretive and back stage. Thus this pair of organisational models are seen as:- 1) front stage and 2) in the public domain.

As regards anarchical and political models, Becher argues that the former relies upon personal interaction among close colleagues (the informal gossip of the understage arena) whereas the latter model is likely to be characterised by a more stylised back stage mode of operation. The anarchical model is thus more likely to be apparent in the operations of the individual school or department where the department *"has the prime task of attempting to reconcile a plurality of goals and values into some kind of working consensus"*. (Becher, 1988, p 322).

The political model, Becher suggests, is to be found in those small committees or groups which operate through compromise. These committees or groups operate in private rather than in the open. Examples might include a Senior Executive Team discussing action needed to be taken in the light of a poor inspection report; a research plan assessment group determining budget allocations to research clusters from scarce resources. These groups or committees would be considered by Becher to be operating back stage. Thus, this second pair of organisational models (ambiguity and political) are seen as:- 1) in the private domain and 2) under stage (ambiguity) or back stage (political).

In applying the arena framework, Becher uses the context of the cuts made in the UK Higher Education budget in 1981/2. He describes a particular university's response in terms of his analytic framework which, he suggests, *"offers no more than one particular way of interpreting the complex ebb and flow of political life in academic institutions"* (Becher, 1988 p 325). The university's response to the budget cuts, as interpreted by Becher, is given in figure 5 overleaf.

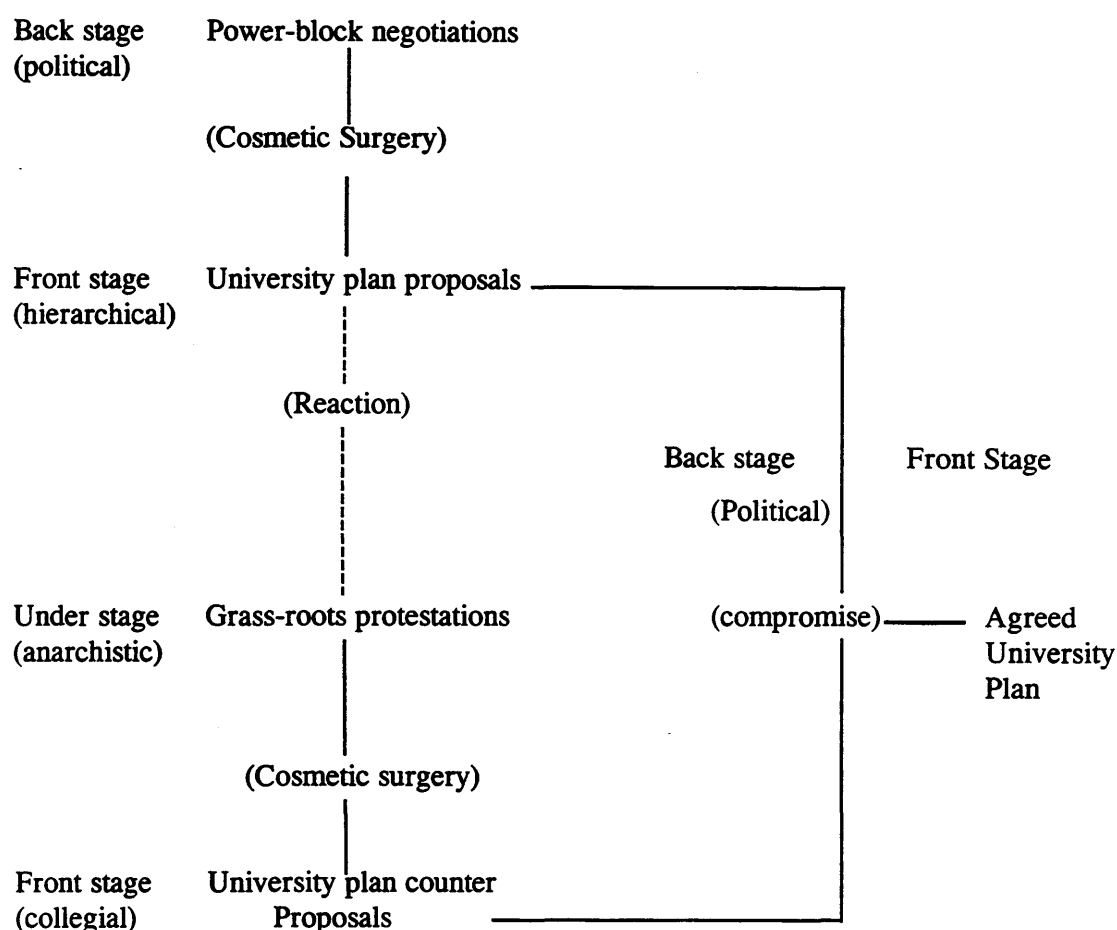


Figure 5 Diagrammatic representation of a university's response to budget cuts. Taken from Becher (1984).

The implications of using such an analytic framework, argues Becher, is that,

- 1 Universities are likely to be "bottom heavy" organisations rather than easily manipulated from the "top down". This view complements those of other writers on management in HE who recognise that the task of academic management may be more complex, demanding and frustrating than that of management in other organisations.
2. These academic management difficulties are further underlined by the recognition of the pluralistic character of academic institutions and their traditional emphasis on their lack of common goals. Whilst this position may have altered considerably since 1984 when Becher was writing, the ways the university body responds to centrally devised plans is still likely to exhibit anarchical tendencies; however, " *the collegial tradition generally helps in the end to bring about some form of convergence. As a result, the policy that emerges is more likely to reflect the views of those who have topup it into practice than are most hierarchical decisions based on an imposed consensus*". (Becher, 1988 pp 325, 326)

3. The analytic framework emphasises the importance of the School or department in overcoming institutional politics and delivering the final agreed institutional policy in a way which meets their individual units' requirements.
4. Central management is crucial to the development and delivery of a set of collective policies and codes of practice which can be followed yet adapted and interpreted by the various sub units in the Higher Education organisation.

Whilst this analytic framework can be used to interpret the activity within academic institutions it *"has only an indirect bearing on management in higher education. It does not provide a usable technique to improve decision making, nor a predictive tool to estimate the impact of particular policy choices."* (Becher, 1988 pp 324, 325). It may therefore be useful to consider models which have not been developed "bottom-up" from an anthropological or other conceptual base but rather, have been developed by focusing on how decisions and actions taken and undertaken in universities order themselves into patterns over time. Such models are developed from analysing and evaluating actual practice over time rather than analysing organisational or sub unit policies and intentions.

Hardy et al (1984) conclude, in their study of McGill university, that strategies abound in universities. They predicate this finding upon the notion that strategies should be defined from the perspective of strategy realisation rather than intention; against these criteria they found evidence of the university being inundated with strategies - *"But of one thing we are certain: the problem is not that universities do not have strategies, but that they do - and with a vengeance"* (Hardy et al, 1988, p 379).

The study's starting point reflects the work of Mintzberg (1978, 1979, 1983) in taking the view that the conventional view of strategy (a set of explicit intentions which are formulated prior to action and used to monitor and control action in delivering the plan) is unlikely to be relevant to a "professional bureaucracy" in the same way as it might to a "machine bureaucracy" (Mintzberg 1979). Hardy et al (1984) define strategies as *"realised as patterns in streams of decisions or actions"*. (Mintzberg and Waters, 1983). Once this conceptual position is taken, then studies showing numerous examples of unfulfilled strategic plans in universities or colleges and/or those that concluded that universities and colleges are "organised anarchies" where strategic plans end up being processed in *"garbage cans alongside other inputs"* (March and Olsen, 1976) can be challenged.

Hardy et al (1984) recognise that some intended strategies reach fulfilment as well as fail; on the contrary, unintended strategies may emerge and become fulfilled. A diagrammatic view of the various types of strategy that might be fulfilled or unfulfilled is given below:

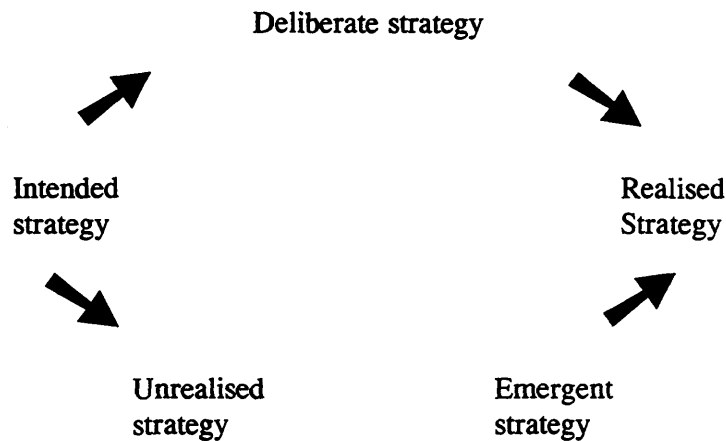


Figure 6 - Various Types of Strategies (Hardy et al, 1984, p.346)

Within this model, various types of strategies have been identified by Mintzberg and Waters (1983) along the continuum from deliberate to emergent. These types of strategies are summarised in the table below:

Type of Strategy	Major Features
Planned	precise intentions formulated and articulated by central leadership, backed up by formal controls to ensure surprise-free implementation in benign, controllable, or predictable environment; strategies are generally deliberate.
Entrepreneurial	intentions exist as the personal, unarticulated vision of a single leader, and so are adaptable to new opportunities; organisation is under the personal control of the leader and located in a protected niche in the environment; strategies are relatively deliberate but can emerge inadvertently.
Ideological	intentions exist as a collective vision of all actors, in inspirational form and relatively immutable, controlled normatively through indoctrination and/or socialisation.

Process	leadership controls process aspects of strategy (hiring, structure, etc) leaving content aspects to other actors; strategies partly emergent (and, again, deliberately emergent).
Disconnected	actors loosely coupled to rest of organisation produce patterns in actions in absence of, or in direct contradiction to, central or common intentions; strategies are 'organisationally' emergent whether or not they are deliberate for individual actors (can be departmental or personal strategies).
Consensus	through mutual adjustment, actors converge on patterns that become pervasive in absence of central or common intentions; strategies may emerge through spontaneous convergence but may also be negotiated.
Imposed	the environment dictates patterns in actions either through direct imposition or through implicitly pre-empting or bounding organisational choice; strategies organisationally emergent, although they may be internalised and made to appear deliberate.

Source: Mintzberg and Waters (1983)

The strategies are considered by the writers to be "patterns in action" (Hardy et al, 1984) and as such an understanding of how actions come about and how they converge over time to create patterns becomes germane to their position. They posit a composite model of decision making in the university sector which in fact incorporates the concepts of collegiality, bureaucracy, political activity and subjective models of individual behaviour. For them, collegiality equates to "common interest", bureaucracy to "administrative fiat", political activity to "self interest" and subjective behaviour to "professional judgement". The model is given in figure 7 overleaf:

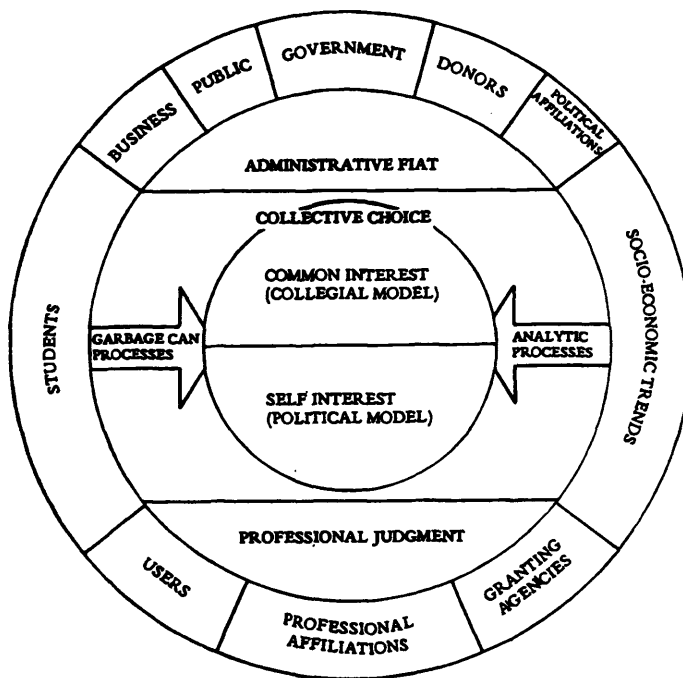


Figure 7 - Three levels of decision-making in the university (Hardy et al, 1984)

Professional Judgement

The model provides for the professional judgement of the individual academic and recognises that many of the decisions as to the academic content, style of teaching and learning, and forms of testing come under the control of the individual lecturer. This decentralisation to the individual academic has long been recognised by chief executives of HEI's: *"Presidents and their chief academic subordinates concede that much of the structure of academic policy is determined in the individual departments - realistically, often in the individual classroom ... Academic 'Policy' is the accretion of hundreds of largely autonomous actions taken for different reasons; at different times, under different conditions, by different people"*. (Cohen and March 1974, p 104).

In order to understand this academic "policy" referred to by Cohen and March (1974), Hardy et al (1984) suggest that two concepts must be recognised - "pigeonholing" and "standardisation of skills and knowledge".

The former concept describes the manner in which HEI's pigeonhole activities into existing modules and/or courses. This provides an opportunity of loose-coupling (eg elective modules introduced into single or joint honours degrees) yet at the same time provides for pre-specified subjects or modules within which individual academics retain a significant amount of control. In this way the extent of co-ordination required over for example, a degree programme, is lessened because pigeonholing *"buffers each professor from activities taking place in other*

pigeonholes" (Hardy et al, 1988 p 352).

However, the amount of actual control that an individual academic brings to his or her "pigeonhole" is tempered by the influence of the external world relating to standards. Whether brought to the universities or college by the individual academic him or herself or whether externally imposed by quality and other relevant agencies, the "standardisation of results and knowledge" has a controlling influence over "academic freedom". The influence of professional control - internal quality audit, quality assurance systems, external examiner systems, professional body requirements, validation events -all provide a raft of professional criteria against which standards relating to required skills and knowledge can be judged. In addition, student feedback, the teaching and learning environment, library and IT facilities and preferred research funding areas may all impinge upon the freedom of the academic to be innovatory. Indeed, all these forces combine to provide a stable rather than an innovatory environment. Whilst Hardy et al (1984) acknowledge the issue of standards as complex and difficult, they argue that the level of standards and skills required remains stable over time due to professional training and affiliation. They suggest that while many different academics are involved in the strategy formulation process within HEIs there is more likely to be consistency of standards in a subject area across the HEI sector (eg Occupational Therapy) rather than within a university or college across a range of subjects (eg Occupational Therapy, Engineering and Marketing). Thus within a particular university or college and across the HE sector generally there is bound to be diversity and fragmentation as regards strategies pursued in terms of skills and knowledge. If this is so, then there may well be conflict between the overall goals of the HEI and the professional requirements supported by individual academics. For example, if an institutional goal relates to the requirement for an overall SSR of 20:1 and a professional body (the ENB) requires 16:1 for nursing and midwifery courses, then friction is likely to result unless the institution subsidises these courses by increasing SSRs elsewhere.

Administrative fiat

Such decisions could well be taken by the administrative fiat; a body that controls "institutional management" decisions (Childers 1981). In "old" UK universities, the term administrative fiat could possibly be replaced by the administrative sections responsible to the Registrar. These might include academic services, facilities, finance, academic registry and secretariat, students

services, marketing, international affairs, and personnel. The Registrar and this team provides the administrative support for the university's academic mission as well as management information to support decision-making at the senior executive team level. In the "new" UK universities and colleges, it is more likely that these responsibilities will be spread across the senior academic members of the institution. Whilst the administrative fiat may have greater influence and authority in times of crisis, much of its power is filtered through committee and working groups which in themselves are conducted in line with rules and regulations created by the administrators. It is in this part of the organisation (administrative fiat) where one is more likely to find deliberate strategy articulated in business plans and departmental plans.

However, whether those plans are realised, whether they are purely "decorative" (Cohen and March 1976) or whether they are a speedy response to an external body which is relatively meaningless to the institution (HEFCE strategic plans and financial forecasts) is a matter of some debate. Nevertheless, administrative fiats can impose deliberate strategies of a general nature which impinge upon the whole of an HEI. In addition, they provide umbrella strategies through which they gain influence (rules, regulations, codes of conduct, guidelines) and process strategies which can be manipulated in such a way to provide the opportunity for slowing down or speeding up decision making. The number of committees, their links with the administrative fiat through the provision of secretarial or administrative support, and the fiat's control over agendas, all provide opportunities for process strategies undertaken by the senior administrative executive.

Collective Choice

The level of decision making where both the academic professional and the administrator join together is that entitled "Collective Choice" in Hardy et al's model. Within this level of decision-making, consideration is given by the authors to both the collegial model and the political model which are themselves likely to be influenced in terms of process by whether the organisation tends towards the "garbage can" (an active kind of uninterest) or analytic processes (the rational decision-making model detailed earlier). For Hardy et al, the collective choice decision-making level is where interactive decision-making takes place and the areas for which decisions are required, relate to *"the definition, creation, design, and discontinuation of pigeonholes that is, programs, departments, research centres, and at a lower level individual courses. Other important decisions that fall into the realm of collective choice include promotion, tenure, and hiring, in some cases budgeting and establishing and designing the interactive procedures themselves"*. (Hardy et al, 1988, p356)

Clearly decisions made by collective choice are influenced by various individuals and groups who come together in academic committees, working groups or executive groups. The authors identify three phases of decision making (identification, development and selection) which need not, and often do not, proceed in a sequential order. Given the traditional complexity of the decision making structures in HEI's, there is a strong incentive for individuals and groups to bypass the system (and use formal lines of authority to achieve the required outcome) or to work within the existing situation even to the extent of changing the existing situation in a clandestine manner.

Within the collective choice level of decision-making, collegial processes provide opportunities for common interest to be expressed; at the same time, committees providing the structural basis for the collegial process provide opportunities for self interest and hence political activity. Hardy et al, however, conclude that whereas the motivation for political or collegial activity is likely to be clearly different, the actual behaviour that is exhibited may be non-distinguishable. Successful politics may require a collegial posture in certain circumstances; a leader wishing to change the mission for the institutional "common good" may have to act in a manner which could cause conflict between individuals. Indeed, this behaviour, irrespective of motivation, may well be influenced by whether decision making appears random and non-purposive or whether it is conducted in a rational manner. In the study of McGill University, Hardy et al (1984) suggest that although garbage can processes exist, they tend to be exhibited in decision making processes which lead to outcomes which are seen as peripheral to this organisation. When decisions are important, actors, whether operating collegiately or politically, tend towards rational analysis in order to direct the thinking of others.

"We predict that almost all disputes in the organisation will be defined as problems in analysis, that the initial reaction to conflict will be problem-solving and persuasion, that such reactions will persist even when they appear to be inappropriate, that there will be a greater explicit emphasis on common goals where they do not exist than where they do, and that bargaining (when it occurs) will frequently be concealed within an analytic framework". (March and Simon, 1958, p 131).

However, Hardy et al (1984) postulate that *"analysis in universities serves more as a means of exerting influence in interactions rather than of resolving issues of its own. It may be used to aid personal understanding for individuals or groups, but it also serves as a means of communication and attention focusing, as a means of legitimizing decisions, as a means of consensus-building, and perhaps most importantly as a means of persuasion. In this way,*

analysis helps to ensure that what does get decided in fact has some justification in principle".
(Hardy et al, 1988 p 365).

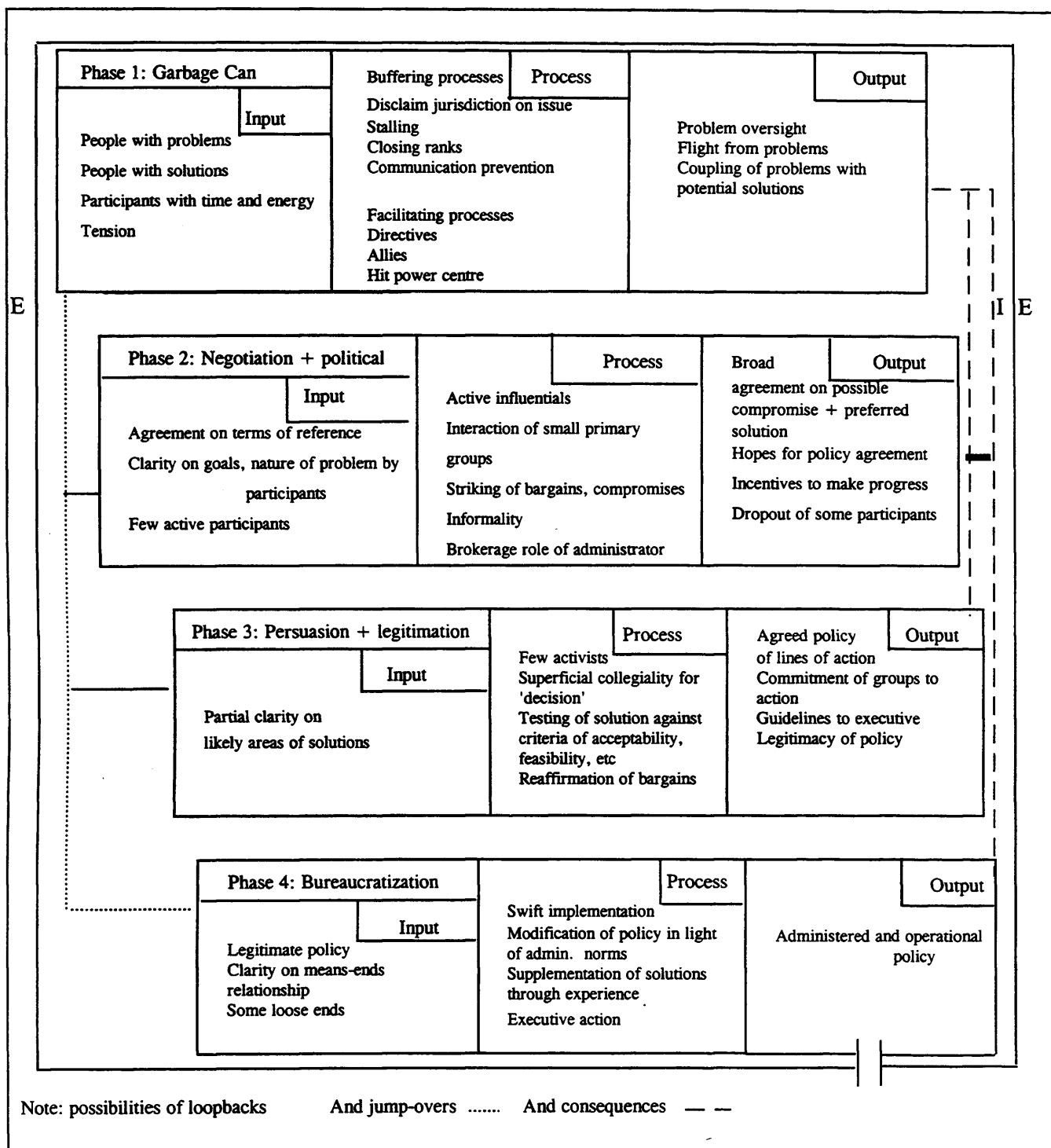
Given that decision making is conducted in an analytical manner, especially for those decisions deemed to be important by individuals and groups alike, it is perhaps not surprising that at the end of the decision making process, collective decision making patterns exhibit considerable stability. Reasons for such stability are given by Hardy et al (1984) as follows:

- 1) garbage can processes create 'noise' in the system and emerge as short term variations around long term trends.
- 2) responsibility for strategy is divided amongst large numbers of autonomous individuals.
- 3) the mission of the institution is likely to reflect the standardised set of skills and knowledge of the academic professional and his/her external professional body.
- 4) change pursued from within an HEI can be countered by the status quo pressure from external forces (governors, funding councils etc)
- 5) the slowness of the collegiate decision making structure tends towards gradual rather than radical change. Changes in strategy do occur but tend to be driven either by the administrative fiat or professional judgement and processed through politics, collegiality, and analysis. This process is complex and therefore change is measured and constant, rather than radical and erratic.
- 6) new organisational staff members tend to be selected to fit in with the existing ideologies and norms of the school or department.

Although Hardy et al (1984, p 376) conclude that *"What typically characterises university strategy formation, then, is not revolution, nor the randomness of garbage can processes, but a fundamental stability"*, they do acknowledge that strategies that develop through administrative fiat may be more flexible and change can be brought about more quickly. They suggest that the only area that might be able to formulate and implement revolutionary strategies to a successful outcome is the administrative fiat. Such revolutionary strategies are more likely to be pursued successfully by those members of the administrative fiat with executive power, particularly in times of crisis, (financial or political). Whilst in 1984 when Hardy et al were writing, resource crises may have been short term and cutbacks in one year countered by replenishment in others, the continuing demand for efficiency required by the UK Higher Education Funding Councils since 1990 has meant that the power over organisational strategies exerted by the administrative fiat or its equivalent in UK universities and colleges has been significant. The need to keep within even tighter financial budgets has meant a forced and radical re evaluation of teaching and learning strategies, quality and administrative systems and

processes, and the mode and delivery mechanisms of academic programmes. *"Deep crisis in the established organisation thus creates some of the conditions of a new organisation. It suspends past practice, forces some bordering groups to stand back or even turn their backs on failure of the organisation, and it tends to catch the attention of the reformer looking for an opportunity ... crisis and charisma make possible a radical transformation out of which came a second Antioch, a college soon characterized by a sense of exciting history, unique practice, and exceptional performance".* (Clark, 1972, p 180).

Another model which incorporates similar concepts to the Hardy et al (1984) decision making model is that postulated by Davies and Morgan (1983). Their model (see figure 8) is an integrating model incorporating ambiguity, political, collegial and formal models of organisational structure. This integrating model assumes an initial ambiguous stage which serves to identify problems, opportunities and potential solutions which leads to a political stage as the potential solutions are "bargained" over to eventually deliver agreement on possible solutions. These are then proposed by advocates through the collegial stage of formal committees and informal groups which leads to the formal stage where agreed policies are perhaps finally modified in the light of regulatory requirements. If agreement cannot be reached at any stage then a reverse feedback loop exists back to a previous stage and conversely stages can be "jumped" dependent upon the nature of the issue and the way the issue is promulgated by sponsors through the system. Whilst acknowledging the case for examining the integrative model using a phenomenological approach, especially where issues may derive from individual/group experience, Davies and Morgan postulate that the model is primarily useful in attempting to explain policy making processes regarding larger issues emanating either from an organisation's response to its external environment or from changes in mission and strategy which might be internally driven within the organisation. The model is given overleaf:



Key: E = Environment I = Institution

Figure 8. A four phase model of policy formation. (Davies and Morgan, 1983)

10. An Attempt at Model Synthesis: A New Comprehensive Model

In analysing the four comprehensive or synthesis models evaluated as part of the literature review (Davies and Morgan, 1983; Becher 1988; Hardy et al, 1984; McNay 1993), the reviewer noted that an interesting omission from these models appears to be that of "culture" as a model variable. Whilst McNay (1993) acknowledges its importance in defining the context within which parts of his model might operate and Hardy et al (1984) recognise that new personnel are often selected to reinforce the existing culture of an organisation (which in turn reinforces the stability of the organisation) neither writer explicitly evaluates the influence of culture as part of their comprehensive model. Additionally Becher (1988), does not appear to analyse the impact of culture upon the application of his front stage, under stage, back stage model and the Davies and Morgan (1983) model integrates ambiguity, collegial, formal and political models without explicitly acknowledging the cultural model. Indeed, in addition to the absence of culture in the Davies and Morgan model, there appears to be only one influence input point for the external environment (the ambiguity stage, stage 1) and only one output point (the formal stage, stage 4). Dependant upon the culture of the organisation, input and output points could be allowed for at any stage of the policy making process. Perhaps more significantly, the assumption of ambiguity as being the first stage of the policy making process can be questioned dependant upon the culture of the organisation. Finally, the intermix of individual/sub group goals and activities with those of the institution makes the model difficult to structure with a clarity of theoretical underpinning. Political models and ambiguity models are determined from theories relating to individual or group activity; formal and collegial models are determined from theories relating to institutional structures.

The model proposed by McNay, however, could be criticised because it does not place enough emphasis upon individuals and groups. The concept of the corporate model, it could be argued, is an extension into a more formal guise of the bureaucratic model. The enterprise model does allow for individual/group activity but it is assumed that organisational members will be "enterprising" rather than adopt other forms of action.

The model proposed by Becher, as he freely admits, has only an indirect bearing on management in higher education and the Hardy et al model provides a model predicated upon the realisation of strategies rather than one that explains why some intended strategies are realised and others not and why some unintended strategies emerge and are realised whilst others emerge but fail to be implemented. Indeed, it could be argued that, dependant upon the culture of the organisation, more or less intended strategies will be delivered to more or less desired outcomes.

In order to develop a synthesis model that includes culture as an integrative variable, the influence of, on the one hand the individual or group and on the other, the institution as a totality, needs to be retained. Such variables closely resonate with the professional judgement and administrative fiat decision levels proposed by Hardy et al (1984). In addition, the operation and integration of all five theoretical models (collegiality, ambiguity, formal, political, and cultural) will be greatly influenced by the diffuseness or explicitness of the organisation's goals. As a consequence, any new integrative model must consider the interrelatedness between the five theoretical models of educational management mentioned earlier, as well as the relationship to the individual or group, and the institution, particularly in terms of its administration. Finally, the issue of organisational goals as a variable must be considered as all theoretical models and systems and processes models appear to be more or less likely to be dominant in practice, dependent upon the clarity or diffuseness of organisational goals.

10 i) A New Comprehensive Model.

In order to include such variables within a new model, a model framework or outline has been devised within which can be incorporated the theoretical models of collegiality, political activity, formal bureaucracy and ambiguity. The model framework is described diagrammatically in figure 9.

From the analysis in the previous section, one can conclude that any "synthesis" model should allow for the individual, and group/ institutional variables as well as accounting for the culture of the organisation. In addition, the issue of goals will be included as all models of organisational structure and behaviour have as one part of their justification, the clarity or diffuseness of organisational goals which, in turn, relates to the organisation's culture.

In order to include such variables within a model, I have devised a model outline within which the four models used by Davies and Morgan can be placed. The model framework or outline is described diagrammatically as follows:

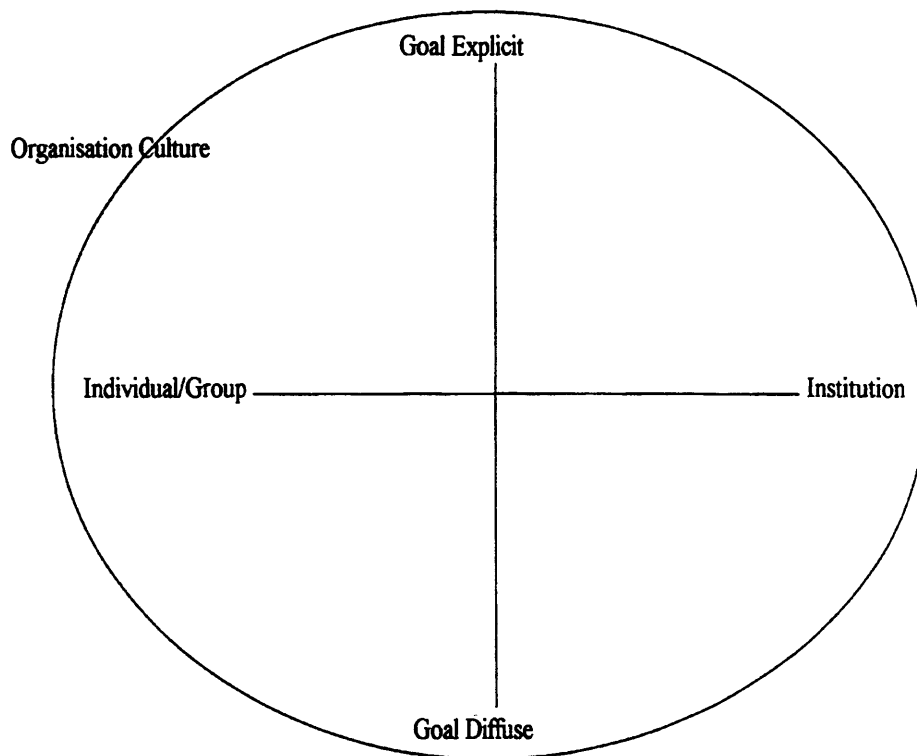


Figure 9 A model framework

The vertical axis describes the goal clarity of an organisation: the horizontal axis describes the activity of individuals and groups within the organisation as well as institutionally derived actions. Surrounding these two axis is the organisational culture within which organisational activity takes place. Such a culture is more or less likely to allow for external influences upon the organisation dependant upon its nature.

Within this model, the four models of collegiality, ambiguity, political activity and formal bureaucracy can be placed. The segment “goal explicit/institution” reflects formal models of organisational theory, whereas the “goal diffuse/institution” segment reflects collegial models which at their extreme require an absence of goals before moving to a consensus regarding organisational goals. On the other side of the vertical axis, the individual/group can act politically with clear goals which may or may not reflect those of the organisation. Hence political models can be encompassed in the top left hand segment. The bottom left hand segment can be occupied by ambiguity models where individuals and/or groups have diffuse goals and can either adopt a “Buffering process” or a “Facilitating process” (see Davies and Morgan's (1983) model). The model can thus be developed as follows:

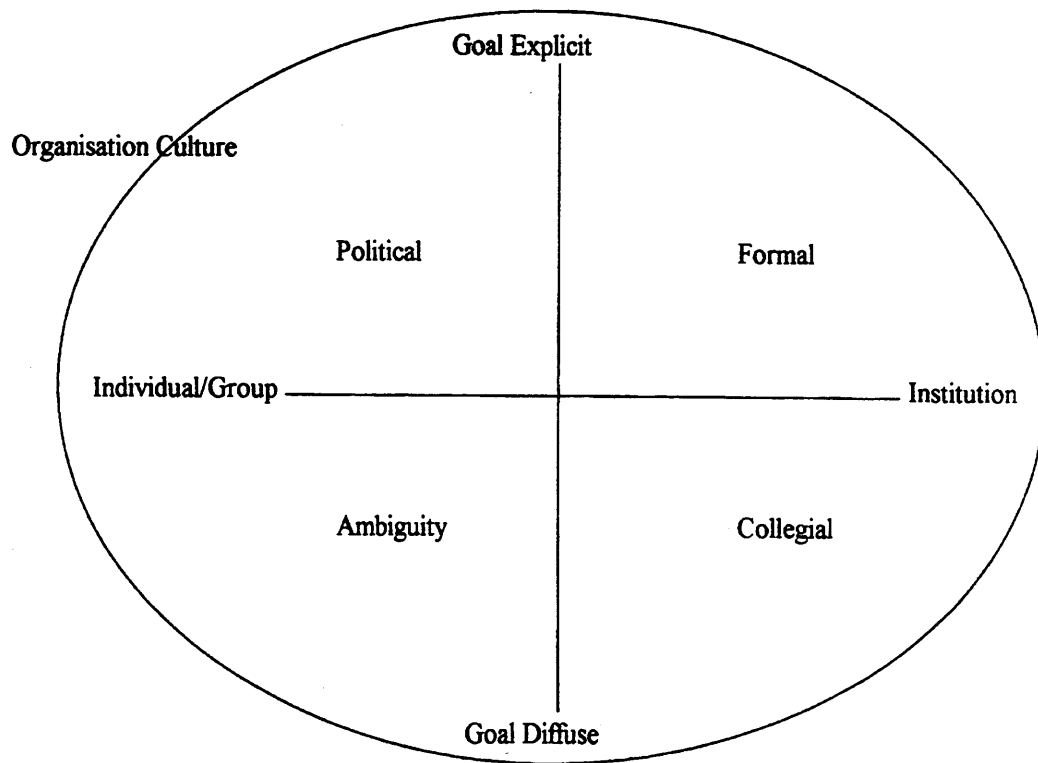


Figure 10 A new comprehensive model

This new model can be examined by the following exemplar. Supposing an individual or group was particularly goal explicit in its activities in an institution which was formally structured with clear goals. Such a scenario might be described by the diagram shown overleaf:

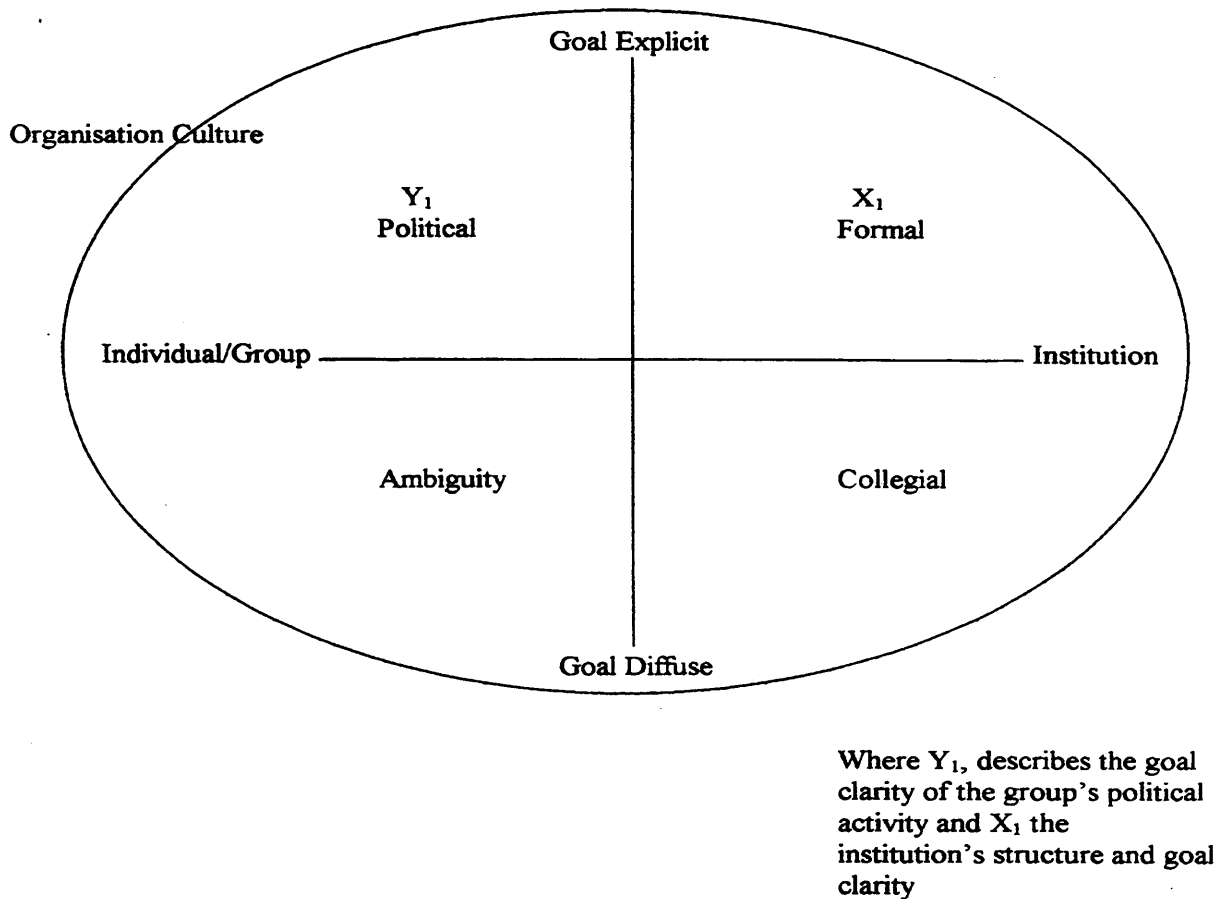


Figure 11 An exemplar of the new model

In this situation, the group and the institution have well defined structures of activity with clear goals. Whether the activities of the group and the institution conflict or not is dependant upon the nature of the organisation's culture. If the culture is one of shared values and beliefs then the likelihood is that both the group and the institution are "pulling in the same direction". If the culture is not one of shared values and beliefs then conflict may result.

This model can be used to describe the extent of the relationship between individual/group and institutional activity within an organisation's culture in the following ways:

- 1) political/formal
- 2) ambiguous/formal
- 3) political/collegial
- 4) ambiguous/collegial

The determinant as to whether any of these groupings per se will cause discomfort or dysynergy to the organisation will rest upon the nature of the organisation's culture and that may, *pari passu*, in turn reflect the clarity or diffuseness of the organisation's goals.

11. Conclusion

The model as outlined in Figure 10 needs to be tested against exemplars drawn from organisational practice. Such research may be able to test the validity of the model as well as provide an indication, based upon the model's predictive capacity, of the position of the organisation and its members within the model's parameters.

Chapter 3 - Research Methodology

1. The focus of the study

The focus of this study is to evaluate the operation of theoretical models of educational management in practice. An analysis of the literature has shown that the following models; bureaucracy (formal), collegiate, political, ambiguity, subjective and cultural are likely to exist within an educational organisation. These models will interact with each other and be influenced by the external world on a day to day, week to week, year to year basis. For some organisations, it could be argued that at any one time one or more models may be dominant and many factors, internal and external to the organisation, could influence the organisation in the way it carries out its on-going processes to meet its stated and actual goals and objectives.

However, in making such tentative assertions, the presumption is that theoretical models of educational management are applied in practice within organisations, either wittingly or unwittingly. In order to test whether such theoretical models are to be found within organisations in practice, any research methodology that might be selected needs to focus on practice rather than controlling the conditions within which any research can be conducted. Thus, a focus on the "Real World" rather than an experimentally designed research method carried out under laboratory-style conditions (Robson, 1993) is appropriate for the enquiry proposed here.

However, whilst experimentally designed research methods will not be used in this study, other methods will need to be as robust in providing credible and defensible results. Indeed, any research methodology used to analyse activities or actions in practice, and any theories that might emerge as grounded in practice (Glaser & Strauss, 1967), must be able to be defended in terms of both the appropriateness of any research method used, and the credibility of the research design and detail in its ability to be assessed (Shipman, 1988). Conducting research in the real rather than an artificial world is likely, because of the lack of experimenter designed controls, to be much more difficult to defend to the scientific researcher. Thus, much experimental research that has been conducted in educational settings does not sit easily with the ever present context of the real world (Cohen & Manion, 1980). Clearly if, as in this case, the focus of the research is to evaluate an activity in practice, then the search for causal relationships in an artificial setting may not provide any useful outcomes.

The focus of this study and the evaluation of theory in practice may serve to improve a

manager's understanding of the importance of the opportunity for manipulation of models in practice in order to accomplish organisational goals more readily. In so doing, the reflection on practice may re-illuminate and improve theory. Indeed, such a research focus might support the aims of "action-research" which centrally appears to promote the notions of improvement and involvement. As Carr & Kemmis (1986, p165) describe the process of action research, there is:

"firstly, the improvement of a practice of some kind; secondly, the improvement of the understanding of a practice by its practitioners; and thirdly, the improvement of the situation in which the practice takes place Those involved in the practice being considered are to be involved in the action research process in all its aspects of planning, acting, observing and reflecting".

The process, however, could be argued to be sequentially flawed. The improvement in practice mentioned as the first stage in Carr and Kemmis's approach should, it could be argued, only be sought after an understanding of practice and a reflection on that understanding having been undertaken by the practitioner. Any change to the working situation as well as an improvement in practice that results from an understanding and reflection on practice can then take place. Indeed, criticism of the action-research model underpins these concerns:-

"The belief that school staffs can identify and plan to alter their own assumptions and power arrangements through a focus on process seems to belie experience. Schools are complex social contexts. There is little time for critical reflection. Their social and political values are often anti-intellectual, anti-democratic and anti-educational. These values are built into the way curriculum is defined, the social organisation of classrooms, and administrative theories of schooling. Because of the implicit quality of these values, they are psychologically compelling to participants and the publics of schooling. To consider change as process without form is to lose sight of the substance that underlies reform and to conserve what is to be changed".

(Popkewitz, 1984, p 146)

Between the two methodological extremes of the "pure" experimental researcher acting outside of the research process and the "action-researcher", where a fundamental research process requirement is to be a pro-active insider within the research process, there lies a variety of different research methods which provide for more or less of the researcher being external to, or involved in, the research process. From small to large scale surveys using interview or

questionnaire techniques for gathering data, from case study approaches which encompass a critical incident style of inquiry through to large scale comparison studies, from the use of historical documents and non reactive research methods which require categorisation for observing and identifying common and distinct themes and assessing the resultant data - all of these techniques can be employed with the researcher being more or less external to, or internal within, the research process. However, before the strengths and weaknesses of these research approaches can be assessed, the discussion needs to return to the focus of this piece of research and the intended use of any outcomes that may arise.

As has been argued, the outcomes of this research should inform practice as well as contribute to a greater understanding of theory. Nevertheless, within the time available to the researcher, as well as the opportunity within that time for the researcher to examine a large number of organisations, (as opposed to a single), it would be difficult to assert that any outcomes from such a piece of research could do more than inform theoretical considerations so that further work might be pursued. As regards practice, however, it is suggested by writers (Johnson, 1994, Robson, 1993) that the purpose of small scale research should make some contribution to institutional policy and practice and *"even if it makes no great contribution to institutional policy and practice, those taking part in your enquiry will at least have been turning their minds to a live and relevant issue, to which they would have had to give some consideration"* (Johnson, 1994 p 76). Given the current contextual position within which Nene College of Higher Education finds itself, any outcome of this study that causes participants to the study or readers of the findings to reflect upon the nature of educational structure and management that might be adopted or pursued after a change of organisational status is achieved can only be to the good. Thus there is a need to consider these practical outcomes in addition to methodological considerations in selecting appropriate research methodologies to conduct the research.

2. Potential research methodologies

Robson (1993) differentiates between three traditional research strategies - experiment, survey and case study. He recognises that these three traditional research strategies *"do not provide a logical partitioning covering all possible forms of enquiry"* but rather that the division into these strategies is *"more a recognition of the camps into which enquirers or researchers have tended to put themselves, signalling their preferences for certain ways of working"* (Robson, 1993 p 41)

He goes on to describe these three traditional research strategies in the following manner:

- 1 *Experiment*: measuring the effects of manipulating one variable on another variable.

Typical features: selection of samples of individuals from known populations; allocation of samples to different experimental conditions; introduction of planned change on one or more variables; measurement on small number of variables; control of other variables; usually involves hypothesis testing.

- 2 *Survey*: collection of information in standardised form from groups of people.

Typical features: selection of samples of individuals from known populations; collection of relatively small amount of data in standardised form from each individual; usually employs questionnaire or structured interview.

- 3 *Case Study*: development of detailed, intensive knowledge about a single 'case', or of a small number of related 'cases'.

Typical features: selection of a single case (or a small number of related cases) of a situation, individual or group of interest or concern; study of the case in its context; collection of information via a range of data collection techniques including observation, interview and documentary analysis. (Robson, 1993 p 40)

Part of the process of selecting a particular research methodology must involve analysing each exemplar's strengths and weaknesses, particularly with the purposes of the enquiry in mind as well as the fundamental research questions posed.

3. Strengths and weaknesses of the experimental approach

Johnson, (1994) sees the strengths of the experimental approach as

- 1 *"It enables the establishment of (relatively) secure causal relationships,*
and

- 2 *It identifies simple connections between variables, which can readily be understood and may be replicated."*

(Johnson, 1994 p 24)

Whilst these strengths are clearly most applicable to research situations which call for answers to research questions "how" and "why", they require control over events in order to establish,

without doubt, that in making a change to the independent variable, the dependent variable alters or changes in response in a particular way. If the internal and external validity questions can be satisfactorily answered and statistical significance shown, then the experimental approach is less controversial in terms of results as the conditions under which the experiment has been undertaken have precluded interference from uncontrolled variables.

The weaknesses of the experimental approach lie in the notion that, for validity purposes, there must be no interference in the experimental process from variables other than those being examined as to causality. Whereas under laboratory conditions this may be achieved, the experimental approach used in the "real world" (Robson, 1993) poses serious difficulties.

The Fisherian methodology which underpins much of the quantitative formulaic construction of experimental design requires a known population from which a sample is selected randomly. However, in practice, random samples are most unlikely in real world analysis - non-probability or non-random samples are much more likely to be selected or be of interest. These difficulties regarding the selection of random samples in the real world have been acknowledged by writers such as Campbell and Stanley (1963) and Cook and Campbell (1979). They advocate "quasi-experimentation" as an approach to the development, design and analysis of research studies in the field. Indeed, Cohen & Manion (1980, p 188) suggest that in educational settings most empirical studies are quasi-experimental rather than experimental. Whilst these quasi-experimental designs allow for the study of "intact groups" it is important that in their use, threats to valid inferences must be isolated so that an evaluation can take place as to how far these threats pose difficulty for the study's specific features and the results obtained.

Johnson (1994) refers to the classic case cited by Cohen & Manion (1980, p 160) as regards a University of Leicester student studying the impact of pre-tests upon school children (as against children who did not take such pre-tests). The student reflects upon the difficulties of maintaining identical field conditions such that the results only measured the impact of a change of one variable upon the children's performance. Such difficulties reflect the researcher's own experience when, as the basis for an MSc dissertation, a quasi-experimentation research model was set up to test the change in performance of groups of children undertaking a comprehension test when the instruction the teacher used in presenting the comprehension test was the only variable that altered. Selecting comparable groups in comparable schools was a nightmare; assuring oneself that the groups of children had had similar pre-test experiences, that the teachers behaved in a consistent way and that the physical conditions encountered in the classroom were

so similar as to not have an influence on results was extremely difficult and time consuming.

All of these difficulties appear to lead to the inevitable conclusion that experimental approaches to studies in the field are particularly difficult to carry out successfully in that there is insufficient reliability as to the validity of the results. Because of these difficulties and because the question posed in this study concerns the analysis of theoretical models of educational management in practice (rather than contrived practice as in quasi-experimental models), the researcher is led to the conclusion that other methods of research might be more appropriate.

4. Strengths and weaknesses of the survey approach

As opposed to experimentation, there is normally no attempt to manipulate variables or control conditions using the survey approach. Johnson, (1994, p 13) defines survey activity as *"eliciting equivalent information from an identified population."*

The normal approach in eliciting standardised information from a specific population is by means of questionnaire or interview. Clearly such action might provide information about the past or the present but, as Hoinville and Jowell (1978) point out, it is unlikely to provide information which acts as a reliable guide for the future. A large number of surveys, however, collect a sample's information rather than the identified population itself. In doing so, they encounter potential criticism from statisticians who would argue that any sample is likely to be biased in some way; even those that are designated probability samples designed to increase the likelihood that findings from their research can reasonably be generalised to a wider population.

Surveys provide a valuable and straightforward approach to the study of attitudes, values, beliefs and motives. They generally provide potential answers of the descriptive kind to posed questions, but can also be used to explore aspects of a situation, as in the case of a small-scale survey, or to seek explanation and provide data for testing hypotheses. Indeed, highly structured surveys contain large amounts of data standardisation which can be analysed by sophisticated quantitative methods.

However, despite these strengths, surveys have been criticised on a number of grounds. It is argued that, in general, the data collected in surveys *"are affected by the characteristics of the respondents (eg their memory; knowledge; experience; motivation; and personality)"* and that *"Respondents won't necessarily report their beliefs, attitudes etc. accurately (eg. there is likely to*

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be a social desirability response bias - people responding in a way that shows them in a good light)" (Robson, 1993 p 128)

It is this general criticism, or weakness, of surveys that throws doubt on the use of the survey approach as a way of answering the research question posed in this work. As it is the purpose of this research to evaluate theoretical models of educational management in practice in an organisation, then the focus must be towards what has been or is being done (in terms of educational management) in practice; not what staff and students believe or feel is the case. Thus any research methodology must concentrate on known facts concerning internal and external organisational performance rather than opinions on these matters. Any evaluation, in order to defend accusations of results not stemming from performance in practice, needs to emanate from performance that can be shown to have occurred in reality rather than in the beliefs and attitudes of those members of staff or students within the survey sample or population. That is not to say, however, that surveys cannot be helpful in establishing and triangulating facts.

If, however, the results are to be defended against accusation of bias, low response rates, potential ambiguity in response to misunderstanding of questionnaire questions and respondents not treating their task seriously, then sample surveys may appear inappropriate for this study. Far better, therefore, to concentrate on a small population rather than a large survey representing an even larger population if one wishes to defend the results as being appropriate to the practice of an organisation.

However, in one sense, if a small population is to be used relating to issues of practice within an organisation then the questions surrounding generalisability of results still exist. Any population should therefore constitute a cross section of the organisation; a "slice-group" involved in a particular incident in practice. In a sense the issue or issues chosen to represent actual practice in an organisation will determine the population but if the issue is critical, as it may have to be in order to support the potential generalisability of results, then it is likely that the population involved in the issue in practice will be representative of the different status of players within an organisation.

Finally, within this section, it must be recognised that any research methodology selected to investigate organisational practice will need to be flexible enough to allow for the exploration of issues which have a common meaning for both the researcher and the respondent. Additionally,

if the practice or issue that is selected is critical to the organisation as was suggested above, then the opportunity to deal sensitively with sensitive issues may not be afforded by postal or other forms of paper surveys. Thus, whichever research methodology is selected, the advantages of using interviews as one way of collecting information appears to meet the need for common meaning between researcher and respondent and careful handling of sensitive issues that may have to be explored in depth. However, it is recognised that there are significant opportunities for bias in obtaining results from interviews and this issue will be returned to later in this chapter.

Whilst not wishing to reject the notion of using a survey approach out of hand as an appropriate research methodology for tackling the research question posed in this study, the writer is mindful of a quote from Johnson, (1994, p 20). She says *"Single-handed researchers do not typically use a survey as their only approach to a field of enquiry. They are more likely to use interviews and questionnaires as part of a more rounded case study, the form of research to which we now turn."*

5. Case Study Approach

Robson (1993) defines a case study as follows:

"Case study is a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence." (Robson, 1993 p 52)

This definition more accurately "fits" the research focus outlined earlier. It involves the use of a strategy concerned with research which involves evaluation ie in this case, do theoretical models of educational management occur in practice, do managers in practice recognise and use such models? Additionally, the investigation is empirical in nature, ie it is concerned with actual practice and is particular, ie specific to a particular place, time or activity. Finally, this approach analyses phenomenon in a real life context using multiple sources of evidence - an approach which is important in evaluating theory in practice.

In Robson (1993, p 147), a typology of case studies is given. Within this typology, two case study areas appear appropriate for this study - a) studies of organisations and institutions and b) studies of events, roles and relationships. Indeed, Robson indicates that the latter overlaps with the former and can provide the basis for analysing specific events and using that analysis to

reflect upon the organisation as a whole at the time of the event(s). Whilst case studies can extend over many years, for small scale research (which, as will be shown later, this study must inevitably become), the notion of a loose highly instructive case study design is clearly not feasible.

Miles and Hubermann (1984) suggest that to design a case study, a researcher needs to embark upon the study having developed (but not necessarily completely finalised) the following four areas, viz:

- 1 a conceptual framework
- 2 a set of research questions
- 3 a sampling strategy
- 4 methods and instruments for data collection.

This design outline is one that will be followed through the next section of the chapter.

6 A Conceptual Framework

In developing a conceptual framework, advice from Yin (1989) indicates that the development of a diagrammatic conceptual structure which fits on one page is likely to concentrate the study towards issues that are key in the research process. In the researcher's mind, the issues that are key to evaluate the questions posed are as follows:

- 1) The analysis has to evaluate activity in practice. It must be careful, as far as possible, to tie individuals to recognising what happened, how they reacted in practice and what the organisational response was. Whilst it is inevitable that selected individuals will have views regarding organisational activities, those views must be targeted towards practice in order to meet the objectives of this case study. There is a balance to be struck as to what individuals think are the organisation's features generally (which may or may not reflect reality) and what organisational activity means in practice. The researcher, however, is not denying the validity of investigating the views of members of an organisation as to the central features of that organisation or indeed, as is argued later, the importance of recognising that views of individuals colour their activities within an organisation which in turn may change either their or other individuals' views towards an organisation and their future actions within an organisation. Nevertheless if the researcher is to analyse practice, it needs to focus upon practice that has occurred, or is occurring, within an organisation.

- 2) The framework needs to recognise the theoretical models of educational management and the fact that all have developed from evaluation of organisational practice. In addition, the framework needs to signal that organisation(s) and their environment need to be recognised as a context within which the evaluation can take place. Dependent upon the research questions posed, the analysis can focus upon activity within one or more organisations, upon activity deriving from an organisation as a whole or a subsection within it, or upon activity that arises from an incident which cuts across organisational boundaries or boundaries of sub-sections within an organisation. Whichever is chosen, the influence of the environment within which the organisation(s) operate is likely to impact upon the research findings.
- 3) Whichever focus is chosen (as described in 2 above), the behaviour of those "actors" or "players" selected will need to be charted and evaluated to understand the interrelationship of theory and practice. Such evaluation may provide evidence of particular models dominating activity in practice under certain situations and may provide the basis for an understanding of the reasons as to any dominance.
- 4) Finally, as has been suggested earlier (Johnson, 1994), the case study should benefit both practice and theory in that a reflection upon the results of the study might inform the debate as to the use of, and understanding of, theoretical models of educational management in practice, and whether those theoretical models need to be re-evaluated in the light of the research findings. Similarly, the evaluation of the organisation(s') practice may provide possible clues for improving, for example, future organisational processes, structure, culture or mission.

The conceptual structure, therefore, which attempts to reflect the four points indicated above, could be drawn as follows overleaf:

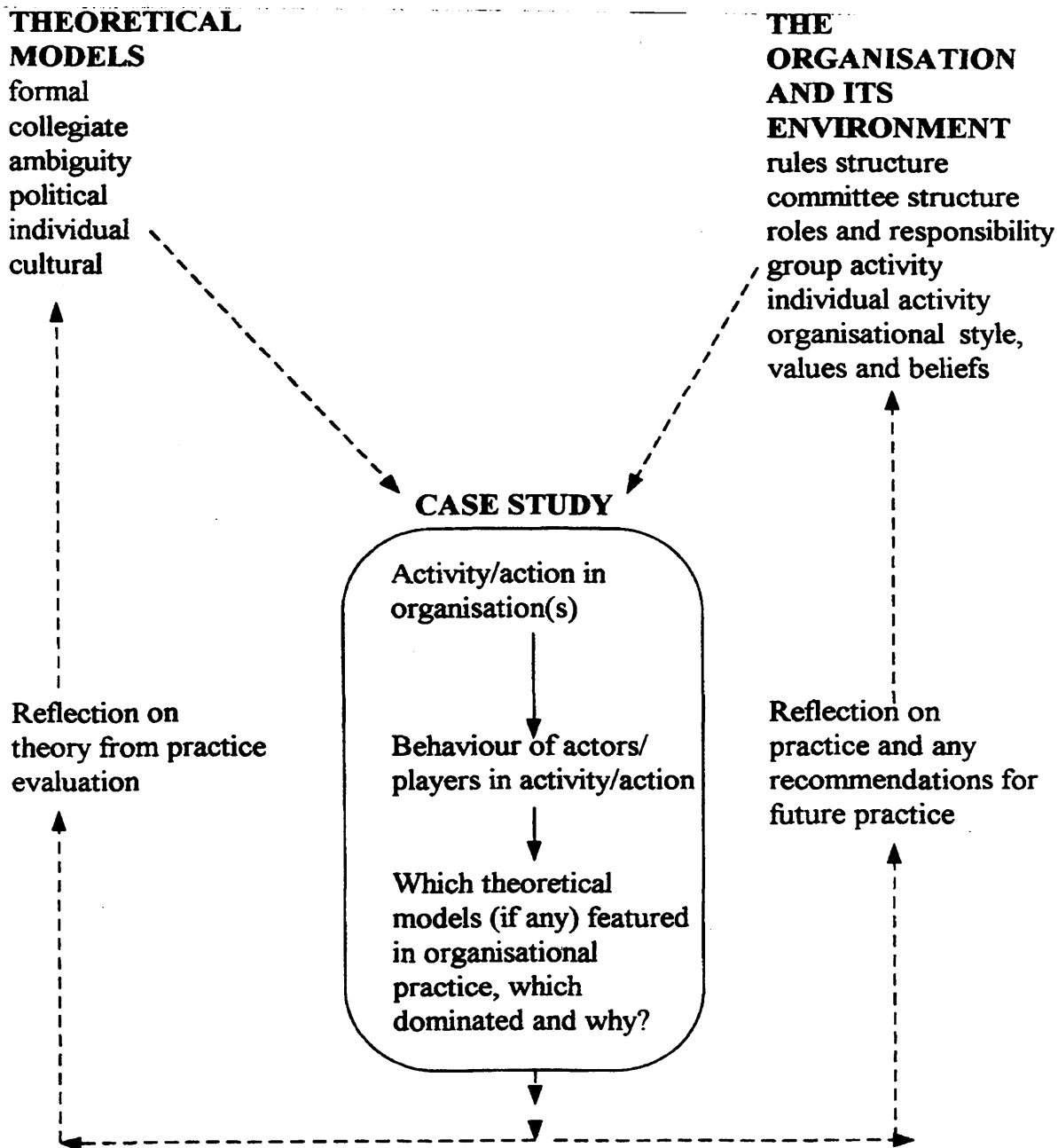


Figure 12 Conceptual Structure

7 A Set of Research Questions

It has been argued (Robson, 1993) that a proposed conceptual structure enables the researcher to frame research questions. From the above diagram depicting a proposed conceptual structure, a number of research questions could be posed. However, both Robson, (1993) and Yin, (1989)

advise against framing too many research questions and advocate a research design that concentrates on providing answers to key research questions.

The conceptual framework provides the basis for asking the following key research questions:

- 1) What evidence is there that some or all theoretical models of educational management exist in practice in educational organisations?
- 2) What evidence is there that, given particular circumstances, one or more theoretical models dominate in practice?
- 3) What evidence is there that, if 1 and 2 are shown to exist in practice, the aims of the organisation(s) and the context within which the organisation(s) finds itself influences the use of one or more theoretical models in practice?

Additionally, some subsidiary questions that may be investigated as a result of the research findings could be:

- 1) Do particular theoretical models of educational management dominate in terms of practice in different stratas of the organisation(s)?
- 2) What are the most important organisational characteristics which influence the practice of individuals working in the organisation(s) and their response to education management?
- 3) Is the interrelationship between theoretical models of educational management a developmental one as proposed by writers such as Enderud (1980) and Davies and Morgan (1983) or is the relationship more complex and dynamic as suggested by writers such as McNay (1993).

8 A Sampling Strategy - A Discussion

Yin (1989) suggests that there are four types of case study designs which can be usefully examined in order to develop a sampling strategy. These types are predicated upon a 2 x 2 matrix, shown in Figure 13 overleaf:

	Single-Case Designs	Multiple-Case Designs
Holistic (single unit of analysis)	TYPE 1	TYPE 3
Embedded (multiple units of analysis)	TYPE 2	TYPE 4

Figure 13 Basic Types of Design for Case Studies (taken from Yin, 1989, p 46)

The horizontal axis differentiates between a primary distinction in designing case studies: whether a single case or multiple cases are to be used to address the research questions posed.

The single case study is considered appropriate to use when the following circumstances appertain:

- 1) When a critical case or incident has occurred which allows for the testing of a well formulated theory.
- 2) When an extreme or unique case has occurred, for example in medicine, where documentation and the consequent analysis is only possible on a patient by patient basis.
- 3) When the case is considered to be revelatory. Examples of such single case studies given by Yin (1989) to support such an argument are Whyte's *Street Corner Society* (1943) and Liebow's *Tally's Corner* (1967)

The multiple case study uses more than one case to investigate research questions. Originally, multiple case studies were considered by anthropologists and political scientists to be distinct

from single case studies in that they developed different sets of rationales for tackling multiple case as opposed to single case studies. Yin (1989) argues against this differentiation and proposes that multiple cases use replication logic rather than sampling logic, ie treat each case as analogous to multiple experiments rather than multiple subjects within experiment.

Multiple case designs can produce evidence which is generally considered more compelling - the number of cases and thus the size of the investigation providing the basis for a study which might be considered more robust. Nevertheless, Yin (1989) warns against taking the decision to undertake multiple case studies too lightly. He suggests that: *"Each case must be carefully selected so that it either (a) predicts similar results (a literal replication) or (b) produces contrary results but for predictable reasons (a theoretical replication). Thus the ability to conduct six or ten case studies, arranged effectively within a multiple-case design, is analogous to the ability to conduct six to ten experiments on related topics; a few cases (two or three) would be literal replications, whereas a few other cases (four to six) might be designed to pursue two different patterns of theoretical replications. If all the cases turn out as predicted, these six to ten cases, in the aggregate, would have provided compelling support for the initial set of propositions. If the cases are in some way contradictory, the initial propositions must be revised and retested with another set of cases"*(Yin, 1989 pp 53-54)

Thus the conduct of a multiple case study can *"require extensive resources and time beyond the means of a single student or independent research investigator."* (Yin, 1989 p 53)

Confirmation of this discouragement to use multiple case studies is given by Johnson (1994): *"The single-handed researcher may not have the resources to combine case study work with other research approaches. It is all the more important to relate the case study to existing theories or illuminate the study by creating your own framework of concepts from the data obtained"*. (Johnson, 1994, p 24)

Another potential problem for multiple case designs is deciding upon the number of cases to be used. Yin (1989) argues that, because replication rather than sampling logic should be used in designing multiple case studies, the typical criteria regarding sample size are irrelevant. He further states *"You should think of this decision as a reflection of the number of case replications - both literal and theoretical - that you would like to have in your study"*. (Yin, 1989, p 57).

This decision, however, cannot purely be based on the researcher's view - there has to be some defence that the researcher can use in order to validate any results from the study. Yin

(1989) recognises this and moves to argue that, dependent upon the amount of certainty the researcher requires, greater robustness will derive, *certius paribus*, from a larger number of cases within the multiple-case design either replicating each other or reflecting the amount of complexity resulting from the researcher's consideration of external validity.

Along with the decision to pursue a single-case or a multiple-case design comes the decision as to whether to analyse the case or cases from a holistic point of view rather than from one which uses several units of analysis. Such a decision will depend upon the nature of the case(s) involved and the research question they are designed to answer. The holistic case study is appropriate, according to Robson (1993), when there is a critical case which tests theoretical understanding against *"a clear, unambiguous and non-trivial set of circumstances where predicted outcomes can be found"* (Robson, 1993, p161) or when there is an extreme case (as described earlier in the example given of a unique medical condition).

A serious criticism levelled at holistic case studies is that the entire nature of the case study may shift during the course of the study. This is particularly appropriate for the case study which is analysing current situations which in themselves are dynamic and likely to move in unforeseeable directions. Some writers have suggested that such flexibility is a strength of the case study approach but others (Yin, Bateman and Moore, 1983) have argued that once a distinct shift has been recognised the original case study design is unlikely to remain appropriate. This problem, however, is less likely to occur when a case looks at past rather than on-going situations.

It is clear that, which ever design is used, the case study approach relies heavily upon the skills of the researcher and the judgements the researcher makes in the course of the enquiry. This lack of scientific rigour will have to be defended in any case study proposal and is identified by Johnson (1994) as one of three major weaknesses to the case study approach. Another of her concerns is that, dependent upon the possible uniqueness of the material, the "relatability" (Bassey, 1981) of the findings becomes less generalisable the more esoteric or abstract the material the case investigates. Additionally, there are always difficulties of choice once the case study is underway - whether to follow a particular pathway which may cause other lines of inquiry to be less vigorously pursued or whether to continue with a holistic review which avoids examining any specific phenomenon in detail. Any decisions regarding case study design will have to consider these criticisms of the case study approach seriously.

9 A sampling strategy - the case design

In choosing a sampling strategy and developing a case study one is minded of the fact that this study constitutes part of a Doctor of Education programme and requires a report of some 50,000 words. The researcher is constrained to act single-handedly and, unfortunately, is not able to spend a significant amount of time on the project on a day-to-day basis. Thus the study will inevitably be small scale in nature. Additionally, the organisation within which the researcher works, having sponsored the programme, is expecting results which will inform practice within that organisation. Thus the focus of the study will inevitably include that organisation.

However, that poses a significant problem which will have to be overcome by the case design in that the researcher's position with the organisation is that of Deputy Director whose main responsibilities concern the acquisition and distribution of resources. If the case concerned a current event or focus, the influence the researcher's position might have over responses to interviews or questionnaires could significantly bias the results obtained. The case focus therefore points to a situation that occurred in the past and one in which the researcher did not play an active part. Nevertheless, any results from the study will have to be conditioned against a recognition of the researcher's role in the organisation.

The study, one must conclude, will therefore be small scale and will be focussed upon the researcher's organisation. The researcher makes no excuses for this; indeed as Glatter (1980 p.30) points out *"as the scale of research into educational institutions has grown, so we have passed through the phase of overreliance on generalised models"*. Nevertheless, the decision as to whether to analyse more than one organisation has to be taken. And this decision will reflect upon the case design and whether it can be easily and satisfactorily replicated in other organisations.

In order for the results to be considered sufficiently robust, the focus of the case must be critical for any organisation. However, it is difficult to select a focus which is "critical" to the organisation in the present. One can only be secure of "criticality" when the event or events are part way through or completed. Indeed, the researcher is mindful of Yin et al's (1983) criticism of holistic case studies which study present day events and the problems that ensue as a result of changes in the event's focus. Indeed, in choosing a case that analyses past events, the researcher can select an event(s) that he was not actively involved in. In addition, the fact that the events are past and completed may serve to reduce the amount of respondent bias that might have occurred had the case design evolved around event(s) occurring in the present day. However,

whilst response bias may be reduced there might still be the problem of recall bias. However, by using the actual event documentation as a prompt, interviewers or respondents may be helped to focus more on fact rather than have to rely too much on recall.

However, in choosing a past event or events it is unlikely that they would easily be found and replicated in other organisations. Whilst one is drawn to analysing a set of events or incidents in a single organisation for this reason, it is imperative that, in choosing to study a unique event or set of events, the events have to be critical to the organisation. It is argued that results obtained from any study of a critical incident or set of events will be more robust, particularly as they will derive from individuals' responses to a critical incident in practice. And in selecting a past historical set of events or critical incident the researcher can rely upon documentary evidence as well as evidence deriving from participants or players involved in the case.

Whilst replication is suggested by writers (Yin et al, 1983) to be of importance in designing multiple case studies, others might argue that the use of different settings would be helpful in providing evidence of theoretical models of educational management practised in a variety of organisations. However, whilst comparisons of outcomes might be useful for certain purposes, Yin (1989) would argue that each investigation in a different setting would constitute a single case design.

However, the selection of a single case analysing a critical incident or set of events negates the possibility of replication and thus a multiple case study approach. And in choosing a single case study design, the researcher is mindful that in order to produce results that are robust and relevant the case must:

- 1) Be such that allows for a common meaning for researcher and respondents (Johnson, 1994)
- 2) Be critical to the organisation
- 3) Be of a nature which requires educational management action
- 4) Be of sufficient size so that a reasonable population of participants (rather than sample) can be used who are still available to be interviewed or questioned.

- 5) Be representative of actions from a range of participants working in or active within the organisation (a "slice-group").

In searching for such a critical incident or set of events within which the researcher was not actively involved, the question for case design that inevitably arises is - dependent upon the incident or incidents chosen, will the single case be holistic or embedded in design? Before turning to this question, which inevitably arises out of choice of incident or incidents, the researcher would briefly wish to recognise the following:

- 1) Miles and Huberman (1984) consider the researcher needs *"some familiarity with the phenomenon and the setting under study; strong conceptual interests; a multidisciplinary approach ...; good investigative skills, including doggedness, the ability to draw people out, and the ability to ward off premature closure"* (Miles & Huberman, 1984, p 46)

It would certainly be the case that in choosing this focus the researcher has familiarity with the incident and the organisation in question. The researcher's background is multidisciplinary and, over the years, the researcher has had to deal with very sensitive organisational and people issues which have provided an experience and background from which to draw on in the conduct of a research enquiry.

- 2) Robson (1993, p 157) indicates that in a single case study there is a risk that the researcher may not sample widely enough. This researcher is minded to *"work a bit at the peripheries"* (Miles & Huberman, 1984, p 42) in the conduct of this research enquiry.

10 The selection of a critical incident or set of events as the focus for a single case study

In searching for a critical incident, the researcher was conscious that the incident or event could not be too far in the organisation's past because of the likely unavailability of a significant number of personnel involved. However, if the incident was too recent, the repercussions within the organisation were still likely to be continuing and thus could bias any research results. The three events that the researcher considered were: 1) The development of an internal quality audit group in the light of criticisms of an external visiting party as to the organisation's quality systems: 2) An internal research report highlighting academic concerns about the content and process of delivery of non-pay rewards, particularly "time-off" for research: 3) A high failure rate (75%) in the Law examination of the organisation's Combined Studies degree.

The first two events were rejected on the following grounds:

i) The Development of the Internal Quality Audit Group

Whilst the event was important, it did not appear critical given its context, and the numbers involved in the decision and subsequent implementation were small.

ii) The Research Report

The research report was too recent and, whilst involving responses from a sample of around 200 academic staff, it did not represent views from a "cross-slice" of the organisation's staff.

The high failure rate event was chosen because it occurred at a very difficult time for the organisation. It occurred approximately six months after Nene College (the organisation in question) had failed to achieve degree awarding powers and at a time when the College was beginning to build up its academic reputation so that it could apply for taught degree awarding powers the following year. As a consequence, the high failure rate of 75 percent not only concerned the Law teaching staff (approximately seven were directly affected) but in addition the management of the Faculty and the management of the College (a total population of 19 staff). The goal of the institution, university status, could have been badly set back by the incident, particularly as the result reflected not only upon the standards of teaching and supervision of the Unit 1 combined studies law students but upon the robustness of the organisation's quality systems themselves. As will become clearer in the following chapters, this situation offered the potential for many different strategies that the "players" in the event could adopt - for example the opportunity to blame others (especially management) for political reasons, the opportunity to proffer poor rules and guidelines as the reason for ambiguity as to responsibility and actions, the possibility for those higher up in the hierarchy to blame others lower down who may not have performed appropriately and the opportunity to respond as a group of professionals and to share responsibility, in a collegial way, by moving forward together in learning from mistakes made. In addition, the influence of the organisation's culture, and the shared beliefs and goals of the members of staff as they responded to the organisation's mission, should through further analysis become apparent.

However, in using a critical incident in the past as the basis for a single case study, the use of observation of the event is precluded. Whilst this could be seen as a major disadvantage, particularly as such a technique could have been used in the process of triangulation, this is perhaps outweighed by the advantages a past event proffers in terms of bias as a result of the

researcher's position within the organisation and the difficulties of focus referred to earlier (Yin et al, 1983) if the case chosen had been current.

11. Methods and instruments for data collection

Whilst observation as a technique is precluded by the choice of the critical incident, both documentary analysis and interviewing are available. The researcher has discovered (1) that all those involved in the incident are available to be interviewed and thus the population of those "players" most directly affected is still intact and (2) there are original sets of documentation available to study. The researcher therefore proposes to investigate the critical incident as a single case study along the following lines -

Data techniques	Data provided			
1. Sets of documentation	Management memos, letters etc	Course and investigating reports	Committee papers	External players' letters, etc
2. Interviews	Management	Lecturers and course leaders	Key committee players	External players

Figure 14 Proposed techniques for deriving data in a single case study

It could be argued, however, that the study could be carried out by interviews alone. Whilst recognising this point of view, the researcher would like to make the following points:

- 1) Johnson, (1994, p.161), found that a *"study of records did not in fact reinforce College lecturers' fairly confident statements in an interview that they knew the percentage of students joining the College from the private sector"*. The written documents in this study are historical documents; interview questions can therefore be pointed towards exemplars of fact and practice rather than opinion.
- 2) Issues of bureaucracy, managerialism, collegiality etc arouse, in some instances, a high degree of emotional response. Whilst it may be of interest in another study to ascertain what members of staff think in response to direct questions concerning such issues, the purpose of this study is to

focus on theories of educational management in practice, and the dominance of one or more theories in practice dependent upon the level of "subscription" by staff (overtly or covertly) to the HE organisation's mission. As indicated earlier, the use of written documentation as a basis for interview questions provides a more directed focus for such an investigation, and, as a consequence, a greater probability that results of the investigation will reflect practice rather than opinion.

12. Using documentary analysis as a research tool

Documentary analysis is an example of non-reactive research. It encompasses both documentary evidence (taken to include both written and oral sources) and written documents which may include personal documents such as letters, diaries, plays and novels. The use of documentary evidence has as its base that of historical research; indeed criticism levelled at ethnographic studies (Thernstrom, 1965, of Warner and Lunt, 1947 and Thernstrom, 1968, of Whyte, 1955) questioned the extent to which the original evidence reflected the historical period in which the data were collected. Pitt (1972) argues that the field researcher is in danger of misinterpreting the present if historical sources are ignored.

The classic statement regarding the use of documents for historical research is provided by Langlois and Seignobos (1898, p17) - *"The historian works with documents ... For there is no substitute for documents: no documents, no history"*. Whilst this quote is useful as a starting point, it is clear that there may be other evidence (oral, census materials, wills, inventories) which can usefully aid the researcher in addition to written documentation. However, for purposes of research in educational management the written document is likely to be the starting point for the researcher, although as Samuel (1975) comments: *"It is remarkable how much history has been written from the vantage point of those who have had the charge of running - or attempting to run - other people's lives and how little from the real life experience themselves"*. (Samuel R, 1975 quoted in Burgess, 1982)

In using written documentary evidence as the basis for research into organisational practice, the same principle is likely to be true, ie that much of the available written documentation will emanate from managerial sources.

However, one of the great advantages of written documentation, as Johnson (1994) points out is that *"The essence of a document or record is that it already exists in a definitive form. Unlike a*

questionnaire or interview schedule, it cannot be individually designed to suit a particular research purpose, but must be drawn on as a source of data in the form in which it stands".
(Johnson, 1994 p58)

The set of documents identified earlier, was clearly not designed to suit the research purpose of this study but was intended for other purposes. The documents' contents, particularly as regards the purposes of this study, need to be examined as to whether the authors felt constrained in writing what they would have wished; whether if that was the case, they sent covert or "unwitting" messages within the documentation, or whether there were those who did not respond to the situation by creating documents, either because they did not wish to, or did not feel the need, or simply because they were not required to do so.

Indeed, whilst analysis of the documentation will take place, interviews of those who created the documents as well as interviews with other staff who were involved in the situation will be undertaken to 1) ascertain the reliability of the documentary evidence and, 2) provide possible documentary evidence yet to be forthcoming. Gottschalk et al (1945) provide a checklist of criteria which is particularly useful in addressing some of the concerns that have been signalled regarding the accuracy of the content of the documents. The checklist is as follows:

- "1 *Was the ultimate source of the detail (the primary witness) able to tell the truth?*
- 2 *Was the primary witness willing to tell the truth?*
- 3 *Is the primary witness accurately reported with regard to the detail under examination?*
- 4 *Is there any external corroboration of the detail under examination?"*

(Gottschalk et al, 1945, quoted in Robson, 1993)

These are questions that will be posed in appropriate form to those selected interviewees to ascertain the nature, accuracy and representativeness of the documentation they wrote or contributed to. Additionally the interviews will be constructed to ask questions concerning the reasons why the documentary authors acted in particular ways and what their intentions might have been in presenting the contents of their document(s) in ways which may or may not have emphasised certain words, sentences or headings. Such "triangulation" will not only throw light on the intentions of the writers or participants but go some way to meet the criteria Scott (1990)

puts forward as a possible way of assessing documentary sources.

13 Criteria for assessing documentary sources

Scott (1990) suggests four criteria for assessing documentary sources. These criteria are used by Johnson (1994) and Robson (1993, p 272) discusses similar criteria. This study will use the criteria - authenticity, credibility, representativeness and meaning, to debate the use of the sets of documents referred to earlier.

13i) Authenticity

Given the position the researcher holds within the organisation in question, there would, at first glance, seem little problem in assessing the soundness of the documents. However, it is the very fact that the researcher is who he is that may lead writers to provide, on request, their "preferred copy" of a particular document. In order to overcome any problems of that nature, the researcher has accessed official files wherever he is able. However, the researcher is concerned to uncover all documents that refer to the critical incident and may have to ask individuals to provide him with documentation "not publicly available". In considering various alternatives, the researcher has decided that it would be ethically inappropriate to use a "third party" or "disguise", and has thus decided to approach the participants or writers direct as a "researcher" rather than "deputy director". Clearly, however, this difficulty is acknowledged in analysing any research outcomes deriving from documentary analysis or interview.

Given the nature of this exercise, it is highly unlikely that any documentary evidence uncovered is likely to be "fraudulent" in some way. Nevertheless, all documents will be examined for authenticity and will, through the use of interviews, be affirmed or not by the writers as being credible.

13ii) Credibility

"Assessing the document involves an appraisal of how distorted its contents are likely to be" (Scott, 1990, p22). Clearly this issue is likely to be of great concern to historians and social researchers where the authors of the documents cannot be interviewed. In the chosen documentary exemplar this clearly is not the case, although some authors may have left the College's employ and therefore may be difficult to trace.

Within the interview process it would be interesting to explore whether the authors wrote their

original documents with a particular purpose in mind and whether that purpose was one which the authors felt was appropriate and one they carried out "freely". It may be, however, that they felt the purpose was appropriate given the circumstances but they were "unhappy" about writing the document in a certain way (an ethical dilemma perhaps). It may, however, have been the case that the author felt the document was inappropriate and additionally that they were "unhappy" writing the content. Finally, there is the possibility that the author thought the document "inappropriate" but was content to write it.

From such a set of possibilities a matrix could be created. One axis might indicate the author's view of the "appropriateness" of the document given the circumstances within which they wrote it and the other axis could, in some way, represent their feelings as to whether they felt "free" or constrained in some way as to the content of the document. Such a matrix might be expressed as follows:

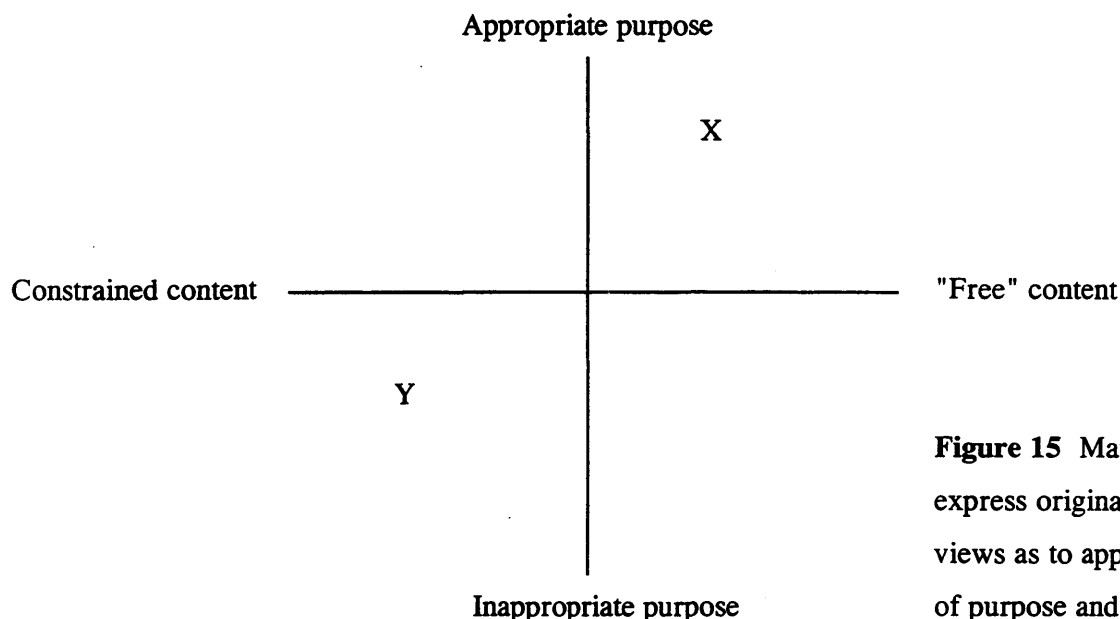


Figure 15 Matrix to express original authors' views as to appropriateness of purpose and content of the written document(s)

Hence author 'X' within an interview expresses the view that the document was appropriate in construct given the circumstances surrounding the need for the document and sincere in form, ie that there had been no undue pressure to write the content in a certain way and/or there were no ethical dilemmas which prejudiced in some way the final content outcome. Author 'Y' on the other hand, expresses the view that both the construct and the content of the document were, in his view, inappropriate for reasons that would hopefully be ascertained through an interview.

Using such a matrix as the basis for posing interview questions may throw some light on the dilemma for the researcher using purely documentary evidence. This dilemma has been exemplified by Hoyle (1986) - "*Committee member to committee secretary: 'you didn't get your way tonight'; Committee secretary to committee member 'you haven't seen the minutes yet'*".

(Quoted in Hoyle, 1986, p.146)

The thesis will return to this dilemma when it considers the criteria of meaning in 13iv) below.

13iii) Representativeness

The issue of representativeness, ie whether the documents consulted are representative of the totality of relevant documents is an issue that is likely to be of some concern as regards the first set of documentary examples; that of the poor pass mark for the first year law examinations. As indicated earlier, the set of documents gathered by the researcher did not contain all the documents that were created as a result of correspondence between parties on this issue. During the interviews further exploration took place with the individuals concerned as to whether there was further publishable documentary evidence not previously in the public domain. Any evidence of this nature will be explored later in the thesis. In searching for such documentary evidence and getting permission to use it from the originating authors, there arose ethical issues which were discussed and faced.

13iv) Meaning

For many researchers, the authors of the written documentation they wish to analyse are not available for comment. Clearly historical documents deriving from the 19th century and earlier fall into this category but difficulties of authorship are not necessarily confined to old historical manuscripts or documents. Official documents, (census statistics or administrative data for example) are produced by a team of authors; indeed the data may be produced by a number of statisticians providing numerical evidence to fit into an overall framework devised by another person or persons from outside the organisation. A good example of such a document in Higher Education is the Higher Education Statistics Agency (HESA) return where the framework has been derived by an external agency and for each HE organisation different administrators from schools and faculties provide the appropriate data. Clearly there will be stylistic differences between for example, a HESA return, a research report and a promotional pamphlet, and the use of these different genre can qualify and inform the research outcome. However, whilst the analysis of an event's genre can throw light on both that event and the authors who observed the event, the researcher needs to relate "*the literal meanings to the contexts in which they were*

produced in order to assess the meaning of the text as a whole" (Langlois and Seingobos, 1898, p153).

There are a number of difficulties in attempting to assess the meaning of the text as a whole, some of which have already been alluded to. As described earlier, the authors of the documents in the example this thesis proposes to explore are available to be interviewed if they grant permission and thus the meaning from their point of view can be discussed and clarified. Similarly, authors can be questioned about the genre of the document if such a question could throw further light on clarifying the purposes of the document in the way it described the event. Nevertheless, it is also important to contextualise the event from outside the author's own perception of the context within which the document was written. Such a hermeneutic process of interpretation is further complicated by the researcher's own frame of reference; in this thesis it becomes an important variable given not only the position of the researcher within the organisation he is currently studying but also because of his career history, particularly his experiences as Dean in the Polytechnic of North London and, before that, in the London Institute.

Given the difficulties of validity and reliability associated with interpretative understanding of text, it is not surprising that techniques evolved exhibiting a "quantitative" rather than qualitative feel to them. Hence for deconstructing texts, particularly novels, the development of structural linguistics by Barthes as a method of textual analysis; the use of semiotics to decode underlying, hidden meanings (Foucault, Derrida et al) and the more traditional use of "content analysis" (described in Robson, 1993, Scott, 1990 and Johnson 1993)

In his own experience, the researcher, in his role as Chairman of a validation panel for an MA in Modern English course, was struck by the proposal from the course team that fractal geometry be used to deconstruct text. The argument given, as is the argument given with all such quantitative techniques, was that the mathematical construct used to derive the frequency of phrase, word or example gives credibility to the significance of the lesser or greater use of such a phrase, word or example. The greater the frequency, the greater the significance that might be attached to the use of that phrase, word or example and hence an analysis of text can be undertaken. The problem with such an approach, as noted by many authors (Scott, J 1990, Johnson, 1993) is that the frequency of use of a word, for example, does not necessarily denote the significance of the use of that word. As Scott (1990) points out *"It may be that a single striking word or phrase conveys a meaning out of all proportion to its frequency; and a non-*

quantitative approach may be better able to grasp the significance of such isolated references".
(Scott, J 1990, p32)

Unfortunately there is no tangible evidence that non-quantitative analysts have produced rigorous methodological criteria to choose between alternative readings of a text. As Giddens (1979) points out:

- 1) Barthes methodology assumes "coherence" underlies "meaning"; an ungrounded assumption
- 2) Althusser's "scientific" tools and methods are alluded to but not described nor justified
- 3) Mannheim relies upon intellectual objectivism to determine meaning as intellectuals are supposedly free from social determination. Mannheim, however, fails to explain why the intelligentsia are privileged in this way.
- 4) Saussure's work did not concern itself with the real world and thus context is unimportant in linking "signs" to "ideas".

Giddens'(1979) discussions surrounding the hermeneutic problem are developed by Scott (1990) into a case for suggesting that meaning derived from documentary text must take into account three aspects: the intended content, the received content and the internal meaning. Whilst in this study's examples, the intended content can be tested by interviewing the authors of the documents and the received content can be tested by interviewing those who were intended to receive the document(s), the internal meaning, although having substance as a concept, is elusive in fact as the researcher investigating "internal meaning" immediately becomes part of the document's audience and in these particular chosen examples was, in one case, part of the documents' original audience in any event.

14. Using interviewing as a research tool

In deciding upon the variety of interviewing structures and the number and type of questions contained within any interviewing schedule, there are a number of factors that have to be considered. Whilst the purpose of the interview is to provide appropriate and relevant data for evaluation in order to answer the research questions that have been posed, the methodology that is devised, (recognising the context within which the interview will take place), also needs to be able to answer the questions posed in the previous section on documentary sources. Additionally, the interview schedule will be influenced by the decision as to whether to provide

interviewees with copies of the documentation in advance of the interview. Another consideration is the fact that the interviewer will be interviewing his peers and, as a consequence, the interview may need to be structured and focussed in order to counter the difficulties described in the next section.

15. The Interview Structure

Most textbook treatments of interviewing implicitly assume that the respondent is not the interviewer's or the researcher's peer, but a member of a different group or someone from a "different" social background. Further, the assumption is often made that, for practical purposes, the interviewer and respondent are anonymous to each other, unlikely to meet again and thus, the research roles are (in theory and hopefully in practice) separated from all other roles (Platt, 1981; Zuckerman, 1969).

In this study, however, the interviewer will be interviewing his peers in the widest sense of that word, and, with the exception of the Director and persons external to the organisation, members of staff who, in a hierarchical sense, report through to him. Thus, the respondents are likely to share the same background knowledge and sub-cultural understandings, and in some cases, they are members of the same groups and communities. In addition the interviewer is clearly not anonymous but has a history and perceived characteristics and, once interviewing has commenced, rumours are likely to circulate about what the researcher is looking for, or what the interview is about. Indeed, it could be argued that when interviewing one's peers, personal and community knowledge are likely to be used as part of the information to construct a conception of what the interview is meant to be about, and thus affect the context of what is said. Within the interview, it is likely that respondents will be embarrassed or find it difficult to reveal either details about themselves, or the views of others who they know the researcher will know.

Not only will there be problems of social unease but respondents might assume that it is unnecessary to go into details that they might expect the interviewer to know about. In order to meet this potential problem, the interview will need to be well structured in order to ensure that all respondents respond to the same questions and forms of questions. In this way, the temptation to draw on one's own background knowledge is reduced, thus removing unnecessary biases and making interviews more comparable. Similarly, using a well structured interview schedule imposes the interviewer's rather than the respondent's interpretation of the issues and questions. This approach may go some way to answer the problems posed by the positioning and

recognition of the interviewer within the peer group and the use of personal and community knowledge by respondents which might otherwise affect the content of what is said.

However, as Zuckerman (1969) points out, any sort of structured interviewing arrogates to the interviewer the right to determine the forms which answers may take, the dimensions along which events should be classified and the topics to be regarded as relevant. Whilst not wishing to determine forms of responses, it is important for this study to classify dimensions and use topics that have been developed from the documentary evidence and theoretical models. Even if that were not the case, the researcher would advocate structured rather than unstructured schedules on the basis of the following extract taken from Platt's (1981) article "On Interviewing One's Peers".

"On the whole my interviews were exceedingly unstructured, and thus were not very open to objections along those lines. But this is by no means an unequivocal advantage; if one loses control of the direction of conversation it may cease to be useful or relevant for the research, and there were indeed occasions when there were lengthy conversations of low value for the project which I could see no way to redirect without redefining my role. This could lead to tacit or overt requests for direction, to enable the respondent to say what was useful to me - and thus make the claim to equality implied by not enabling me to judge his relevance unfavourably, and by sharing my responsibility for the success of the research. Some of the 'bad' interviews were those where the people interviewed implicitly defined themselves as informants rather than respondents; rather than offering raw data for me to interpret, they told me their interpretations and the conclusions they had reached. This solves the status problem by redefining relative statuses or by bringing in statuses from outside the interview situation, and was usually done by people of higher academic rank than myself. A respondent could also make an assertion of identity and a claim to equality by a refusal to respond in the desired way to some obvious tactic, or by making technical comments on the manner in which the interviewing was done."

(Platt, J (1981) p.81)

16. Stages of the interview

Whilst concluding that the interview schedule should be structured, its construction is of great importance to this study. There are four themes the interview needs to address in order to

provide appropriate evidence for the evaluation of the research questions posed and, at the same time, triangulate the evidence provided by the documentary analysis. A set of themes and sub themes providing the framework for the interview structure are suggested as follows:

THEME 1 Validation of, and response to, documentation

- Sub themes: Author's purposes and views on content
: Receivers' views as to content and meaning
: Specific issues of interest that have arisen as a result of documentary analysis
: Documentary authenticity and possible additional documentation

THEME 2 Critical Incident Context

- Sub themes: The internal organisational context.
: The organisation's external environment

THEME 3 Actions relating to the critical incident

- Sub themes: Formal organisational processes and actions
: Informal processes and actions

THEME 4 Response to the critical incident

- Sub themes: Response to the processes used to deal with the critical incident
: Response to outcome(s) of critical incident

In considering these themes, it becomes apparent that appropriate documentary sources will need to be provided in advance of the interview, as suggested in the section "methods and instruments for data collection". In so doing, the research will be focussed upon the critical incident in documentary fact as well as the interviewee's opinion predicated upon his or her memory of events.

By using this thematic approach, it allows the researcher to evaluate the interviewee's response to the inputs, processes and outcomes relating to the critical incident which are tied to the documentary evidence. However, in order to provide answers to this study's research questions, any interview question needs to provide evidence as to whether theoretical models of educational management were operational and applied throughout the critical incident, either wittingly or

unwittingly. By posing interview questions that reflect the four themes outlined earlier and by linking those questions to theoretical models of educational management, a structured interview schedule can be developed. In addition, any specific issues that arose from the documentary analysis should be included, thus providing a comprehensive schedule for interviewing the participants in the critical incident.

Finally, the decision has to be taken as to how much information should be given to respondents as to the nature and purpose of the study. Whilst it might seem offensive not to give some honest and reasonably full account of the rationale and purpose of the study to one's peers, it is difficult to do this without inviting discussion of the study rather than concentrating on the interview and without providing so much information that it may bias the course of an interview. On balance, therefore, the researcher has decided to give as little information as possible to the respondent as to the purpose of the study thus hoping to succeed (as texts often suggest) in concealing one's hypothesis. (Platt, 1981; Johnson, 1994)

17. The Structured Interview Schedule

The schedule and accompanying letter provided in Appendix 8 will be used to provide evidence to answer the research questions posed. The questions are derived from the themes described earlier, and, where appropriate, are linked to one or more theoretical models of educational management. Similarly, questions are also linked to issues arising from the evaluation of the documentary evidence and these issues will be followed up within the interview programme. From the use of such a structured schedule, information and data can be analysed with specific reference to theoretical models, thus providing the basis for possible insights as to whether i) theoretical models were operational, applied and used throughout the critical incident; ii) one or more theoretical models were 'dominant'; iii) one or more theoretical models were more likely to be operational at different hierarchical levels of Nene College. In addition, responses to these questions can be evaluated to provide evidence as to the influences of context, mission and goals upon those involved in the critical incident, and the nature of the interrelatedness of theoretical models in practice.

18 Research questions revisited

It is perhaps appropriate to revisit the research questions posed previously in this chapter in the light of the decision to study and evaluate a particular critical incident. Whilst the general issues

described by the previous research questions remain, they can now be focussed more directly towards the particular incident in question. Thus the questions could be more specifically asked as follows:

- 1) What evidence is provided from an analysis of a critical incident at Nene College that theoretical models of educational management were operational and were applied and used throughout the incident process?
- 2) Do the results derived from an analysis of the critical incident suggest dominance of one or more theoretical models?
- 3) What influence did the external and internal context have upon 1) the process of the critical incident event and 2) the action of the "players"?
- 4) What influence did the stated aims and mission of Nene College have in determining some or all of the actions of the "players" within the critical incident event.
- 5) Are different theoretical models of educational management more or less likely to be dominant in influencing action of Nene College staff involved in the critical incident located at different hierarchical levels within the organisation?
- 6) Is there any evidence from the analysis of the critical incident to suggest that the interrelationship (if any) between theoretical models of educational management is developmental and phased rather than complex and dynamic.

19 Summary

This chapter has discussed the various alternative research methodologies available to the researcher and their strengths and weaknesses. An evaluation of those research methodologies provides powerful signals pointing towards the use of the case study approach as the most relevant to the research questions posed. The case study has been designed using the Miles and Huberman (1984) suggested framework and through the development of a conceptual framework and a further refining of the research questions, a sampling strategy was devised. This strategy provides for a single case approach of a holistic nature which focuses on a past critical incident or event in an organisation. The methods and instruments to be used for the data collection are to be documentary analysis and interviews.

Chapter 4: Documentary Analysis Results

1. Introduction

In the previous chapter, the arguments were made for a case study approach to analysing and evaluating a critical incident in order to determine the operation and application of theoretical models of educational management in practice. This chapter analyses the documentary evidence available and provides an initial response to such an analysis. The set of documents used as a basis for the documentary analysis were collated from a number of file sources; further documentary evidence was to be provided by three of the interviewees from their own sources. The file set of documents comprises a wide variety of documentary types; memos, letters, reports and a course review, as well as minutes from the College Academic Board and College Academic Standards Committee.

2. Documentary Analysis

The sets of documentation are given in Appendix 3. As indicated earlier, these sets describe actions taken in the light of a high failure rate in Unit 1 law examinations, within the Combined Studies degree.

2(i) The documentary set of papers relating to the high failure rate in law examinations, Unit 1 combined studies

Sets of papers 1 to 6 in Appendix 3 have been selected from two files; those of the Director and those of the Dean of the Management and Business Faculty. An additional set (set 7) has been taken from Registry records.

The complete file set of papers comprise:

- 1) An annual course review for the Combined Studies Law units 1991-92, containing an investigation report, a Dean's summary of that report, a student feedback summary sheet and various external examiner's reports.

- 2) A memo from the Director (Dr SMG) to the Assistant Director (Dr AJRB), copied to Mrs DAH (Dean of the Management and Business Faculty) which requires a variety of responses to the high failure rate in Unit 1 Law examinations. It is accompanied by a letter from Mr JB on behalf of the University of Leicester dated 03.09.92 and the Director's response dated 09.09.92.
- 3) A memo from the Assistant Director to the Director copied to Mr JB and Dr JW of the University of Leicester setting out the College's actions as a response to the high failure rate in Unit 1 Law examinations.
- 4) A letter from PWB in response to a letter from the Director dated 30.11.92.
- 5) A memo dated 15.09.92 from the Dean of Faculty regarding Law course leadership and the response from the Director, dated 05.10.92.
- 6) A report from the Dean of Faculty, dated 14.01.93 as to the monitoring process on the delivery and management of Combined Studies Law Unit 1 1992-93.
- 7) College Academic Board minutes (01.07.92; 16.09.92; 03.11.92) and College Academic Standards minutes (20.01.93; 12.05.93)

2 (ii) The documentation in context

i) The College's position in summer 1992

The high failure rate of 75 percent in the Unit 1 Law examinations in summer 1992 became public six months after Nene College had failed to achieve teaching and research degree awarding powers from an Ad Hoc Committee, appointed by the Secretary of State, which visited the College in January 1992. For this report's purposes, I believe it important to recognise that a member of the Ad Hoc Committee was the Vice Chancellor of the University of Leicester representing the University that at that time validated Nene College's degrees. The Ad Hoc Committee's conclusions are given below:

"The Committee was impressed by the enthusiasm and response from staff, and the progress the College had made, and this is reflected in many of the comments below.

But overall we did not regard the evidence at this stage as sufficient to justify a positive recommendation".

"We believe it (the College) has the potential to assume powers for the award of taught and research degrees but needs a further period of preparation before it will be ready to take on such powers".

(Conclusions of Ad Hoc Committee May 1992)

One of the main areas about which the Ad Hoc Committee expressed reservations related to *"the way in which the various components were brought together at College level for effective decision making, and particularly in the role of the Committee for Academic Standards"*. (Submission for Taught Degree Powers, May 1993) Implicit in the criticism levelled at the Committee for Academic Standards was that the Committee did not assure the Academic Board of the commonality of standards across the Combined Studies Degree. This was a serious charge as, at that time, the Combined Studies degree constituted 40 percent of HE students at the College. In March 1993, however, work was completed on the quinquennial review of the Combined Studies Degree and the findings of that review led ultimately to the College Academic Board approving in January 1994 a major restructuring of the management arrangements for the degree. The recommendations were produced on behalf of the Academic Board by a working party. The issue raised by the quinquennial review was simple. Whereas the strength of the individual subjects was clearly evident, and they were well served by strong faculty-based quality assurance systems, the mechanism by which this was extended to scheme level and hence could impact on the total student experience was weak. This finding was subsequently echoed in the report of the Ad Hoc Committee and the issue was recognised as part of the inevitable consequence of past Leicester University approaches to validation.

Although the College was disappointed in not receiving taught and research degree awarding powers as a consequence of the Ad Hoc Committee visit in January 1992, it took some comfort from the conclusions and, upon taking further advice, it determined to apply for taught degree awarding powers in spring 1993. By this time, the rules and methods for achieving such powers had changed and application had to be made to a new body, the Higher Education Quality Council (HEQC) where, prior to any visit, a *prima facie* case had to be made and accepted. The case was made in May 1993, a visit to the College by a HEQC representative group occurred in summer 1993 and subsequently in autumn 1993 the College was granted taught degree powers by the Privy Council.

The Unit 1 Law examination results occurred therefore at the time when the College was preparing for its second application for taught degree awarding powers. In addition, the Combined Studies degree programme, in response to the Ad Hoc Committee's criticism and as a result of its own quinquennial review (see Appendix 7), had taken measures to strengthen the management of the programme by creating a Combined Studies Academic Board reporting directly to the College Academic Board. An extract relating to this is taken from the document constituting part of the submission to the HEQC and is given in Appendix 4. For contextual information reasons, a flow chart depicting planning, management and accountability in relation to taught courses at Nene College is given in Appendix 5.

By any objective measurement, the poor Unit 1 Law examination results could not have occurred at a worse time for the College, Faculty and course team. The first step towards University status, the securing of taught degree powers was imminent; the Combined Studies management structure, criticised by the Ad Hoc Committee, had been revised and was due to be implemented for September 1992 and the examination results, occurring six months after the Ad Hoc Committee's visit, could be viewed as evidence confirming that Committee's conclusions. Given the fact that the Vice-Chancellor of Leicester University was party to that decision, the position of Mr JB, Pro-Vice-Chancellor for the University of Leicester with responsibility for Nene College degree accreditation arrangements was particularly acute in the light of Unit 1 Law results. From the College's perspective, the results could certainly be seen as a threat to its short term goal of taught degree awarding powers; the handling of the issue, therefore, provides an insight into the response of the College to this particular difficulty.

(ii) The College structure as it relates to the key "players" to the critical incident

In order to understand the relationships between the key "players" to the critical incident, an organisation chart depicting their relationship is given overleaf. Strong lines indicate formal superior/subordinate relationships and dotted lines indicate secondary relationships.

College Internal Organisation Chart Relating to the Critical Incident External "players"

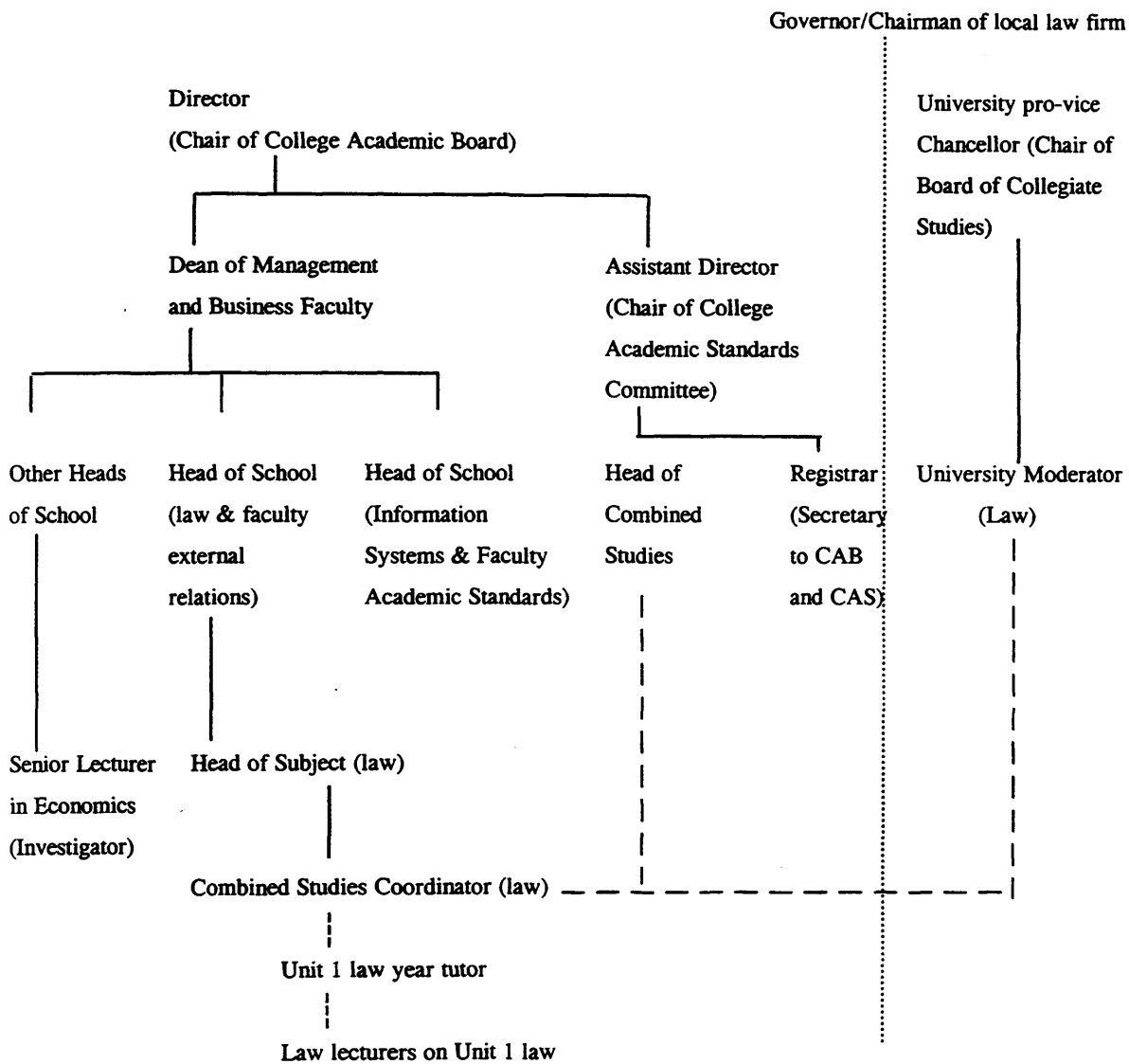


Figure 16 Chart depicting formal and less formal relationships between key "players" to the critical incident

The College's internal organisation chart relating to the critical incident depicts the Director as Head of the Institution who is also Chair of the College's Academic Board (CAB). Reporting to him is 1) the Assistant Director responsible for a) Combined Studies across the College, b) the Registry and, in addition, c) he is Chair of the College's Committee for Academic Standards (CAS), and 2) the Dean of the Faculty of Management and Business. Reporting to the Dean are

four Heads of School, two of whom are directly involved in the critical incident. At that time the faculty operated a matrix structure where Heads of School were responsible for course programmes and took cross-faculty responsibilities, eg faculty academic standards. Hence, reporting to the Head of School (law) is a Head of Subject (law) whose prime responsibility was the allocation of the law lecturing staff to the variety of faculty and College courses requiring law input. Below him and reporting to him and ultimately the Head of School (law) are the law lecturers. The course co-ordinator of law for the Combined Studies programme has a formal reporting relationship to the Head of Subject (law) and a secondary reporting relationship to the Head of the Combined Studies for the College.

The Combined Studies course team comprises law lecturers who may be principal lecturers, senior lecturers or lecturers. The law lecturers on Unit 1 law in the academic year 1991/92 were in fact senior lecturers and lecturers and the Unit 1 law year leader was a lecturer. There were seven lecturers and senior lecturers that taught on Unit 1 law in that academic year.

Reporting to a separate Head of School not directly involved in the critical incident is one of a number of senior lecturers in Economics who, once the Unit 1 law results were known, was asked by the Dean to conduct an investigation into the Unit 1 law failure rate.

External to the College, three individuals were directly involved in the critical incident. Two worked in the validating university for all the College's degree and post degree work at that time: the pro-vice Chancellor was Chair of the University's Board of College Studies through which all new course validations, course reviews and course results were confirmed. He was also a member of the College's Academic Board (CAB). The university moderator's brief was to oversee the law courses the university validated and to attend appropriate course committees and Boards of Studies at the College.

Finally, a senior governor of the College was also Chairman of a local large law firm. He became involved in the critical incident both as a governor and also as a representative of the local community of law firms.

2(iii) Documentary analysis: the analytical criteria

In order to test whether there is any evidence deriving from the critical incident documentation that theoretical models of educational management operated and were applied in practice, an

analysis of the central features of the models and the development of a set of indicative features representing those models can be used to assess the content of the documentation. By so doing, the opportunity to analyse text using the central features of models of educational management as guides to "theory in practice" might well provide evidence as to the models of educational management predominant within the organisation. In addition, these central features provide the basis for testing the evidence collected under themes 2, 3 and 4 of the structured interviews discussed later in chapter 5.

2 (iv) Central features of models of educational management

As indicated in the literature review, Bush (1995) describes six models of educational management; formal models, collegial models, political models, subjective models, ambiguity models and cultural models. The researcher has decided that the use of documentary evidence to test subjective models of educational management would be extremely dangerous; subjective theorists insist that meanings are *"so individual that there may be as many interpretations as people"* (Bush, 1995 p.106). However, individual and group reactions to the critical incident will be tested through the interview stage of the data collection process.

Whilst analysis of the documentation is important in testing the existence and interrelationship of theoretical models of educational management in practice, it is also important to analyse the documentation in terms of the model suggested at the end of the literature review. Thus the influence of College goals and objectives will be considered as well as the pressures brought about by the internal and external environment against which the critical incident occurred. It will also be important to acknowledge the predominance (or not) of different theoretical models of educational management practised at different levels of the organisation's hierarchy.

2(v) Categories of central features of theories of educational management

In order to evaluate documentary content in terms of models of educational management (excluding subjective models), the documentary analysis is predicated upon the use of categories of central features of theories of educational management. This categorisation is based upon the work of Bush (1995) and each document, in turn, will be analysed through the use of these categories to build up a picture of the organisation's practice. The result, it is readily acknowledged, will provide but a "snap-shot" of the organisation at one time of its evolution; rather as a balance sheet portrays a company's financial position at the end of each financial year.

The categories of central features of theories of educational management the researcher proposes to use as a basis for documentary analysis are given in figure 17 below. Whilst these categories will inform the analysis, they will only do so in a qualitative rather than quantitative way, given that the categories are themselves qualitative in nature as they describe a theoretical typology.

<p><u>Formal Models</u></p> <ol style="list-style-type: none"> 1. Organisation as system 2. Prominence given to the official structure 3. Hierarchical relationship 4. Goal seeking organisation 5. Rational managerial decision making 6. Authority of leaders derived from official position 7. Emphasis on accountability <p><u>Ambiguity Models</u></p> <ol style="list-style-type: none"> 1. Lack of clarity about goals of organisation 2. Organisations unclear about the processes from which outcomes emerge 3. Organisations fragmented; links between groups of members tenuous and unpredictable 4. Uncertainty over relative power of different committees and other 5. Particularly appropriate for professional client-serving organisations 6. Members of organisation move in and out of decision making situations 	<p><u>Collegial Models</u></p> <ol style="list-style-type: none"> 1. Management based on agreement 2. Authority of expertise as opposed to positional authority 3. Assures staff hold a common set of values 4. Formal representation within decision making bodies 5. Agreement by consensus <p><u>Cultural Models</u></p> <ol style="list-style-type: none"> 1. Members of organisations have shared values and beliefs 2. Members of organisation sign up shared norms and meanings 3. Rituals and ceremonies support and celebrate shared beliefs and norms 4. Organisational members use folk-lore style heroes and heroines as exemplars of the culture of the organisation 	<p><u>Political Models</u></p> <ol style="list-style-type: none"> 1. Focus on group activity 2. Concerned with interests and interest groups 3. Stress the prevalence of conflict in organisation 4. Organisational goals unstable, ambiguous, contested 5. Decisions emerge from bargaining and negotiating process 6. Conflicts resolved or perpetrated by power play (Morgan, 1986)
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Figure 17. Categories of central features of five theories of educational management (taken from Bush, 1995)

3 An analysis of the sets of documentation using categories of central features of models of educational management

3(i) Document Set 1, Appendix 3

Document Set 1, the annual review of the Combined Studies Law units 1, 2 and 3/4, 1991-92, is required as part of the organisation's quality process relating to academic standards. It is

therefore a "standard" document required by both the Faculty Academic Standards Committee (and subsequently the Faculty Academic Board) and the College Academic Standards Committee (CAS). The format of the document is designated within the College's Academic Standards Handbook and in this document's case the format has been adhered to. However, perhaps because of the high failure rate in Unit 1, other documents have been attached to the annual course review found in the file; a summary of the investigation report by the Dean, labelled "Appendix 2" and dated 13 July 1992; a report on the investigation carried out by MC, a Senior Lecturer in Economics, into the high failure rate entitled, "Report on the Combined Studies Law Unit 1 Results for 1992"; reports from the external examiners (KS and JGM) labelled "Appendix 3"; a letter from the third external examiner (JB) regarding draft papers and the proposals to invite candidates to answer three questions; an analysis of student feedback reports for Combined Studies Law, labelled Appendix 5 with the supporting feedback report unit by unit; and finally, the third external examiner's report (JB) dated 21.7.92. These documents, whilst not all being specifically related in content to the high failure rate in Unit 1, Law, provide evidence of the academic context within which the examination failures took place.

Turning to the substantive discussion of the Unit 1 Law examination results (under heading; 2. Examinations, Unit 1), the course leader describes the midsummer result of a 24 percent pass rate as "*appalling*". He continues by describing the "*chain of events*" that the poor results occasioned:- "*they were drawn to the attention of the Board of Examiners for Combined Studies, and a member of the Faculty was asked to investigate the results on the Dean's behalf*". By these actions, the fusing of features of formal and collegial models can be evidenced in practice; the system of academic rules are operated as described in the Academic Standards Handbook, (formal) and there was agreement by the course leader at least (he uses the word "understandably") to the investigation of the situation by a colleague of sufficient expertise (collegial). Reference, however, is made to the fact that both the Dean's summary of the investigation report and the report itself contains "*some conclusions which are not shared by members of the course team*". He further comments that the Head of Legal Studies was compiling a "*document representing the views of individual members of the course team*". The researcher found no evidence of such a document, although memos provided by the course co-ordinator (law) after his interview could be this document referred to in the annual review.

The second paragraph under the heading "comments" describes the action taken in the light of the examination results. These actions appear to be rational in their nature and the remedial programme available for resit students tends to provide evidence of the caring and supportive

aim of the College as highlighted in its mission statement (See Appendix 6). There appears to be agreement as to these actions for remedial work; evidence perhaps that staff share the cultural ethos of the organisation.

From the third paragraph onwards in this section is a summary of the views of the course team as described by the course leader using the questions the course team addressed in their review meeting as the basis for his response on their behalf. The course leader, however, indicates that any significant difference between his summary and some tutors' views are pointed out in the text. It is interesting to note that no such differences are in fact "pointed out".

From the course leaders' responses to the eleven questions posed, it becomes clear that it was agreed by the course team that factors such as examination standards, marking practices and the format and structure of the examination papers were not material to the examinations outcome. Rather, the activity of the year tutor, the management of the course, the attendance of the students, the communication between tutors and the perception of students that Law appeared "harder" than other Combined Studies subjects were given as major reasons contributing to the high failure rate. Others were alluded to - the size of intake, the academic weakness of students as against previous years, and the difference in practice between other Combined Studies subjects and Law regarding prior indications of examinations topics.

In analysing the documented reasons given by the course leader on behalf of the course team as to the unit 1 law results, a number of indicators relating to features of models of educational management emerge. Firstly, there is a definite emphasis of accountability and no evidence of ambiguity as to roles. *"Given the pivotal role of a year tutor in setting the ethos within which a unit functions, and the fact that this role becomes much more important when a year tutor has a major teaching responsibility on a unit, the significance of these problems, which were unique in my experience as a course leader, should not be underestimated"*. (Line 14, page 5, researcher's pagination). Hence there is both accountability and reference to the authority of the year tutor as derived from his "official" position. Indeed, throughout the "comments" and "answers to questions" sections there is continuing reference to hierarchical relationships as exemplified by the sentence, *"It took the combined efforts of the Head of School and Dean to deal with these problems in term 3"* (line 12, page 5, researcher's pagination). Other references to poor management are given in lines 36 to 43, page 5 (researcher's pagination) and lines 2 to 5, page 7, (researcher's pagination) viz *"If the course had run smoothly, students should have been given sufficient opportunity in seminars and coursework to develop the legal techniques*

necessary to cope with the examination. Problems involving seminar attendance, scheduling of seminars, alterations of seminar groups and return of marked coursework seem to have meant that these techniques had not been sufficiently inculcated in students. Better monitoring of seminar attendance and student performance in general is necessary". (Lines 36 to 43, page 5, researcher's pagination) and *"(No;) tutors had not been given proper information about group sizes, alterations to seminar times and changes to group compositions. This had made it extremely difficult for tutors to monitor attendance and performance and to institute the cause for concern procedure. The need for effective monitoring was emphasised".* (Lines 2 to 5, page 7, researcher's pagination). Here emphasis is primarily being placed on the responsibility of the year one tutor for the management of Unit 1 Law tutors and the student programme, less emphasis is placed on the tutor's individual responsibilities, and no criticism appears to be explicitly given as to tutors' professional responsibilities. As such, these excerpts all indicate a structured, hierarchical relationship of course management with clear accountability lines.

There were, however, clear criticisms of tutors as regards poor communication. In answer to question 8 page 6 (researcher's pagination) *"Had the liaison between tutors been sufficient?"* the answer from the course leader was quite emphatic, *"No; there were undoubtedly problems in this respect. On some occasions communication between tutors had been poor"*. However, whilst it is clear that tutors had not been liaising effectively, responsibilities for such liaison lies with management as exemplified by action point 5 under heading "10. Conclusions and Future Action" (page 10, researcher's pagination) viz *"To ensure, via the course leader and year tutors, (researcher's highlighting) that:*

there is effective liaison between tutors;

that year teams meet on a regular basis as well as course teams;

then that team also meets regularly;

that, where an option is taught by a team, one tutor is clearly designated as leader of that particular team" (researcher's highlighting).

The response therefore to any ambiguity as regards tutors' liaison is to make official job holders clearly accountable.

What perhaps was interesting was the lack of tendency to blame either the students or resources. The answers to questions 10 and 11 on page 7 (researcher's pagination) show a reluctance to blame the student numbers as a factor as other subjects had increasing intakes - *"The situation is not unique to Law, and there is no obvious reason why it should affect Law to a greater extent*

than other subjects". (Lines 11 to 13, page 7, researcher's pagination). Similarly in answer to question 11, "Were the students significantly weaker than in previous years?", the response given was "Yes, although it is accepted that this does not account for the fact that many students failed Law but passed other subjects" (lines 15, 16, page 7, researcher's pagination). However, there is contained within the document some attempt to "pass the professional buck" to low standards in other subjects. Exemplars of this "positioning" of Law tutors in relation to colleagues in other areas are as follows:

"Comments made by students indicated that they felt, rightly or wrongly, that Law was "more difficult than their other subjects"; when asked to expand upon this, they stated that, for any given question, knowledge of one source/authority would be sufficient to obtain at least a bare pass in many subjects, whereas in Law they felt (rightly) that knowledge of (eg) one case or statute would be inadequate. Additionally, students pointed to a difference of policy regarding prior indications of examination topics between Law and some of their other subjects" (lines 2 to 9, page 6, researcher's pagination) and "Many of the students who failed did so spectacularly, some displaying a complete inability to write English or construct a sentence. Some of the students passed in some subjects. This suggests a need to review standards and admission requirements on a College-wide basis, and to look at the Law results in this context. This view was endorsed by the external examiners". (lines 26 to 31, page 7, researcher's pagination)

However, whilst there is some tendency to suggest the possibility of lower standards in other subjects, the document reveals an openness and frankness of response by the course team in dealing with the examination outcome. In answer to question 6, the course leader wrote *"This discrepancy was a mystery to most tutors and the course team was unable to arrive at a common conclusion"* (lines 21 to 23, page 6 researcher's pagination). Another reference to the response of the course team to the high failure rate is given by the course leader in point 10(a), page 10 (researcher's pagination) - *"The problems with Unit 1, which dominated the review meeting, were obviously very serious, and the course team has made every effort to examine them honestly and effectively, to identify possible and probable causes and to formulate remedial action (see action points). Objective consideration of the issue in any other appropriate forum is welcomed"*. (lines 5 to 9, page 10, researcher's pagination) . This openness is additionally referred to by the investigator in his opening remarks in the substantive section of his investigation report headed "Results of Investigation". Such openness could be interpreted as an expression of confidence in the response by the College to the high failure rate in Unit 1, Law which may reflect the proclaimed and prevalent supportive culture of the organisation. There is clearly no evidence of political groupings forming to exert power in a potential conflict situation and, with the exception

of reference to some conclusion not shared by all members of the course team, there appears to be no contestation of the right of the course leader to reflect course team views in the way he did, or indeed the right of the Dean to instigate an investigation and to report the results of that investigation to both College management and the College Academic Standards Committee.

3(ii) Appendix 2 within document set 1

Appendix 2 contains a summary of the investigation the Dean instigated as a result of the high failure rate in Unit 1, Law. The document is labelled as Appendix 2 in the annual course review documentation and refers to both the terms of reference and the substantive report arising from the investigation. It is therefore proposed to analyse the Dean's summary and the results of that investigation together.

The Dean's summary is precise and to the point. She acknowledges the growth in student numbers taking Unit 1, Law and as a response, comments that:

- 1) The staff did not know the students (point c, p1)
- 2) The staff's response to increased student numbers was to increase numbers of students in lectures and introduce more seminars. Under point b (p1) she points out *"During the first term the seminar programme was not timetabled in full due to the inability to fit the number of groups into the half day time frames available. Seminar groups were doubled up"*. This statement does not fully reflect the investigator's findings. In issue 1, under the heading "Results of Investigation", the investigator, points out *"Moreover, the response by the course team is to increase lecture numbers and resolve the issue with introducing more seminars. It proved difficult, firstly to staff all these seminars, and to time them on the two half days of the week. One response in the autumn term was to double up the seminars in criminal process which meant seminar numbers were around 50 in each of these groups"*.
(From investigator's report, Issue 1, researcher's underlining)

It is interesting to note that the Dean did not indicate in the summary document that there were insufficient staff to support the increased seminar groups and, in addition, implied in the summary document that all seminar groups were doubled up when only two for seminars in "criminal process" appeared to be. Finally the summary document did not mention the investigation report's findings (issue 3) that the rooms allocated were inappropriate for the large numbers of students taken.

In similar vein, whilst the summary document at point d), p1, indicated the depth of difficulties attached to the assessment programme, there was no reference to the fact that, as the report points out (issue 5) *"seminars were fortnightly and there may be a need to examine whether this pattern gives some students enough "support" "*. However, both the summary document and the report highlights the delay in students receiving their marked assignments ((point d) p1, summary document; issue 17, investigation report findings) and the fact that these assignments were not of a type helpful to students in terms of examination performance and capability.

The reference to staff problems in the summary document is contained in two sentences - point b), p1 *"A new and inexperienced lecturer took charge of the first year course"* and point c), p1 *"More staff are involved in seminars and there was not always good liaison between lecturer and seminar leader"*. Yet the conclusion of the Dean's summary document is strong in this respect - *"The staff were overwhelmed by the numbers, new staff were involved, staff changed at Christmas, and there was an overall lack of control of the staff and the students"*.

The issues in the investigation report, however, are much more explicit: - issue 10 - *"the policy of allowing a new member of staff to lead an important year in one of the faculty's courses should be examined"* and issue 11 *"This tutor did not appear to perform adequately in his duties and was relieved of these at the end of the Autumn Term, 1991. Nonetheless, some damage had been caused at this stage in that the seminar times were chaotic. Moreover, this tutor attempted to resolve some of the problems without seeking help from the course leader of the Law Units or subject head of Law and the decisions taken, with hindsight, appeared to exacerbate the problems"*. Additionally, the report notes, under issue 14 *"Law is one of the main faculty courses within the Combined Studies Degree, yet from a staffing point of view over half the course in the first year is staffed by new members of staff to the college. Moreover, only J and T taught on the course last year. Without course team meetings it would be difficult to say that everyone knew precisely what they should be doing"*. and under issue 15 *"Given that the other course developments had taken place in Law it could be argued that some of the best and experienced members of staff had moved on to teach elsewhere. In particular the Head of Subject's role in the Law Unit 1 module may well have been pivotal in its previous success. Moreover, because his attention was now elsewhere, he was unable to resolve some of the difficulties appearing in the Unit 1 course"*. Further criticism concerning the management of the course is given in issue 27 where the investigation report suggests that *"There is some evidence to suggest that the chain of command within the Law Units was slow. I realise this is said with the benefit of hindsight, but the problems being faced with a tutor who was not doing the job*

properly in the Autumn Term took until the Spring Term to be resolved. At this stage, students had completed almost half of their course. Moreover, the change of staff at the beginning of the Spring Term made control and consistency of delivery difficult". (Issue 27, investigation report)

Given the emphasis within this report on poor leadership and staff liaison, poor communication and organisation (with particular reference to the new year tutor) it is interesting to note the lack of reference to these issues in the Dean's summary document. One conclusion that could be inferred from such a lack of emphasis in the summary document is that the persons involved in the management of the course, school and faculty were culpable in their slowness to recognise and deal with the problem. This apparent lack of willingness by the Dean to share these difficulties more openly could reflect a number of personal or organisational values which will be further investigated by interview. It is perhaps interesting to reflect upon the position of a Dean in a hierarchically structured organisation: on the one hand s/he represents and supports the staff of the Faculty, on the other s/he is part of the organisation's senior executive and as such, has to take an organisational-wide view.

In conclusion, under the heading "Lessons Learned" on page 2 of the summary document, it is interesting to note that the remedies proposed for 91/92 do not refer to any staffing appointment and course management issues other than *"better liaison between all staff conducting lectures and seminars"*.

The other appendices to the annual course review do not provide additional information that reflects in a substantive way upon the organisation's educational models in practice. The external examiner's reports (labelled Appendix 3, Appendix 4 and the last page) refer to the difficulties in Unit 1 but confirm that the questions and standards of marking were appropriate to the level of first year undergraduate examinations in Law. Appendix 5 - the report of the student feedback and summary analysis expresses concern at a poor response rate for Unit 1 Law student (25.2%) completing the course feedback questionnaire. The survey was conducted at a time mid point between the first two teaching terms - a time when one would have expected serious concerns expressed at the poor management, staff liaison, "doubling-up" of seminars and large student lecture groups. However, under the heading "Course Management and Overall Impression", the feedback report writers conclude in relation to unit 1 *"The responses are encouraging, however, especially in view of the large number of students in Unit 1 and the involvement of a number of new tutors in the administration/teaching of the unit"*. Under the headings "The Criminal Process" and "Contract", on the first page of that report, reference is

made, however, to poor liaison between tutors which is picked up as an action point arising out of the survey. Nevertheless, overall no serious concerns were being expressed by the law students; albeit a sample constituting only one-quarter of the total Unit 1 population. This is an interesting discrepancy and one which will be pursued at interview.

Both external examining and student feedback surveys are part of Nene College's quality assurance process. Whilst the former is common to all HEI's generally since the 1920's, the latter activity especially in 1991/92, was not widespread as a practice across the HE sector. The willingness of staff and course leaders to provide the opportunity for student feedback and criticism and the embedding of a system for analysing and commenting upon students' feedback survey results reflects upon both the culture of the organisation i.e. (1) that students have the right to express views and concerns about their course and (2) where appropriate such views and concerns would be positively responded to. This accountability to students as "customers" reflects not only upon the culture and mission of the organisation but also the formalising of the notion of accountability in not just a hierarchial sense but a "market" one.

3(iii) Document Set 2, Appendix 3

Document Set 2 comprises a memo from the Director to the Assistant Director (copied to the Dean), a response from the Director to a letter from the Pro-Vice-Chancellor, and the letter itself. This correspondence exemplifies the collegial and formal models of educational management operating in practice.

The correspondence from the Pro-Vice-Chancellor of the validating university reflects an understandable concern as regards the high failure rate in Unit 1 Law examinations. Whilst recognising the actions the College has taken as a result of the high failure rate, the letter highlights that *"the Law failure rate has revealed an example in which staff did not seem to be properly prepared to deal with the teaching and assessment of a large intake, and a breakdown in course delivery was the unfortunate result"*. The Pro-Vice-Chancellor then goes on to describe the actions that, in his view, needed to be taken - outcomes of internal reviews and remedial actions (College management and collegiate response) to be reported to i) Senior Tutor (University representative with responsibility for standards in associate Colleges) and ii) the Board of Collegiate Studies (committee which reports to Senate as part of the University's academic collegial structure). Here one has exemplars of executive action reports being provided to a person representing a formal role in the University (management response for

management) and those same reports being provided for committee response (management response for collegiate purposes).

Clearly the University takes some small responsibility for the failure; the Pro-Vice-Chancellor offers to *"review the role of the moderators in such situations"*. Finally, the Pro-Vice-Chancellor is *"anxious to join with you (the Director) in ensuring that specific actions to remedy the immediate situation are taken"*.

The Director's response to this letter provides further evidence of his expectations that the collegiate internal review processes will address these issues and his (managerial?) expectation is that from these reviews there will be:

- "a) clear response and actions and*
- b) careful monitoring of the situation"*

(Director's response to letter dated 3.09.92 from
Pro-vice-Chancellor, Leicester University)

Additionally in his letter, the Director indicates that 1) there will be a verbal report to the Academic Board from the Assistant Director and Dean as to the action they have taken and 2) that the Assistant Director will be requested to liaise with the Pro-Vice-Chancellor to establish *"a satisfactory 'audit trail'"*. These actions, reinforced by a memo from the Director as chief executive at the top of the formal hierarchical structure to the Assistant Director (see Document 4) are invoked through the organisational collegial structure's processes. In this memo, three of his four requirements are conducted through committees comprising part of the collegial structure; CAS, (Committee for Academic Standards) is a sub committee of the Academic Board and hence reports through to College Academic Board on substantive issues (see Appendix 5) The fourth requirement perhaps reflects upon the relationship of the College with the University at that time!

It is interesting to surmise, at this point, as to how much influence the context within which the high failure rate of Unit 1 Law occurred had upon the nature and style of the Director's response to the Pro-Vice-Chancellor's letter and his memo to the Assistant Director (copied to the Dean). Given that the College was considering applying for taught degree awarding powers at this time after a previous failure to achieve degree awarding powers, the actions taken, the processes used and the concern for auditability of the actions taken may have influenced the Director in requiring management actions to be expressed through the College's committee structure. The need for an audit trail and the concern about University Moderator influence may be signals here

and will be tested further at interview.

3(iv) Document 3, Appendix 3

This document is a response from the Assistant Director to the Director (copied to the Pro-Vice-Chancellor and Senior Tutor of the University of Leicester) and provides a summary of all the responses and actions taken by the "*Faculty, the wider College and the Board of Examiners*". (Line 5, Document 3) It reaffirms the action that was taken immediately after the high failure rate was reported and goes on to describe Faculty actions, the College response, the Combined Studies' Board of Studies actions and the actions of the Combined Studies Examination Board. It provides further evidence of formal and collegial models operating together in practice and there is clearly no ambiguity as to what has occurred and who was responsible for implementing the required actions. Perhaps the most telling sentence, in terms of the context within which the memo is written, is the last: "*It may be important to place this note on record in your file*". (Last line, p2, Document 3)

It is clear that the issue was debated in both the Committee for Academic Standards (CAS) and the Academic Board (CAB) (see Document Set 7). The actions were approved and the "audit trail" for any external viewing was capable of being followed. In addition, a quinquennial review was held regarding the operation of the four units of Law on the BA/BSc Combined Studies on 22.3.93 which refers to the Unit 1 Law results (See Appendix 7). The CAS, CAB and periodic review minutes will be analysed after the analysis of Document 6.

3(v) Document Set 4, Appendix 3

The impact of the high failure rate upon the external local market was clearly of concern to the College as exemplified by the Director's letter of the 30 November 1992 to Mr PWB, senior partner of Howes Percival (and a Governor of Nene College). His response to the Director is encouraging: he offers advice to the Faculty as to how to liaise with the local law firms and undertakes to conduct some market research on behalf of the College. This set of correspondence indicates an awareness by the College's Director of the potential impact of the Law results on the College's immediate environment - such action tends to refute the notion, as suggested by Davies and Morgan, (1983) that the influence of the environment is only likely to be important at the garbage can input stage of any problem. In this case, the high failure rate (an

internal problem) led to an interaction by the College outwards with its external environment.

The emphasis of the Director's letter is to highlight the Institute of Legal Executives (ILEX) part-time course results which bear directly upon the local law firms in that they would have supported employees studying on these courses. He indicates that he and the Head of School *"cannot think the comments (he refers to dissatisfaction of law employers and the withdrawing of their employees from Nene's courses in the first paragraph) refer to law on the Combined Studies degree as this would not be a course to which employees were seconded. We presume that this must relate to our ILEX courses which are the only ones which bring us into direct contact with local solicitors. In the opinion of the Head of School, and in my view, any such views are unfounded. The examination results on the ILEX courses have been excellent and we continue to recruit healthy numbers to our courses, in fact exceeding our targets"*.

(Second paragraph, letter from Director to PWB, dated 30.11.92).

He further adds on page 2, that the College's LLB results have *"been above national average"*. This emphasis upon examination results other than those on Combined Studies Unit 1 Law could be seen as an attempt to "dampen down" the potential response in the local market to the Unit 1 Law results and, at the same time, highlight the positive outcomes of the Law school's activities. There is no further information concerning the results of this set of correspondence in the file; there is however an indication in pencil at the top of PWB's reply letter that the issue was discussed at Directorate (item 12, Directorate 29.1.93) having been postponed from 15.1.93 Directorate (Item 13). Any result or activity arising from this correspondence will be pursued further in interview with the Director.

3(vi) Document Set 5, Appendix 3

This set of documentation comprises a memo from the Dean to the Director (copied to the Deputy Director) dated 15.9.92 and a response memo from the Director to the Dean dated 5.10.92 and copied to the Deputy Director and the then Assistant Director. The memos concern the replacement of the Combined Studies Law course leader (not incidentally the year tutor referred to earlier, but the course leader responsible for all four units on the Combined Studies) and whether the Dean can offer an enhancement of salary to the preferred candidate. It is interesting to note from the Dean's memo that when the vacancy was notified to the Law staff *"whilst three staff indicated their willingness to be involved in a lesser capacity only one applicant actually indicated that they wished to seek leadership and whom MC (Head of School)*

and I wished to consider". (Memo from Dean, 15.09.92)

The Director's reply makes it quite clear that it is a matter for the Dean to appoint a course leader - the matter of payment will be put on hold until a Senior Executive Team meeting (SET) later that term. He continues to indicate his concern regarding the position in Law and as a consequence, has asked the Assistant Director to talk with the Deans *"about the particular situation in Law"*.

What is explicit from the Director's response to the Dean is that he is quite clear that it is the Dean's responsibility, not his, to appoint the course leader. This situation still appertains, irrespective of within what context the appointment is being made. This example of a hierarchical relationship with an emphasis on accountability derived from official position and status, matches the formal model category descriptors given earlier in Figure 17 . In addition, the memo from the Director refers to *"the issue of organisation below Head of School"* as a response to the responsibility allowance request from the Deans - another indicator of the organisation perceived as a system.

3(vii) Document 6, Appendix 3

This document is a report, compiled by the Dean as to the *"monitoring process on the delivery and management of Combined Studies Law Unit 1 - 1992-93"*, dated 14.1.93. (In interview with the Dean it became clear that this report was provided for both CAB and CAS). The introduction states boldly that the failure rate in the summer examinations was 75 percent which, after the September resits, had been reduced to 34 percent. The information provided under the heading "1. Post Summer Examinations" describes the action members of the Faculty took to support the students who had failed - option groups were timetabled for two sessions led by tutors; feedback was given as to reasons for failure in the summer examinations; advice and handouts were provided as to how to answer the examination questions; phone numbers and addresses of tutors were given to students so that they could *"c ntact staff for support during the summer"*. Additionally, a letter was sent to all resit candidates inviting them to attend two scheduled drop in revision sessions for each option.

From such timetabled activity, a reader could deduce the following:

- 1) That the tutors and management shared similar beliefs - ie that the students should be positively supported to pass their resit examinations. The fact that tutors were making

themselves available through the summer break showed a real commitment to the

institution's stated culture, stated in its mission statement (Appendix 6) viz

"The College will provide for all its students: a caring and supportive academic culture"

(Nene College Mission Statement)

- 2) That both tutors and management were not shirking their responsibility for the summer examination results. From the documentation at least, there was no ambiguity as to action and the staff appeared to hold a common set of values and to have agreed to the actions detailed under 1.1 and 1.2 of the report.

The report also considers changes in course management for the academic year 1992/93. The replacement of the course leader is confirmed. *"A set of objectives (a) to f) under 2.1) for her (the new course leader) and the course team to pursue by early October was prepared by the Dean and Head of School"* (second sentence under heading 2.1, researcher's underlining). The document does not indicate that these objectives were agreed. Indeed, the report goes on to state *"At the beginning of October a meeting was held between the Dean, Head of School, Head of Law courses and the course management team to discuss the progress on the objectives"* (3.1, first sentence, researcher's underlining).

Such practice highlights a goal seeking managerial style activity seeking accountability responses. It appears from the report that objectives were at the least understood and progress satisfactorily made. The "key points" reported under the heading "monitoring" indicate a willingness to respond positively by the course team and the actions reported certainly "match" the objectives set. Finally, under 3.2, the reports inform the reader that the course leader attended a collegiate committee, the Faculty Academic Standards Committee, to report on the measures the course team had taken. Their actions appear to have been successful; point 3.3 informs the reader that 402 out of 485 students in the second year cohort (the cohort that originally had the high failure rate in Unit 1) were of pass grade.

This final document from the original file set of documents provided for analysis from the Dean's and Director's file provides more evidence of formal, collegial and cultural models of educational management operating in practice at Nene College.

3(viii) Document Set 7, Appendix 3

These documents were found in Registry files, and comprise three sets of minutes relating to the College Academic Board (CAB) and two sets of minutes relating to the College Academic Standards (CAS). These minutes were selected specifically because they related to the unit 1 law examination results.

a). Minutes of the College Academic Board (CAB)

An early indication of CAB's concern is minuted under Item 4.5 of July 1992 minutes where the relatively high failure rate amongst first year students generally was noted. In the minutes of the 16 September meeting, 4.2 highlights the actions reported by the Dean consequent upon the high failure rate in Unit 1, Law. The minute reports the actions openly and asserts that even with the actions taken *"the results of resit examinations had shown that a number of students had still failed"* (page 2, lines 6 and 7). Offers of support from members of the Board were made in the sharing of good practice as regards dealing with large student numbers and the Combined Studies Executive were asked *"to assist the Law team in, for example, developing the use of different assessments"* (page 2, lines 12 and 13). The Board further required that CAS should receive *"regular reports from the Faculty on the monitoring activity and developments in the subject"* and *"a report from the Combined Executive on the matter"* (page 2, lines 21 to 24).

Under this minute, the University, through the Pro-vice Chancellor, expressed its concern that *"there was a need to ensure that problems were identified and dealt with at an early stage and not just through review processes"* (page 2, lines 26 and 27) and the vice-chairman, in response, required that Deans should provide a short report to CAS as to their arrangements for *"monitoring and managing difficulties as they occur at Faculty level"* (page 2, lines 36 and 37)

The CAB minutes of the 3.11.92, revises the 5th paragraph of minute 4.2 previously referred to, and restates the Faculty's response to the University's concerns in its place. It then goes on to report under 4.2.1 on page 2 that the actions required by the previous CAS were being undertaken.

b). College Academic Standards Committee (CAS)

Proof of action is given in the minutes of the CAS meeting of the 20.01.93 agenda item 12 (pages 5 and 6) where it was minuted that a report was given by the Dean as to actions taken and objectives set (See Document 6). Concern was expressed by the Chair that the required

response from the students to the remedial programme was voluntary rather than compulsory but other members of the committee denounced this pointing out that compulsion could be perceived by students as *"threatening rather than helpful"*. Nevertheless *"the Committee did, however, accept that remedial support needed to be pro-active rather than reactive"* (page 6 lines 29 to 31). What clearly was of greater concern to the committee was that which was reported in paragraph 3 on page 2:

"The student representative commented that the students still did not understand the reasons for the high failure rate and the Committee agreed that the Faculty should advise the students of the outcome of its deliberations particularly the cohort of students who had been affected". (page 2, lines 32 to 37)

Finally, the Committee noted that Units 1 and 2 of the Law Combined Studies programme were due for quinquennial review.

What is clear from these minutes is that the Collegiate system of the College treated the failure rate issue comprehensively and actions were minuted. There is an identifiable "audit trail" for any future reader(s) and staff and students were given the opportunity, through formal representation within decision making bodies, to make comments and require answers. Whether the collegiality was "contrived" will be further investigated through the interview process. However, a full record of the event is available from the minutes of the collegial model of the College's committee structure.

The second CAS minute provided in Document Set 7 indicates that the CAS meeting of the 12.5.93 accepted the report of the quinquennial review of the BA/BSc Combined Studies Law and recommended to Academic Board that the report be approved (minute ref 8.2.2, page 6). It notes that the quinquennial review panel *"had been provided with full details of the steps that the faculty and course team had taken to overcome these problems (high failure rate in Unit 1, '91.92) and had been satisfied that the appropriate action had been taken"*. (Minute 8.22, third sentence)

The full quinquennial review is given as Appendix 7 for information.

4. Initial responses to the documentary analysis

Whilst recognising that any documentary analysis provides the researcher with but one view point from which to analyse an organisation's features, this set of documents, whilst concerned with one specific issue, is broad ranging and involves interaction with and responses from a large group of people within and outside the organisation.

Through the documentary analysis, different models of educational management permeate. What is evident is that political and ambiguity models do not appear to be significant models of *modus operandi* at Nene College at this time whereas models of bureaucracy (formal), collegiality and culture appear dominant. Perhaps this is not surprising given the nature of the issue that has been researched. Ambiguity theorists stress the prevalence of unplanned decisions and the problematic nature of the relationship between decision making (particularly on paper) and actual implementation. Similarly, it is difficult to elucidate the political activities of groups which might lie behind the documentary evidence available; there was, for example, reference in the course leader's report to group meetings and an "alternative view" from the Head of Legal Studies which did not come to light. Indeed, there may well have been political activity which has not surfaced through the documentation; in common with ambiguity models, only further testing through interviewing might tease out evidence which could suggest that these activities occurred.

The dominance of the formal, collegial and cultural models is a consistent theme evidenced throughout the documentation. However, there is no evidence provided by the analysis that one model "dominates" the other. Rather it is the synthesis of these models that is a continuous theme; the intermarrying of formal and collegial models, particularly when management wish colleagues on central committees to consider and respond to important issues; the constant reference to the College mission and culture of "support for the student" whether perpetuated through the formal authority mechanisms or collegial group activity.

The evaluation of evidence arising from the documentary analysis in terms of the research questions posed will be incorporated in the overall evaluation of the critical incident after results from the interviews are reported. Such a synthesis of evidence will serve to both "triangulate" and thus confirm outcomes as well as give a clearer picture as regards the influence of theoretical models of educational management in practice.

5. Additional documentation provided by interviewees; an analysis

Additional documents were provided by three interviewees either during or after their individual interviews. Analysis has been undertaken subsequently and placed in this section for ease of record and for continuity reasons. The additional documents are provided in Document Set 8, Appendix 3.

5(i) Minutes of the Combined Studies Board of Examiners' (30.06.92)

The two minutes of this Board of Examiners' which related directly to the failure in Unit 1 Law examinations are minute 2, the Course Leaders report and minute 4.4. Minute 2 refers to an annual report delivered to the Board by the Head of Combined Studies which relates to the Combined Studies programme across the whole of the College. It is interesting to note that issues of *"increase in workload"* and *"coping strategies for the increase in numbers"* were minuted. It appears that the Head of Combined Studies supports the law course team's view expressed in the annual course review that increases in student numbers may have been a contributory factor to the difficulties although under minute 4.4, *"members were concerned to note that students who had performed well in other subjects, achieving marks of 60%, had failed Law"*. (Minute 4.4 second paragraph). Whilst in minute 4.4 there was *"some speculation that poorer levels of linguistic ability which had been noted in other subjects might be a contributory factor"*, nevertheless since law demanded a high level of such ability *"the problem of the unit 1 law results was laid plainly upon the shoulders of "academic management."* although *"investigations were continuing"*. It should be noted that the report of the investigation, and the Dean's summary, was not published until 13.07.92, thirteen days after the Board of Examiners' meetings. This evidence supports an emphasis on accountability; it is interesting to note that a criterion redolent of formal theoretical models is presented in a collegial committee as a reason for the failure rate. Whilst this may be construed as *"contrived collegiality"* (Hargreaves, 1994), especially as some members of the Board of Examiners would have been privy to the investigation outcomes, it may also be an example of the collegial system bringing about some form of convergence (Becher, 1983). Whilst emphasis is laid upon *"academic management"*, as a major contributing factor, minute 2 does recognise the concerns of law lecturers regarding different assessment strategies across the Combined Studies programme:- *"a comparability of assessment exercise had been initiated in order to ensure subjects would not drift apart to an unacceptable extent in terms of assessment"*.

Such a balanced approach by the Board of Examiners' to a serious failure rate may reflect an element of bargaining; political activity whilst not overt in these minutes, may lie behind the minute outcomes (Hoyle 1986). What is clear from these minutes is the determination to support the students - *"members urged that students (are) given support in order that they might succeed at their resits"*. Additionally it was noted that at the next Board meeting which would concern itself with the resit results - *"following the outcome of investigations there might be grounds for slight adjustment of marks"*. Here again is an indication that members of the Examination Board were supportive of the College's mission and goals and were prepared collectively to work towards those expressed cultural beliefs and norms.

5(ii) Minutes of the Combined Studies Board of Examiners (September 1992)

The Board of Examiners' meeting in September '92 confirmed that action had been taken to adjust the marks for the resits candidates in law. (Minute 2.2 second paragraph). It also received a report from the combined studies co-ordinator (Law) as to the actions law lecturers had taken over the previous summer in providing a *"revision programme that had been provided for the students who had failed unit 1 Law"*. (Minute 2.2 first paragraph). In addition *"remedial work would be given to those students who had achieved a bare pass and were condoning with unit 2 Law."* Further evidence is thus provided for the reader that actions agreed previously have been carried out and that further supportive work would continue.

5(iii) Minutes 92/M43 of University's Board of Collegiate Studies (22.09.92) and Moderators Report to that Board of Collegiate Studies, Minute reference 92/41.

These two references to the high failure rate in Law unit 1 (and in the moderators' report, American Studies and Psychology) indicate that; i) the university was satisfied that the College had responded by *"analysing the causes of the problem"* and had taken *"appropriate remedial action to ensure that the students were adequately prepared for the September resit examinations"* (Minute 92/M43) and, ii) the University was concerned that those subjects that had seen a rapid expansion in student numbers should be kept under the review. In this latter case, the moderators' report is quite clear where the responsibility for the review should take place - *"The College must now monitor carefully the teaching in such subjects and be prepared to take remedial action as soon as possible in the event of difficulties arising. Equally, the attention of moderators should be brought to such cases and their advice sought at an early stage."* (Moderators Report 30.09.92, final paragraph, p.1). From such statements, one might infer that

the moderators were signalling that the responsibility for high student numbers and consequent high failure rates was that of the College; however, the researcher, having scrutinised unit 1 law course committee minutes, can find no evidence of the attendance of the law moderator at any meetings in the academic year 1991/92. Unless the moderator was available informally for advice there is no evidence from the documentation that advice could have been gained from the moderator given his absence from course committees.

The relationship as documented between the University and College serves to highlight the potential ambiguity of the validation arrangements. Whereas the university was responsible for the standards of the courses the College conducted under its validation, the College was accountable to the university for its action in this regard. The system of university moderations assigned to subject areas in the College had never been tested prior to the failure in unit 1 law because examination results had, until summer 1992, met normal expectations. Whilst in his letter to the Director (Document Set 2), the pro-vice Chancellor offers to review the role of the moderators (presumably to ensure a greater degree of pro-activity in the light of increased student numbers) the moderators in their report indicate that they "*have continued to offer advice*" and have expressed "*concerns about resources*". (Moderators report 30.09.92, first and final paragraphs, p.1). This possible difference of interpretation as to the activities of moderators may indicate ambiguity as to their role and relationship with the College which in turn may provide valuable material for probing these issues with appropriate "players" to the critical incident at interview.

5(iv) Internal memorandum

This internal memorandum was handed to the interviewer by the Combined Studies Co-ordinator (Law) during the process of his interview. It is an internal memorandum from the co-ordinator to the Head of Legal studies (RM) who newly joined the College in September 1992, copied to the Dean. It is a very important document as it seeks to a) refute some of the conclusions arrived at in the report of the investigation undertaken by the investigator and b) adds some personal observations by the law co-ordinator as to the reasons for the high unit 1 law failure rate.

The first part of the memo (pp 1 and 2) seeks to point out inaccuracies in the investigation report. Point 1 seeks to correct point 4 of the investigation results which is considered "*a little misleading*" in its conclusion. Whilst this particular investigation outcome is deemed factually incorrect, the memo writer does not pursue the matter; presumably because it adds little of

consequence to the overall outcome of the investigation report. However points 2, 3 and 4 do make very serious points, all of which indicate that the investigation report did not, in the memo writer's view, come to appropriate conclusions.

In point 2 (p1, researcher's pagination), the memo writer indicates in a forceful manner that a) minuted course team meetings were held on a termly basis and b) a staff/student liaison committee was established which met twice in the first two terms of the 1991/92 academic year and c) the feedback exercise was conducted according to Faculty/College requirements. The purpose of this point is to refute the investigation results which stated *"there were no official team meetings of the unit 1 law tutors. Problems would be attempted to be sorted out on an informal basis"*. (Issue 12, investigation report, Document Set 1). The memo-writer also refers to issue 14 of the investigation report which states *"Without course team meetings it would be difficult to say that everyone knew precisely what they should be doing"*. (Issue 14, investigation report, Document Set 1).

The researcher has been shown the minutes of the course team meetings (as indicated earlier with reference to university moderators) and, as the memo writer indicates, there is no indication from those minutes of the problems that were later to emerge. Similarly, the researcher has been shown evidence of the second student feedback exercise conducted under the auspices of the new year 1 tutor appointed from January 1992 and can confirm a 55/60 percent response rate indicating satisfaction with the conduct of the unit. As the memo writer points out *"I cannot therefore accept what I take to be an implication in M's (the investigator) report that monitoring took place on an informal basis"*. As importantly, the point concludes *"I would also like to point out that the nature of many of the problems in question was not appropriate for open discussion at minuted meetings, as I am sure you will appreciate"*.

It is clear in point 3 of the memo that these problems were dealt with in *"informal meetings with the year tutor"*. However, the memo-writer is clear that at these informal meetings he *"stressed, amongst other factors, the need for effective liaison between tutors"* yet, he has *"no doubt that there were a number of occasions when guidance given and information passed on was simply ignored and/or disregarded by one tutor in particular."* (Point 3, internal memorandum, p1, researcher's pagination). The inference is clear; the unit 1 law tutor appointed in September 1991, was the main cause of the problems relating to the conduct of the unit. Further information offered as evidence underlines this inference:-

- 1) The first student feedback exercise which had a 25 percent response rate was *"conducted towards the end of the first term under the supervision of the then year one tutor"* (point 2 lines 11,12)
- 2) *"The year tutor of a particular unit is obviously a focal point for the students, and the person to whom students, at least in the first instance, will take any problems and/or queries; where that tutor also has a major responsibility for teaching on that unit, (s)he becomes very much the person around whom the unit revolves. Problems with that tutor will then inevitably lead to problems in the unit as a whole; the greater the problems with the tutor, the greater the problems with the unit"*. (Point 2 under heading "general", p2, researcher's pagination)
- 3) *"I do feel, however, that the problems experienced with the year one tutor were unique, certainly in my experience, and may fairly be regarded as a highly significant factor in the overall failure rate on unit 1"*. (Part of point 3, under heading "general", p2, researcher's pagination)

Other information provided by the memo-writer lessens the impact of other factors deemed in the report of the investigator to have played a major part in the unit 1 law examination outcomes.

These are:

- 4) *"For 1991-92, for the first time, CS Law had two new year tutors, on units one and two respectively; both received exactly the same briefings, instructions and level of support. Unit 2 did not experience the same problems as unit 1"*. (Point 1, under heading "general", p2, researcher's pagination).
- 5) *"I therefore find it difficult to believe that the problems with unit 1 last year can be attributed in any significant way to the method of timetabling"*. (Point 1, under heading "your conclusions", p2, researcher's pagination).
- 6) As regards the issue of rapidly increasing student numbers - *"whilst it is true that the structure of the course did not change in 1991-92, it had been radically altered the previous year, which was the first year in which Law numbers had started to increase dramatically. It would not have been possible to continue to deliver the course in its previous fashion. The changes were designed to allow us to cope with larger numbers, and worked well for all units in 1990-91 and for units 2 and 3/4 last year"*. (Point 1, under heading "your conclusions" p2, researcher's pagination).

The inference of the memo is clear: the blame for many of the problems related to the

performance of students in the unit 1 law examination rests with the original year 1 tutor, not with the course-co-ordinator or the other members of the course teams. Nor can the blame be laid at the door of other factors - 1) the course had changed the previous year in response to an increase in student numbers and had been successful; 2) a new year tutor had been appointed as unit 2 law leader at the same time as the original unit 1 law tutor who had had a successful year; 3) timetabling was no more difficult in 91/92 than it had been previously. Some blame can be apportioned, according to the memo-writer, to senior management, particularly the Head of School. The course-co-ordinator points out *"It is unfair and inaccurate, therefore, to comment adversely on the slow chain of command within the law unit, when the problem was identified at course level by the end of term and the appropriate Faculty authorities immediately informed"*. (Point 4, p.2, researcher's pagination). However, the main thrust of the memo is to place on record the feelings of the other members of the course team via the course co-ordinator who, together, were clearly concerned as to the impact of the investigation conclusions upon their reputations. The final point of the memo (point 4, p3, researcher's pagination) is worth recording in full; it underpins perhaps the motivation of the author to write the memo and illuminates further the feelings both of the course co-ordinator and members of the course team in the matter of inappropriate blame as they saw it, for the unit 1 law results.

"Finally, I think that care should be taken to ensure that all members of the unit 1 teaching team are treated fairly. Many of the problems referred to in M's (the investigator) report and in D's (the Dean) note can be traced to a single point of origin, and it is unfair to tar everyone with the same brush. A tutor cannot be blamed for not monitoring seminar attendance, for example, when (s)he has not been provided with details of seminar groups by the year tutor. Many tutors, some with an unimpeachable track record as far as the delivery of unit 1 is concerned, did a very good job in exceptionally difficult circumstances (especially J, whose yeoman efforts during terms 2 and 3 prevented total disaster), and this point should not be overlooked. If "open season" is to be declared on the law section (which a number of tutors feel to be the case), then these tutors and others have reason to be upset".

(P3, researcher's pagination)

This memo is the first documentary evidence of political activity by any group (the course-co-ordinator in effect representing the course team). It appears to be predominantly concerned with protecting his and their reputation and in so doing, laying blame (albeit after the event) on one of the course team's colleagues. Whilst there is no documentary evidence of conflict between the original unit 1 law year tutor and other members of the course team, it is clear that the course team felt sufficiently uneasy with the outcomes of the investigation to place on record, through

the course co-ordinator, their views as to the real reasons (as they saw it) for the problems experienced by the unit 1 law tutors and students in 1991/92. It is interesting to note that, although the memo contains serious allegations relating to the conduct of the original unit 1 law tutor it is not marked "confidential" or "personal".

5(v) Internal Memoranda (3) provided by the unit 1 law tutor (January 1992 onwards)

These three memoranda were provided by the unit 1 law tutor (January 1992 onwards) after her interview on the 5th August 1997. The first, dated 30.09.92 and sent to the Dean, refers to the resit examination board. The points raised do not relate specifically to the critical incident but do provide further evidence of the concern of the unit 1 law tutor (January 1991 onwards) that the combined studies examinations board (against the recommendation of its own sub-committee Law examination board) raised 27 students to a pass grade. Point 2 of the memo claims that 26 of the students did not reach the required standard after two attempts and, as a consequence, they would need careful monitoring and support. *"Furthermore, offering this support may be considered as a tacit acknowledgment that they should not, in fact, be there"*. (point 2, last sentence).

The second memorandum is to the Head of Legal Studies from the new combined studies law course leader (previously unit 1 law tutor (January 1992 onwards) and a new unit 1 law tutor. Its production is prompted by the fact that a copy of the investigation report and the Dean's summary has *"been made available to the Committee for Academic Standards (CAS) from the combined studies board without consulting the law department or giving us any right of reply"*. The memo reiterates many of the points made by the previous course co-ordinator in his memo dated 30 September 1992 which has previously been discussed under heading 4 of this section. Whilst not wishing to repeat these points again, it is important to recognise the change in style by which the points are made, viz:

- 1) The conclusions of the investigative report are attacked in a more aggressive and focussed manner. The use of the phrases *"this in fact is not true"* (point 2, p 1) *"Again, this is wrong"* (point 3 p 1) *"is strongly resented"* (point 4, p 1) *"no evidence for this"* (point 5 p 1) and *"this is incorrect"* (point 6 p 1) indicate a stronger determination to express dissent.
- 2) Similarly, the Dean's summary of the investigation report is attacked forcibly, particularly in relation to the Dean's comments as regards the control of the staff (point 5, p 3). The last

paragraph of point 5 is explicit *"There was no overall lack of control of the staff. MS (combined studies law co-ordinator) did a tremendous job in the face of adversity (as did others). To suggest otherwise is unjust and unfair, nor is it established in the full body of the report"* (second internal memo, p 3, point 5)

3) This internal memorandum requests action (p 2) viz:

"a) students who failed badly have their performance in other subjects reviewed" and "b) students who failed all subjects have their 'history' investigated. For example, what 'A' level grades did they obtain". (Conclusion, internal memo, p2).

These actions are added to on page 3 of the internal memo under the heading "Specific Points".

The tone and nature of these points convey a more forceful message than the previous internal memorandum concerned with the investigative report and the Dean's summary. The message suggests a hardening of attitudes on the law lecturer's behalf and a continuation of political activity on this matter throughout the following academic year. Indeed, the third memorandum provides evidence that this incident continued to be discussed at the Faculty Academic Board in February of the following year (1993) and that at that time the law lecturers were still requiring that their views be recorded.

The final paragraph of the second internal memorandum appears to succinctly express the law lecturers' feelings on the matter. The political activity identified from documentary analysis of the internal memorandum from the combined studies law course co-ordinator (under heading 4 of this section) has continued and evolved. There is less emphasis in the second internal memorandum upon the alleged failings of the individual unit 1 law tutor (to December 1991) and more emphasis on contesting the investigation report, its conclusions and the Dean's summary; particularly the lack of management and College action in response to the law group's reputation and requests in this matter. From the evidence of the last paragraph, the group has become more cohesive. The use of the words *"we"*, *"whole law department"* and *"us"* signal this development; the law lecturing group have perhaps moved from merely responding as individuals to inaccuracies as they saw it when the original report was published, to a collective position which is demonstrably more assertive and demanding a year later.

Chapter 5 - Interviewing Results

1. The Interviews

The interviews took place over the period May to September 1997. In all, nineteen interviews took place with all identified persons involved in the critical incident. The date, time taken for the interview, and information regarding the sets of documents sent in advance to the interviewee is given in Appendix 8. All interviewees gave their consent for the interview to be recorded. The structure and format of the interview was explained in advance of each interview by the researcher/interviewer and it was confirmed by all interviewees that s/he had received the documentation in advance of the interview and had had a chance to read it. All transcripts of the interviews are available for scrutiny in confidence.

Two interviewees, because they lived and worked at a significant distance from the College, elected to be interviewed via the telephone. Whilst recognising the disadvantages of this form of interviewing, (for example, the difficulty of recording, the difficulty of responding to cues other than voice inflections, time pressures - particularly as they related to probing questions and the potential lack of interview control) it was considered, on balance, appropriate to carry out these interviews over the telephone. The following reasons are given:

- a) One interviewee had been employed as a part-time lecturer for the Autumn term 1991 and she was therefore involved in a small part of the students' overall timetable.
- b) The second interviewee had been the University Moderator who was not involved first hand with the critical incident but rather with its aftermath.

The results of the interviews will be provided on a theme by theme basis as detailed earlier in the structured interview schedule. In the process of conducting the interview, the Registrar provided additional documentation relating to the University's Board of Collegiate Studies meetings (dated 22.09.92 and 30.09.92) and the Board of Examiners' minutes (dated 30.06.92; September 1992) and the Course Co-ordinator for Law on the Combined Studies provided an internal memoranda (dated 30.09.92) which he had sent to the newly appointed Head of Legal Studies, copied to the Dean. In addition, the lecturer who took over the unit 1 law position in January 1992 provided three further internal memorandum for scrutiny. These additional documents were analysed in the previous chapter concerned with analysing documentary evidence.

2 Interview Results: Theme 1 - Validation of, and response to, documentation

2(i) Document Authenticity

The documents were confirmed as authentic by authors and recipients as stated earlier.

Additional documentary material was provided by the Registrar, course Co-ordinator (Law) and unit 1 law leader (January 1992 onwards). A summation of responses as to the authenticity of the documents provided by the interviewees is given in Figure 18 overleaf;

Figure 18 Summary of responses regarding authenticity of documents

Document Set 1

Document	Author(s) confirmed authenticity	Recipient(s) confirmed authenticity	Additional material
Course Annual Review	Yes	Law lecturers - Yes	Yes (Internal memo)
Dean's summary of unit 1 law results	Yes	Director, University Pro-Vice Chancellor - Yes	Yes (Internal memo)
Investigation	Yes	Dean - Yes	Yes (Internal memo)
Examiners' Reports	N/A	Director/Dean confirmed Yes	
Feedback Report	Yes	Head of School (academic standards), Course Co-ordinator - Yes	

Document Set 2

Document	Author Confirmed Authenticity	Recipient(s) confirmed authenticity	Additional Material
Letter from Pro-Vice Chancellor 03.09.92	Yes	Director, University Moderator - Yes	
Directors reply 09.09.92	Yes	Pro-Vice Chancellor, Assistant Director, Dean - Yes	
Director's memo 09.09.92	Yes	Assistant Director, Dean - Yes	

Document Set 3

Document	Author(s) confirmed authenticity	Recipient(s) confirmed authenticity	Additional Material
Memo to Director from Assistant Director 23.09.92	Yes	Pro-Vice Chancellor	

Document Set 4

Document	Author(s) confirmed authenticity	Recipient(s) confirmed authenticity	Additional material
Letter from Director to Governor 30.09.92	Yes	Governor - Yes	
Letter from Governor to Director 14.12.92	Yes	Director - Yes	

Document Set 5

Document	Author(s) confirmed authenticity	Recipient(s) confirmed authenticity	Additional material
Memo to Director from Dean 15.09.92	Yes	Director - Yes	
Director's memo to Dean 5.10.92			

Document Set 6

Document	Author(s) confirmed authenticity	Recipient(s) confirmed authenticity	Additional material
Report 14.01.93 by Dean to Academic Standards Committee	Yes	Confirmed by Minute 12 of Committee for Academic Standards minutes of meeting 20.01.93	Yes (Internal memo)

Document Set 7

Document	Author(s) confirmed authenticity	Recipient(s) confirmed authenticity	Additional material
Committee for Academic Standards minutes	Registrar - Yes	Head of Combined Studies - Yes	Minutes of Combined Studies Board of Examiners 30.06.92; September 1992. Internal memo from course co-ordinator to Dean re September 1992 Board of Examiners

Appendix 7

Quinquennial Review of Combined Studies Law	Registrar - Yes	Course Co-ordinator (Law) - Yes
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Whilst the documents were confirmed as authentic, there were a number of views from both authors and recipients as to the accuracy of the documents as well as interesting responses to probing questions relating to the form, style and meaning of documents. Additionally, questions related to perceived or actual pressure which authors considered they were under at the time of the critical incident brought about responses which shed further insights as to the style and intended meanings of the documents as well as the openness of the investigative process and the validity of the evaluative process relating to the incident.

2(ii) Accuracy of documentation

The two sets of documentation that appeared to be most questioned as regards accuracy by the interviewees were document sets 1 and 6. Document sets 2 to 5 inclusive were more readily accepted as accurate, possibly because they were sent to a limited audience and were focussed on specific issues. Document set 1 was particularly challenged by the unit 1 law tutor and the author of Document set 6 (the Dean) admitted that she had hidden issues in her memo which she had not wished members of the Committee for Academic Standards and the College Academic Board to read.

The unit 1 law tutor's concern as to accuracy was primarily directed towards the course annual review. In response to a question relating to the accuracy of this review, the then unit 1 law tutor (to December '91) commented *"I think it was a natural thing to happen. It had never happened to College before. There needed to be an answer found and you may or may not gather, that I am the new inexperienced lecturer referred to and therefore carry a lot of weight. The reason I'm on about the comments not being entirely accurate for example; the fact that I doubled up the seminars without consulting anybody else is inaccurate, - I did consult somebody else. The reason that I had to double up was that I had been told that there were a certain number of classes available, a certain number of times available and a certain number of tutors available. That in fact turned out not to be the case and my failings such as they were, did not relate to (as far as I was aware) to the examinations:- that really, I was only responsible for the admissions".* (Unit 1 Law Tutor (to December 1991))

Whilst the unit 1 law tutor was concerned that inaccuracies in the annual course review appeared to infer a greater culpability on his behalf as to the responsibility for the unit 1 law results, he accepted that the author of the annual course review had not intended to misrepresent the facts or derive a false meaning as to the outcome. For example, compare these two quotes from the unit

from the unit 1 law tutor regarding 1) the annual course review and 2) the intention of the annual course review's author:

1. *"The implication which I drew maybe erroneously was that the failure rate rested on my shoulders in terms of not organising seminars properly and an implication that there had been inadequate teaching which doesn't favour with my previous job which had been 100 percent pass rate in the University of Glamorgan and my subsequent excellent ratings from HEFCE. Now if legal relationships (a course in unit 1 law) had nothing to do with me because I didn't teach anything on them then that (the failure rate) needs to be explained in terms not relating to me".*
2. *"I think no, I think this is a genuine attempt on M's (Law course co-ordinator) part and I don't know what pressure M is under at this stage as overall course leader. I think there was a genuine attempt to look at all the possibilities so we've got some nice sub-headings with - are the examinations fair?, were the examination papers fairly marked? Dot, dot, dot... but of course they asked you all those questions, those rudimentary questions, ah yes, they had been fairly marked, they were fair to the students; ergo it must have been some other reason - oh look! Got a new tutor who's running the course on his own!" (Unit 1, Law Tutor, (to December'91))*

Clearly, whilst the unit 1 law tutor accepts that the course co-ordinator (law) has made every effort to report fairly in the annual course review, he still reaches the same conclusion from the documentation, ie that he is the one primarily to blame for the poor examination results. As will be reported later in this chapter, the unit 1 law tutor had a great deal more to say regarding political activities which he considered lay behind the actions taken by the other law lecturers. Subjective theorists will also relate to the admission of the unit 1 law tutor that there were personality clashes at that time between himself and the person who took over the unit 1 law tutorship in January 1992.

As regards the investigation report, the unit 1 law tutor was, in the first instance, more accepting of the outcomes - *"at least M (the investigator) not being a law lecturer or involved in the law did point out other things so in a sense it's a fairer report".*

(Unit 1, Law Tutor (to December'91))

However, when pressed, the unit 1 law tutor became concerned about the lack of information in the report concerning his activities and, as a consequence, the inaccurate picture a reader might draw:

"I'm sorry to bring it back to me but I think that it's relevant to the objectivity of the document".
 Point 11 - *" this tutor did not appear to perform adequately in his duties and was relieved of these at the end of the autumn term" and " This tutor attempted to resolve some of the problems without seeking help from the course leader". It's a very general point, but it is a critical point, but it doesn't isolate what the problems were, what duties I was exactly relieved or, what ways of resolving problems I undertook and which I sought help on and which I didn't. Taken as a blanket commentary (and that is what I'm on about - about the scapegoating part) - it's fine with all these other points but as soon as you have one point like that it does jump out at you and naturally so."* (Unit 1 Law Tutor (to December'91))

The unit 1 law tutor who was replaced in December 1991 was not the only interviewee to suggest that the investigative report was inaccurate. Both the course co-ordinator and the unit 1 law tutor replacement from January 1992 provided documentary evidence in the form of internal memos to the Dean and Head of Legal Studies commenting upon the inaccuracies of the report. In their interviews, they were quite clear on the issue:

"I felt the investigation was flawed because there was certain things that I felt people didn't want to investigate and I felt there was a tendency to concentrate on law and to assume that the problems must be within law and really not to look elsewhere" (Combined Honours, Law Course Co-ordinator)

- Q. *"What did you feel about M's (the investigator) report"*
 A. *"It's inaccurate"*
 Q. *"Where is it inaccurate?"*
 A. *"Now these (memos) are what I have brought with me to explain my response at the time. But M (combined honours law co-ordinator) has done a report on it."*
 Q. *"Yes I've got that"*
 A. *"Yes. And he highlighted all the inaccuracies didn't he?"*
 Q. *"And you would run with that?"*
 A. *"Yes"*

(Section of interview with Unit 1 Law Tutor (from January 1992))

Other lecturers on the team had mixed views as to the accuracy of the report. One lecturer commented *"We felt that there were errors of omission - for example - there were no extra investigations of explanations as to why teaching strategies that work perfectly well for several*

years in the past were all of a sudden going to produce a high failure rate" (Lecturer 2).

Another (Lecturer 1) stated *"Yes there is some strong comment (in the report) and that to a point is almost trying to load it on to the year leader isn't it?, rather than saying, well, Ok, if it's so chaotic, what about the other staff on the course? - shouldn't they be saying or doing something? More experienced staff, perhaps people like myself seeing a new lad in and there are problems. How come suddenly at the end of the year we're identifying the problems - surely they should have been identified earlier?"* (Lecturer 1). However, others felt that the report did accurately reflect the situation - *"He (the investigator) did put his finger on what I would have regarded as faults" (Lecturer 4) and "I think M (the investigator) seems to raise a lot of points which needed to be looked at - just normal procedural points, whereas I say from M's (Combined Honours law co-ordinator) document (the course annual review) there seems to be a move to name one person or a couple of people and without substantiation as far as I can see. At least M (the investigator) not being a law lecturer or involved in the law did point out other things so in that sense it's a fairer report".* (Lecturer 3).

Indeed the author of the investigation report argues strongly that the report paints an accurate picture, *"given the time frame and the speed with which it had to be done".* He goes on *"To learn about what was happening briefly on the law units and so on, I think it was an accurate picture. I tried not to bring in any anecdotal things about law, or whatever, I tried to keep it clear"* (Investigator). The Dean concurs *"I thought it was a fairly workmanlike report. He spent a reasonable amount of time on it and was relatively thorough and I thought he brought out the facts".* (Dean of Faculty).

In summary, therefore, whereas all of the documentation was considered authentic, there were strong and differing views as to the accuracy of the investigative report and, to a lesser extent, the annual course review. These differences of opinion were expressed at the time of the incident in the form of internal memos and were reinforced in interview reports. This triangulation does not, however, confirm factual inaccuracy in the strictest sense but rather differing views and opinion which may reflect subjective and political viewpoints relating to an individual's or group's feelings at the time of the incident.

2(iii) Form, Style and Meaning of Documents

It was clear that authors felt that a number of documents were not necessarily appropriate in terms of form and style relative to the information the authors wished to convey. With reference

to document 6, the Dean's report to the Committee for Academic Standards, the author comments that the report was formal but that as a response it *"treads a line between everything out in the open and saying the Faculty's got all sorts of problems and where I (the Dean) would get closer to that which this (the report) is doing ie what is required for an open audience outside the faculty and making sure the situation is addressed."* (Dean of Faculty) The nature of the audience was of real concern to the author of the annual course review; the course co-ordinator (law). He said *"Yes, I mean I think the comments in the annual review are a little bit bland than they might otherwise be simply because the annual review obviously has wide circulation amongst some of the tutors"* and again *"My recollection is just that, although the personal dimension to the problem was by no means the only dimension, my own opinion is that it was certainly part of the problem and I wanted to be very careful what I said in a document which I know is routinely circulated amongst tutors, it's held by the faculty, anybody can have access to it basically and I was trying to be quite careful as to what I said in there and what I said in other documents."* (Course Co-ordinator (Law))

This concern was confirmed by the Head of School (law) - *"I think he (the course co-ordinator law) was reserved in his opinion - in a sense of I think that there are other things that are hinted at if you know the background in this documentation"*. (Head of School (Law))

Whilst the course co-ordinator (law) indicated that he was perhaps circumspect as to what he wrote in the annual course review, he was clear that behind certain statements there were witting hidden meanings. *"I think you will probably find that there are certain comments where, if you read between the lines, you might get the impression that the feeling is sharper than perhaps the comment indicates"*. (Course Co-ordinator (law))

One of those comments related to the issue of standards across the raft of combined honours subjects; an issue about which there was considerable discussion and evidence of pressure being applied to report writers not to pursue the matter of academic standards outside the law subject area. This issue will be returned to when discussing responses to questions relating to theme 3. Other pressures documentary authors commented on were as follows:

- 1) The investigator felt under pressure to undertake the investigation. In response to an interview question as to whether he thought he had a choice in this matter he replied *"Probably. I think that D (the Dean) did suggest that I probably did have a choice. I probably thought I didn't have a choice"*. (The Investigator)

- 2) The investigator felt friendship pressures throughout the investigation - *"I suppose in 1992 the institution was smaller and the collegiality factor was higher, therefore the interpersonal relationships were a bit stronger. I think if you did this thing today on law there would be lots of people who didn't know very much about law, who'd never been involved with law, and who would have a completely fresh view of things. So that's I suppose one issue."* (The Investigator)

- 3) The Pro-vice Chancellor from the validating university was under pressure to protect the reputation of the university, particularly as the Vice-Chancellor was a member of a national committee debating issues of standards in Higher Education Institutions whose courses were validated by universities. As the Pro-Vice Chancellor said in the interview *"So the other aspect of it was at that time there was pressure at the national level to make sure that validating universities were doing their job properly. That's why I sent a copy to the Vice-Chancellor and so there were all sorts of conversations at national level that universities weren't doing it properly"*. (Pro-Vice Chancellor)

- 4) The Dean remarks about document 6 *"I think there was a big issue about our recruitment of staff at that time but I didn't think it was policy at that time to bring too many sort of tricky issues to light. This (document 6) sticks to quite factual and quite obvious things but doesn't actually go behind to some of the management issues and some of the issues surrounding the recruitment of staff"*. (Dean of Faculty).

It is those management issues that responses to questions underpinning themes 2, 3 and 4 are intended to illuminate; confirmation of management action (or inaction) in practice will reflect the theoretical models described in chapter two and their interrelationship.

3 Interview results: Theme 2 - Critical Incident Context

Theme 2 comprised two questions. The first was designed to test the clarity of the formal structure in terms of responsibility and accountability and whether, in action, those who formally were designated responsible acted accordingly. The second question explored the understanding of those involved in the critical incident as to the College's goals at that time and the impact (likely or otherwise) of the critical incident on those goals.

As regards the first part of question 1, which required interviewees to acknowledge who was

formally responsible for the unit 1 law course, the results are given overleaf (Figure 19).

At first glance, the responses appear relatively random. However, when analysed further there appears to be a hierarchical/external variable involved, as well as one relating to structural ambiguity. If one sees the results from a hierarchical/external point of view, those interviewees from outside the institution and from the senior executive of the institution (Director, Assistant Director, Head of Combined Studies, Dean, Head of School) saw responsibility as lying with Head of Combined Studies (3), Dean (5) and Head of School (Law) (4). However, if one looks at the results from the point of view of the lecturers, unit 1 law tutors, combined honours course co-ordinator (law) and the investigator, then the following results obtained: Head of Combined Studies (1), Head of Subject (Law) (1), Combined Studies co-ordinator (law) (5), Unit 1 law tutor (5). This difference of perspective may not be considered surprising; it may reflect the hierarchical position of the interviewee within the formal organisational hierarchy and the position of their immediate superiors. However, perhaps more surprising is the ambiguity expressed as to whether responsibility lay within the Faculty (20) or with the Head of Combined Studies (4). Of the four who thought responsibility lay with the Head of Combined Studies, one (the university moderator) may only have had formal contact with the Head of Combined Studies and thus his response is unsurprising. Of the other three, it is interesting to note that all three recognised the ambiguity of the organisational structure. I quote from the Combined Studies Co-ordinator's (law) interview *"I think the feeling was that the faculty was almost responsible to A (Head of Combined Studies) as to the running of the unit within the faculty,. This was the problem. This was the reason why, I am fairly sure, that the responsibility was still unclear at this stage and certainly still unclear two or three years later on when I got involved with combined honours centrally. Because we did have this problem:- whenever an issue came up should we deal with it ourselves, deal with it in central combined studies, deal with it in faculties? then, the feeling was, in my opinion, some faculties were very possessive if you like and they wanted to deal with any problems themselves etc. Other were more than happy to let it be done centrally."* (Course Co-ordinator (Law))

The Assistant Director was very candid about the situation as he saw it at the time *"It is a cross faculty programme, so inevitably not only does the programme director take responsibility (the Head is executive of the course) but the Dean is responsible for the actual delivery of the programme and so the delivery of the subject would be the responsibility of the course co-ordinator in the faculty who is also involved. Now you can present it on the one hand as an*

Who formally responsible--	Director	Assistant Director	Head of Combined Studies	Dean	Head of School (Law)	Head of Subject (Law)	Combined Studies Co-ordinator	Unit 1 Law Tutor
Interviewees 1								
Director					♦			
Asst Director			♦	♦				
Head of CS			♦	♦				
Dean					♦			
Head of School (law)					♦			
Head of Subject (law)								♦
CS Law co-ordinator			♦					
Unit 1 Law tutor (to December'91)						♦	♦	
Unit 1 law tutor (from January'92)								♦
Lecturer 1								♦
" 2							♦	
" 3								♦
" 4								♦
Investigator							♦	♦
Registrar				♦				
Moderator			♦					
Governor				♦				
Head of School (Info.Systems)					♦			
Pro_Vice Chancellor				♦				

Note: Some interviewees named two persons as equally responsible.

Figure 19 The responses from interviewees as to who was responsible for the unit 1 law course

orchestrated integrated approach to the problems or a load of headless chickens running around trying to sort it out. In a way it is difficult to make an honest judgement on that. I think probably it was 60 percent headless chicken, I would have thought. That's possibly unfair - I'm not sure. In some senses, there is no doubt everybody who ought to be involved was involved, so from that point of view it could be seen as satisfactory". (Assistant Director).

However, perhaps the most interesting comment upon the formal organisational structure was given by the Head of Combined Studies in his interview. He produced a diagram in response to the documentation sent to him prior to the interview. The diagram is produced below (Figure 20) along with the interview transcript related to his explanation of the diagram.

Combined Studies Law Unit 1 - 1992

Rhetoric	Reality	Evidence
Combined Studies was a course with the coherence of a course	Combined Studies was a collection of courses with little or no coherence beyond the individual curricula	Different assessment regimes No "skills"; no "Capability"; no "Learning"
Head of Combined Studies was an academic leader Decisions on curriculum issues and portfolio issues lies with the Board of Studies mainly	Head of Combined Studies was an academic co-ordinator Curriculum issues and portfolio of course issues with the faculties	Little or no influence. No curricular issues. "A" level analogy. Amount of teaching in Business Admin/joint teaching with Economics 1. Introduction/deletion of courses; maths etc. Law unit 1 "event"
Head of Combined Studies has authority and responsibility for the overall programme	Authority is selective (ie when it suits others); not held accountable in fact due to recognition of uncomfortable variables	

Figure 20 Diagram produced at interview with Head of Combined Studies

"The reality is, Combined Studies was a collection of courses with little or no coherence beyond the individual curricula. The evidence I would adduce to say that would be that there were different assessment regimes, there were no common skills in the curriculum as we're developing them now, no capability curriculum and there's no learning portfolio which sought to bring the (student) experience

together in any way, shape or form. Secondly, the rhetoric was that the Head of Combined Studies was the academic leader which was nice to think about and I tried to think of myself as that. In fact most of what I was doing was being the academic co-ordinator so, for example, with little or no influence over the curricular issues at all ...anyway, rhetoric thirdly, was that decisions on curriculum issues and portfolio issues lay mainly with the Combined Studies Board of Studiesbut at that time curricular and portfolio issues lay with the Faculties so there was no way that, if the Dean and senior executives of the Faculty wanted to withdraw a course or introduce another course, the Board of Studies was not going to be able to stand in its way against the locus of power and finally (rhetoric 4), the Head of Combined Studies has the authority and responsibility for the overall programme .. But in fact, authority is selective when it suits others. All I mean by that is, if an academic was asked by a student a particular issue or asked by somebody else a particular issue but they felt unable or unwilling to answer then it became my job that's all I meant by that. Which is not unreasonable. But on the other hand, I'm not saying this was a huge burden because, equally, I was not held accountable in fact so with this law thing, this law thing a case in point, I wasn't held accountable." (Head of Combined Studies).

Whilst there were clearly differences of opinion as to the formal responsibility and accountability as they related to the unit 1 law results, there was complete unanimity as to evidence for the actions taken by the Dean, lecturing team, committees and other areas of the institution in order to rectify and learn from the situation. There was clear evidence put forward by all interviewees that the following actions took place (See Figure 21):

Dean	-	instigated investigation
	-	reported to academic standards committee/academic board
Lecturing Team	-	put on revision seminars/coached resit students
Board of Examiners	-	lowered resit pass mark from 39% to 38% in September 1992 examination board
CAS/CAB	-	monitored situation and required changes to law in Combined Studies at its quinquennial review
Educational Development Unit	-	put on series of seminars regarding i) dealing with large seminar groups and ii) the integration and induction of new staff to a course
Registry	-	development of assignment handling systems for monitoring student progress
Director	-	required personal tutorial system for helping students develop their personal learning plans

Figure 21 Actions in response to the unit 1 law results

The second question in Theme 2 (question 3 in the interview schedule) was concerned to explore the understanding of the critical incident participants as to the impact of the incident upon the College's goals. The responses to this question appeared to polarise toward two College goals; i) the attainment of taught degree awarding powers, university status and as a consequence, the relationship between the College and the University of Leicester and ii) the element of the College's mission statement which provides for "committed and competent teaching" and "a caring and supportive academic culture". Figure 22 overleaf summarises the responses.

	Taught Degree powers/university status/relationship with University of Leicester	Committed and competent teaching/caring supportive academic culture
Director	✦	
Asst. Director	✦	
Head of CS		✦
Dean	✦	
Head of School (law)	✦	
Head of Studies (law)		✦
Course Co-ordinator		✦
Unit 1 law tutor (to December '91)		✦
Unit 1 law tutor (from January '92)		✦
Lecturer 1		✦
Lecturer 2		✦
Lecturer 3		✦
Lecturer 4		✦
Investigator	✦	
Registrar		✦
Moderator	✦	
Governor	✦	
Head of School (Info. Syst)	✦	
Pro-Vice Chancellor University of Leicester	✦	
Total	9	10

Figure 22 Summary of responses to Question 3

What was evident from the responses was that those members of lecturing staff immediately concerned with the students and other staff concerned with the examination process and board were clear that they had to respond to the failed students in a supportive and caring way. The unit 1 law tutor from January 1992 onwards commented *"I didn't really give it (the relationship*

with the University of Leicester) much thought at the time. It was more, Christ, how are we going to get them (the students) through the resits?" (Unit 1 Law Tutor, January '92 onwards). The previous unit 1 law tutor confirmed this position. "I honestly didn't think that widely. I didn't know if university status was in the offing. I wasn't aware of that when I started. Obviously the Director was thinking along those lines in his brief but I didn't think in terms of status or how affected, not at all" (Unit 1 Law Tutor to December '91). Other interviewees recognised the external dimension but concentrated upon the resit students. "At the forefront of my mind was those students and there was the immediate issue of a course for which I was nominally responsible, part of it having got in this mess. It was more local rather than the bigger strategic thing which I think I was preoccupied with". (Head of Combined Studies). When asked by the interviewer whether the law lecturers had any understanding of the danger the critical incident posed for the institution, a lecturer responded "I can only speak for myself and the answer is no. Because I really just genuinely responded to the students and, probably its remiss of me because I was on the College Academic Board, but it certainly didn't sink in that the repercussions were much wider". (Lecturer 2)

From the point of view of the senior management of the College, the quest for university status was uppermost in their minds as they sought to deal with the incident. In response to Question 3, the Director replied *"Well they (the law results) could have been spectacularly serious if they hadn't been addressed because just as any problem of apparent failure in standards would impinge on the way in which we (the College) were able to argue a case in relation to ultimately degree awarding powers, quite clearly this is showing up (however justified the reasons) that there is a significant area of weakness. And I think it particularly highlights the question of whether the institution is competent to stand on its own" (Director). The Assistant Director concurs with this view "It was a major challenge to believe that we could do these things ourselves. It was a major failure on the part of the institution in respect of the academic responsibilities that the university had required of it. It came at a time when the College was optimistic about university status in the short run and posed a serious threat to securing that" (Assistant Director). When pressed on the issue of his responsibility for students, the Assistant Director responded "In some senses they were the least of my problems bearing in mind the issues that concerned me. At the level of the Head of School, at a level in fact generally, there was concern for students; students had a raw deal" (Assistant Director). The Pro-Vice Chancellor echoed this view "I remember doing the appeals that year students appeared not to have been advised wisely or supervised properly. There were students who'd never seen a member of staff or claimed never to have seen a member of staff and so on. So there was some*

other evidence of a failure in teaching at that stage in those areas where there had been rapid expansion". (Pro-Vice Chancellor). Nevertheless, he was sure of the danger to both the University and College if the results became well publicised within the H.E. sector - "If the College and the University had not been able to tackle it pretty quickly and be seen to be doing something about it, it would have been damaging. I don't think in practice it was. If anything, perhaps the experience was useful". (Pro-Vice Chancellor).

4 Interview Results: Theme 3 - Actions relating to Critical Incident

The six questions comprising this theme (Question 4 to 9 in the interview schedule) were designed to explore the interviewee's actions or non-action and/or their view of other individual's actions or non-action in response to the critical incident. This section is important in that it is designed to provide results relating to practice which allows for analysis in a later chapter linking such practice to theory. Because there are a large number of questions in this theme, the results are given in question by question form.

4(i) Question 4

Did the College's and Faculty's Academic committee structure process and monitor the incident appropriately? What was your evaluation of the committees' effectiveness in handling the issue of the law results?

Of the 19 interviewees, only four (the governor, the unit 1 law tutor to December'91, one full-time and one part-time lecturer) confirmed that they did not know whether the Faculty and College's committee structure dealt with the incident appropriately. None of these interviewees were members of any committee and two of the three lecturers were new staff members of the College. Of the remaining 15 interviewees, some had greater experience of the committees at Faculty level, others at College and University level.

The committees that dealt with the incident at Faculty level were commented on by five interviewees. All five expressed concern at the continual pressure the Faculty committees brought to bear upon the law staff involved in the incident. In describing the actions of the Faculty committees, the Head of School alluded to the constant monitoring that was undertaken on committees; *"You can ask questions, what are they doing? And they must say what they are going to do. You agree with that plan of action. Then the other thing is to find out how its going. In other words, that's why it becomes a bit of a nuisance as far as the people on the course are concerned because they keep having to report on what they are doing. You need that*

level of accountability ... but obviously there is a great deal of pressure on the staff involved until they have got through that academic year". Other interviewees did not take such a balanced view. The Head of Legal Studies, in describing the Faculty committee's actions commented *"Yes I think it was tempered too much by finger pointing. I can remember the new course leader making a very emotional statement at one of the Faculty committees refuting the blame that seemed to be attached to M (course co-ordinator (law)) and one or two others and getting quite emotional about it. And I think there was a general feeling within law department saying "OK well things have gone wrong that shouldn't have gone wrong but we are doing our best to remedy them and we could do without all this continued arguing on it". Every meeting you went to the law 1 result was mentioned but not particularly in a supportive context"* (Head of Legal Studies). This position was confirmed by the unit 1 law tutor from January 1992 onwards. All she remembered doing at the committees was *"Defending it (the law course) everywhere we went".* (Unit 1 Law Tutor, January'92 onwards).

None of the five interviewees considered the Faculty's collegial process supportive. Whilst recognising the need for constant monitoring of actions in the aftermath of a higher failure rate in law, all five interviewees also commented upon the considerable and continuing pressure the course team were placed under by the requirements of the Faculty committees.

As regards the College's and University's committees (Committee for Academic Standards, College Academic Board and the University's Board of Collegiate Studies), the nine interviewees who responded to question 4 in terms of these committees were all clear that the committees treated the incident openly and with appropriate seriousness. The Director summed it up *"The Committee for Academic Standards obviously had the investigation report - there's a fairly substantial minute and it's in the presence of student representatives. So it's certainly not being pushed under the carpet. There's not any clear action from it and when you get to College Academic Board at least again it's in the public arena; there's no attempt to hide it"* (Director). The Registrar confirmed that the minutes of both committees represented *"The reality of what was said at the meeting,"* and she went on to describe how, in her view, the minutes reflected a serious intent to address the issues that arose: *"The intent is to secondarily, I would say, to own up to what has happened, but primarily and especially at the Academic Board, to enforce a disciplined method that this wasn't an acceptable thing to have happened, and checking up that given it had happened, that it had been seriously addressed and proper actions had been put in place. I have to say that whilst I do believe that that was the primary focus, it isn't actually what was said at the meeting. What was said at the meeting is descriptive and about other things, but*

it is the mere fact that it has been discussed at that level that is the illustration of the seriousness". (Registrar).

Both the Registrar and the Pro-Vice Chancellor described how, by the time the issue had been raised at the appropriate University's Board of Collegiate Studies, the incident was *"all over, gone and done with, including the resits"* (Registrar). However, the formality of the Board of Collegiate Studies was recognised by the Registrar *"But, believe you me, the way the Board of Collegiate Studies operates and it really, I have to say, although you think it does strange things, and uses these lists of names and does very odd things and you think "why are we doing this" when you read just the papers, as an Officer sitting on the board and a representative of the College, and responsible for the College, I feel obliged and a very acute feeling of my, boy, oh boy, my ducks have to be in a row when I go to that Board". (Registrar).*

Whilst there was a unanimous recognition by these interviewees of the formal recording and monitoring of the critical incident by Committee for Academic Standards and College Academic Board, there was some concern expressed by the investigator that the two committees focussed upon "law" too specifically *"I think the committees themselves while focussing on some things don't see some of the other problems which is understandable in all issues. So they don't perhaps give the complete wider view. Having seen the issues, done the report, seen the responses, - things changed but I'm not sure that they changed dramatically. I just think that now we've got slightly more experienced people involved and we're going to make sure we don't get this kind of response, so the committees do respond in a way but not always in the sense that they go far enough or whatever"* (Investigator). Others (the Assistant Director and Dean) recognised the distinction between executive action and the recording and monitoring of that action: *"Committee for Academic Standards and College Academic Board meets fairly frequently and, in some sense, they are a formal recording mechanism. There are formal statements made. Given that, it doesn't truly reflect the amount of running about, the amount of changes, the amount of activities, the amount of operational effort that was expended upon the problems as such. I would not say that the College Academic Board and Committee for Academic Standards were instrumental in effecting change; they would record change rather than bring it about. It was the executive of the operation that effectively sorted this out". (Assistant Director).* The Dean concurs *"I think really the onus was down to me, my attitude and my holding on to it and dealing with it was the most crucial thing. I think if I had not done that, the committee would not necessarily have found that out. It does rely on certain individuals doing their bit properly because it's quite easy to pull the wool over the eyes of these committees by just giving them the*

words they want to hear. I suppose the acid test was the results the next year, if they had not been right there would have been trouble". (Dean of Faculty).

The results in summary, confirm that 14 of the 19 interviewees agreed that the Faculty and College committees formally processed and monitored the critical incident appropriately but that there were some concerns as to the pressure the Faculty committees placed upon the course team and some recognition that the College committees focussed too readily upon law in particular and did not use the incident to open a wider debate across the institution.

4(ii) Question 5

What evidence is there to suggest that those with formal line responsibility for dealing with the incident carried out their tasks as expected. In your view, did those persons with formal line responsibility act properly and with agreement in carrying out their duties?

In response to question five, all interviewees were able to provide evidence that action plans were carried out, either by reference to internal memos, or by use of Committee and Board of Examiners' minutes. Indeed, many of the interviewees, particularly members of the Faculty, were involved in administering and providing the revision sessions and were members of the September Board of Examiners dealing with the results of the resit examinations. In providing this evidence, interviewees confirmed that the action plan was agreed collectively by those involved across the College, particularly that part which related to supporting students through the resits and as they progressed through year 2 of the course.

Views as to who took responsibility for dealing with the incident reflected, once again, the position of the interviewee either within the College or whether the interviewee was external to the College. Whilst 33⅓ percent of the responses from the interviewees indicated that the Dean had acted properly and with agreement from her colleagues, 54 percent indicated that the lecturing team (including the Head of Subject (law) and the course co-ordinator (law)) carried out their duties as had been agreed in the Committees and elsewhere.

The full table of results is given in Figure 23 overleaf

Those described as carrying out their responsibilities properly and with agreement →→	Director	Assistant Director	Head of School	Lecturing Team	Dean
Interviewee →					
Director					■
Assistant Director					■
Head of Combined Studies				■	■
Dean		■			
Head of School (law)			■	■	
Head of Subject (law)				■	■
CS Co-ordinator (law)				■	
Unit 1 tutor (law) to December '91				■	
Unit 1 tutor (law) from January 1992				■	■
Lecturer 1				■	■
Lecturer 2				■	
Lecturer 3				■	
Lecturer 4				■	
Investigator				■	
Registrar				■	
Moderator				■	
Governor	■				
Head of School (Info. Systems)					■
Pro-Vice Chancellor					■
Totals	1	1	1	13	8

Note - some interviewees named two persons or one person and a group as responding properly and with agreement to the critical incident.

Figure 23 Responses from interviewees as to whether those who were responsible for dealing with the incident carried out their duties as expected, properly and with agreement from colleagues.

Whilst there was agreement from all interviewees (excepting the member of the governing body) that both the Dean and the lecturing team carried out the agreed action plans, there was some comment as to the response from those in authority in recognising and acting upon the signals that came from the course team through the autumn term (1991).

In response to question 5 for example and particularly that part of the question which asked whether the interviewee thought that those with formal line responsibility acted properly, the Head of Subject (law) responded *"I think so although it's easy to see in hindsight that perhaps we should have, as soon as the first cracks appeared, cracked down on it and said alright you're not up to it. But if you treat people like that and you turn out to be wrong and it turned out to be a blip, they then get resentful which may carry over and carry over and so I think the faculty policy tends to be to give people a fair chance but in certain cases (and this is not the only case) it can be a mistaken policy and things never get better and you're left with justifiable complaints. Yes the Dean acted with me to appoint a new year leader from the spring term and so it was one term of unsatisfactory administration and a new leader got to grips immediately and did as much as she could to undo the damage"* (Head of Subject (Law)). The Pro-Vice Chancellor also commented *"That's what you need - signals to tell you when things are going wrong. I mean, I've thought about it since - should someone have noticed that they weren't being prepared properly much earlier in the year?"* (Pro-Vice Chancellor). The Investigator commented *"the course leader, not through the formal sense, but probably through the informal sense began to realise that things weren't quite as they should be and therefore should have acted more in a managerial role and because the course leader was probably hoping things were going to get better, it (the situation) doesn't therefore really get dealt with before the next stage"*. (Investigator). Whilst the investigator thought that the course leader (combined studies co-ordinator (law)) should have been more managerial in recognising the signals, the Director and Dean took a different view. They both considered that the Head of School (law) should have acted earlier. The Director states *"There is no evidence at all that the Head of School took the responsibility and made the necessary enquiry"* (Director) and the Dean comments *"And I think at the time I thought I could rely on him to manage the law. It's incidents like this, then going through the quinquennial review and the appointment of staff that gradually, over the year, unfolded a picture that I can't"*. (Dean of Faculty).

4(iii) Question 6

How did you react to the incident personally? Did informal groups emerge in response to the poor examination results that you were part of? What did these groups do?

In response to the first part of question six, only two interviewees could not recall how they personally reacted to the incident. Three interviewees (Assistant Director, Head of Combined Studies, Pro-Vice Chancellor) recalled responding to the incident by immediately thinking about "damage limitation" and two, the Registrar and Investigator, took a "*detached and practical kind of view*" (Registrar). Of the remaining twelve interviewees, the words "shock" and "disappointment" were most often used to describe personal feelings in response to the high failure rate. Lecturer 2's response to this question reflects that of the majority of responses from the lecturing staff *"I was extremely concerned. I personally went back over my teaching time, my help in teaching one of the subjects. I personally went back over my teaching strategies, subject I taught, examinations paper, seminar programme and I satisfied myself that I taught the students a sufficient range of subjects required for the examinations papers. The examination paper itself was no more difficult than it had been in previous years and I just could not see that there was anything in my teaching that would give rise to such a failure"*. (Lecturer 2)

The Dean's response indicated her concern, particularly for the students *"I was distressed I suppose is the best word. I didn't like to have a situation. I knew we were going to be under investigation and one doesn't like mistakes like that to happen but for the students sake as well, I thought it was an absolutely terrible thing to happen"* (Dean of Faculty).

In pursuing this question further, interviewees were questioned as to whether, in their view, informal groups emerged as a response to the poor examination results. The results are given in Figure 24 overleaf:

	No political activity	Lecturers blame management	Individual lecturer blamed (partially or wholly)	Lecturers divided into 2 groups - 'experienced' vs 'new'	Defensive response. Lecturers take some blame but reluctantly. Place blame on resources	Did not know
Director	✖					
Assistant Director					✖	
Head of Combined Studies	✖			✖		
Dean	✖					
Head of School (law)			✖		✖	
Head of Subject (law)	✖					
CS Co-ordinator (law)			✖		✖	
Unit 1 tutor (law) to December '91			✖			
Unit 1 tutor (law) from January 1992			✖		✖	
Lecturer 1			✖		✖	
Lecturer 2						
Lecturer 3				✖		
Lecturer 4						✖
Investigator		✖				
Registrar	✖					
Moderator						✖
Governor						✖
Head of School (Info. Systems)					✖	
Pro-Vice Chancellor						✖
Totals	5	1	5	2	6	4

Note: Some interviewees responded under more than one category

Figure 24 Responses of interviewees as how they saw groups emerge in response to the poor examination results

It is interesting to note that, of those who thought there was no political activity, all five respondents were part of the College's senior executive. It is also of interest to note that, of the five interviewees who recognised that the individual lecturers were at least partially to blame, only the individual lecturer himself (Unit 1 law Tutor to December '91) did not also recognise the blame-worthiness of the lecturing team. Two quotes from members of the lecturing team exemplify this position:

"You couldn't lay blame on any one person. And besides, I taught them; I should have seen it coming. So you have got to accept the responsibility for not seeing it coming, even if you don't say it's my fault you failed" (Unit 1 law tutor from January 1992)

"But my own feeling is that if you've got a course team, the course team should carry the responsibility, not individuals. We're all in the boat together, aren't we? And it takes more than one person to sink the boat". (Lecturer 1)

Nevertheless, the course team, whilst initially accepting some blame, quickly adopted a defensive position which was recognised both by course team members and some members of the senior executive. Take the comments of lecturer 2 on this matter - *"Well I think it is fair to say that our concerns very quickly came to defend ourselves against what we felt were unwarranted slurs upon our professional capabilities"*. And comments from the Assistant Director *"I thought the initial response of the staff very close to delivery was very defensive; very much not our fault; its the circumstances we're in; and, in fact, its all wrong anyway, we're doing a good job"*. (Assistant Director).

Whilst this defensive position in the light of such poor examination results is to some extent understandable, the interviewer could find no evidence of pro-activity from groups of staff, either emanating as action against "management" or against any other external variable. Whilst the lack of resources were mentioned, all interviewees, after some probing, recognised that numbers of student and staff were broadly comparable with the previous year on unit 1 law when examination results had been acceptable. This lack of pro-active political activity was summed up in the comments of lecturer 2.

"There has never been that sort of ethos at Nene College. The ethos at Nene College has always been one of 'very supportive and everybody working together'. We have never had a management/staff dichotomy at all. We have always rubbed along very well. I think at that time there was a feeling that a slightly different management ethos was coming into place. I think you

might find a different reaction now". (Lecturer 2).

There is, however, some anecdotal evidence given particularly by the Dean and lecturer 3 that two groups emerged which split the course team into i) the "experienced" lecturers and ii) the "new" lecturers. The "experienced" lecturers, so it was alleged by lecturer 3, blamed the "new" lecturers for the poor results, particularly the unit 1 law tutor (to December 1991).

However, the interviewee could find no additional evidence of this split from any other member of the lecturing team although the Dean in response to the question - Did groups of staff emerge in response to the publication of the results? replied *"I don't think they emerged out of this.*

There were at the time two groups, the old hands and the new staff, and I think this incident reinforced that. It was quite hard for new staff to break in to the core of the experienced staff".

Notwithstanding the above the interviewee could find no further evidence for the formation of politically motivated groups other than for "defensive" purposes.

4(iv) Question 7

Were you ever asked to use your professional expertise to resolve any part of the critical incident? Would you have wished to be more involved that you actually were in seeking solutions to the problems?

Only one of the nineteen interviewees responded positively to question 7. The interviewee concerned was the investigator of the incident, who, when pressed, admitted that apart from leading the investigation, he was not asked to contribute his professional expertise to respond to either the short-term or the medium to long term actions relating to the incident. However, the lecturers appeared to respond to this question from the stance of wishing (and not being allowed) to correct some of the investigation report inaccuracies, as they saw it. They appeared to be content to deal with the short term problems of revision sessions and resits themselves and expected others to seek their opinion as to the medium to longer term changes to the curriculum and teaching and learning strategy on any future combined studies law course. This they claimed did not happen, primarily because at the same time as they were dealing with short term actions, the investigative report was produced and the results, some of which they continue to feel to be inaccurate, "coloured" the medium to long term plans. This point is summarised by a quote from lecturer 2.

"What I was saying was that we knew that the investigation was going on at the same time as we were hoping to concentrate on getting the students together and putting some kind of package to assist them getting through. We knew we had to respond to that because if we didn't, then there

wouldn't be a chance in the future. That was our downfall and that suspicion turned out to be correct. This report was produced, our responses to the report were ignored, and there was no further investigation at all. It was all done in a matter of a few weeks." (Lecturer 2)

Whilst that view was generally held by the lecturers, it was interesting to note that those outside the lecturers' group saw the law lecturers as a close knit community who would have been unlikely to have asked for any professional help. The investigator commented *"I was not asked whether I would like to be involved with it (the action plan). It would have been nice to some extent to see what they were going to do to resolve the issue,"* (Investigator). Initially the Registrar commented in response to a probing question as to why she thought they (the law lecturers) did not seek her or her colleagues' professional expertise *"Because I think they have a culture; they want to get it right and they want to get it right by themselves".* (Registrar) This issue of the culture of the Faculty and in particular the law lecturing group's culture will be returned to as the results to question 10 are presented.

4(v) Question 8

Does the documentation reflect the outcome of any negotiations between different parties that occurred during the process of dealing with the law results?

Figure 25 overleaf provides a summary of the interviewee's answers to question 8. Eleven of the interviewees were clear that, in their recollection and after having perused the documentation, they could not remember or provide evidence for any negotiations between different parties that had occurred during the process of dealing with the law results. The other interviewees assumed there had been negotiations but, when pressed, were unclear as between whom. The investigator suggested that there were indications that the group of lecturers had negotiated their responses to the investigative report in that *"The same themes were coming up, the same sort of phrases"*. (Investigator). Similarly, lecturer 1 commented *"I mean, there may well have been (negotiations) but I wasn't party to them but obviously when these reports were being made, M (the investigator) was seeing various people. I wouldn't be surprised if negotiations were going on and people were looking at draft reports and this type of thing."* (Lecturer 1). The Registrar also responded positively to question 8 but was unable to provide evidence to support her contention that *"I'm sure there must have been some (negotiations) with the external examiners, but that was only because I couldn't imagine a course team that wouldn't in the circumstances"*. (Registrar).

It is clear from the responses that no interviewee could provide supportive evidence as to any negotiations within the College; indeed, eleven interviewees expressly responded that in their

view, no negotiations took place. However, three responses were summed up in the response the Director gave to question 8 - *"Negotiations, perhaps not. But quite clearly there's been a lot of work done to ensure that the University is happy. There's been a lot of work behind the scenes. Behind this is undoubtedly a fair amount of movement to and fro between the University Board of Studies and College to make sure that the outcomes at the Collegiate Board of Studies were satisfactory. Now that does suggest to me there was quite a bit happening; whether negotiation is the right work - but certainly I suspect a lot of effort went into that".* (Director)

Parties to negotiation→	College/ University	Course leaders/ external examiners	lecturers/ lectures	Assumed negotiation but unclear between whom	No negotiation recognised
Interviewee→					
Director	✖				
Assistant Director	✖				
Head of Combined Studies				✖	
Dean					✖
Head of School (law)				✖	
Head of Subject (law)					✖
CS Co-ordinator (law)					✖
Unit I tutor (law) to December '91					✖
Unit 1 tutor (law) from January 1992					✖
Lecturer 1			✖		
Lecturer 2					✖
Lecturer 3					✖
Lecturer 4 (p/t)					✖
Investigator			✖		
Registrar		✖			
Moderator					✖
Governor					✖
Head of School (Info. Systems)					✖
Pro-Vice Chancellor	✖				
Totals	3	1	2	2	11

Figure 25 Responses to Question 8 regarding negotiations between parties in response to the critical incident

4(vi) Question 9

The documentary evidence suggests an open process and evaluation of the incident. Do you agree?

There was a unanimous response to this question from the nineteen interviewees. All agreed that there was an open process and evaluation of the incident. Two interviewees, (lecturers), continued to question the evaluation of the incident in terms of the College's refusal, as they saw it, to acknowledge and respond to the previously described inaccuracies and concerns they had pointed out to the Dean regarding the conclusions of the investigative report. However, such views were in the minority. Lecturer 1 commented *"Yes, my own feeling is that it is a genuine openness that the College seems to have had or certainly, years ago, it was an open institution; it was prepared to debate. I think it actually reflects the confidence of the institution that it was prepared to open up matters like this and talk about them"* (Lecturer 1). From an external view, the Governor could confirm the openness and support his view with evidence. *"As soon as the results were known the Governors were told. From my memory, the Director told the next Governors meeting that these results were very bad and anybody, as I understand it, who wanted to know or enquire or help was given every opportunity to get whatever information they needed."* (Governor). This openness was confirmed as being present through the main College committees by the Registrar *"Yes. And I think that, had it not been open and had people made up stories in defence of this, the problem perhaps wouldn't be put right. You had to be open to learn and to make it better next time"*. (Registrar). Perhaps the reason why the process was considered open, particularly within the Faculty, was the choice of the investigator. As the Head of School (Information Systems) commented *"I think the Dean selected somebody they were prepared to talk to, and I don't mean that disrespectfully to myself or anyone else as manager but, it was somebody who I felt they would pour their heart out to anyway"* (Head of School, Information Systems). This question was the only question to receive such positive support from all interviewees as to the openness of the process and evaluation of the incident. Whilst 100 percent agreement is highly unusual in case-study research, what struck the interviewer was the complete lack of hesitation that 90 percent of the interviewees had in immediately responding "Yes" to this question. Of the further 10 percent, their qualification did not relate to the process, but rather the evaluation of the critical incident.

5 Interview Results: Theme 4 - Response to the Critical Incident

5(i) Question 10

Was the incident dealt with by those in responsibility as you expected? Were the documented responses to the problems and issues actually carried out?

In response to the first part of question ten, seven (37 percent) of the interviewees confirmed that the incident was dealt with by those in responsibility as they had expected. Of the remaining twelve interviewees, six (32 percent) confirmed that the revision sessions and other supportive actions had been carried out, but that there was a failure by those in responsibility to carry through the lessons learned and consequent necessary actions through to the medium and long term. Two others (10.5 percent) continued to question the notion of "*who was in responsibility*", citing ambiguity in relation to the organisational structures of the Faculty and the Combined Honours programme. The Head of School (Information Systems) commented "*I suppose the structures weren't so clear in those days. I mean I think we've sorted that out a lot since degree awarding powers that I now get MS (the current Combined Honours Programme Director) interfering in what we're doing in the nicest possible sense. She's picked me up on key things which would never have happened in the past because we were never sure whose subject it was. We always thought it was ours and had to sort it out.*" (Head of School , Information Systems).

Four of the interviewees were concerned that those in responsibility (whether formally or through the committee structure) did not carry out the documented responses. The Director indicated that he could find no evidence of carrying through documented response to the incident. He said "*Whatever happened to the requirements that were set down in my letter to J (Pro-Vice Chancellor) that we'd addressed them and so on - there's no indication that we were following those. That must serve as a lesson of a serious weakness there.*" (Director).

Similarly, the unit 1 tutor (January 1992 onwards) commented "*No-one ever picked them up and ran with them and said "right, I'm going to deal with this." Just endless discussion and right, we'll discuss that again at the next meeting and then at the next meeting discussion started over again and ...so on*" (Unit 1 law tutor (January 1992 onwards)). The Dean commented on this matter "*I think for that year, they did what they said they would do. I don't think that the quinquennial review was conducted with the same enthusiasm looking at teaching/learning methods and the delivery as we said in the report we would do*" (Dean). From the external perspective, the Governor commented that the market research that he was prepared to support was not actually carried out.

Those documented action requirements which were placed on the Head of Combined Studies were certainly not carried through with enthusiasm and there was some evidence in his interview to indicate that he had deliberately not taken issues through to their conclusions. *"I chair the Board of Studies and I did feel it better to undertake damage limitation and, between these four walls, the less it got aired - you know, difficulties and snags and unpleasantness got aired widely, - the more that happened, the more potentially damaging to morale and everybody concerned would be depressed. So that was another reason for me not to be keen to take it through".* (Head of Combined Honours).

What is clear from the interviewees' responses is that there was complete agreement that within the Faculty the Dean and the lecturers carried out their immediate responsibilities, especially with regard to the resit students. However, there were misgivings expressed by 63 percent of the interviewees that agreed actions that were medium to long term in nature and were activated and monitored through the collegiate structure were not actually carried out. This feeling was expressed succinctly by the Governor *"If you are a manager, your number one priority is to solve the immediate problem. Once you've solved it, and you're very busy with lots of other things its not as if it's the only thing that lands on your desk. You've got lots of other things. It is often the weakness that you don't actually completely resolve the issues".* (Governor).

5 (ii) Question 11 and 12

What evidence can you point to which indicates that all the participants to the incident acted according to agreed principles?

Do you think that the incident was handled well in the light of the College's mission and culture at that time?

The responses to questions 11 and 12 are presented together because interviewees tended to answer these two questions with responses that intermeshed. The answers to question 12 invariably built upon the interviewee's response to question 11. Given that both questions were designed to probe the reaction to the critical incident in terms of organisational culture, this fusing of answers appears appropriate in the light of both questions' objectives.

Another reason for presenting the results of these two questions together is that, as can be seen from figure 26, all but one interviewee responded to question 11 positively. Thus, in order to explore this response further, the interviewer probed the interviewees' response more extensively

and some of the additional responses tended to bring out issues which had relevance to question 12

Responses →	Question11			Question 12			
Interviewees ↘	Participants acted according to agreed principles		Mentioned law staff culture	Degree Awarding Powers/ university status	Mission statement caring and supportive	Dependency on culture of University of Leicester	Hidden Issues
Yes	No						
Director	✓			✓	✓	✓	
Assistant Director	✓		✓	✓			
Head of CS	✓				✓	✓	
Dean	✓				✓	✓	
Head of School (law)	✓		✓		✓	✓	
Head of Subject (law)	✓				✓		
CS Co-ordinator (law)	✓				✓		
Unit I tutor (law) to December 1991	✓		✓	✓			
Unit 1 tutor(law) from January 1992	✓						✓
Lecturer 1	✓				✓		
Lecturer 2	✓						✓
Lecturer 3		✗					✓
Lecturer 4 (p/t)	✓				✓		
Investigator	✓				✓		
Registrar	✓				✓		
Moderator	✓					✓	
Governor	✓			✓			
Head of School (Info. Systems)	✓		✓	✓			
Pro-Vice Chancellor	✓			✓	✓		
Totals	18	1	4	6	11	5	3

Figure 26 Table to show categories of responses to Question 11 - What evidence can you point to which indicates that all the participants to the incident acted according to agreed principles? and Question 12 - Do you think that the incident was handled well in the light of the College's mission and culture at that time?

The results of the responses to questions 11 and 12 are given in figure 26 above. As has already been mentioned, all but one interviewee found evidence in the documentation and provided first

hand recollection of being part of a group which agreed principles and carried out consequent objectives. However, 4 (21 percent) of the respondents commented upon the law lecturers specifically as a group who acted according to agreed principles but within the context of their own identifiable culture.

The law lecturers were defined by the unit 1 law tutor as *"a very close knit community but you've still got the same cliques that were there then - I don't mean clique in a derogatory away. I mean the same cliques exist today exhibiting loyalty and also dedicated to duty and so, in that sense, it shows knowledge in a good light. They had this massive disaster and yet we're still willing to go all out for people even if, on occasions, we think students didn't work hard enough and that's why they failed. So from that point of view it was good. I'm not saying that the failure rate should be looked at in terms of the black death - it had positive outcomes and if you have positive outcomes from a disaster, I think we should keep running the disaster through the mixer"* (Unit 1 law lecturer to December 1991).

However, whilst others recognised that the lawyers were a close knit group, there was criticism of the law staff culture as interviewees saw it - *"But I think there was a culture; that if things were going wrong - for goodness sake, let's not let anybody know about it - let's try and sort it out"* (Head of School, Information Systems). Similarly, the Dean commented *"I probably didn't have any serious issues about the way it was handled. I think there were two sides to it, I think on the one hand there was an element of making sure that we did everything right, that we had the documents. But not necessarily dig in too deeply. I think everybody ..tended to be satisfied with the level of response that we..you know... that the paper trail was there. But I think the law staff were always very upset by the fact that it became an incident of College myth which was always being referred to and I don't think it was that unfair because it happened. They were bound to be "blamed" as it were. But they felt this for years and they never got over that fact. They would have ..this is something that is in the myth of Nene College and never comes out.... They would have the strong view that they were the setters of standards and they were delivering the proper university style course. And that in the bigger subjects in some of the other faculties they..cheated. And it's been a matter, I mean I don't know if it still happens but, it was a matter of very strong belief by everybody that the sociology students were always given the examinations papers to read in advance. And I have had something said to me that makes me believe it was true in those days, whether it still is I don't know. And the other thing that they firmly believe that was told to them by psychology staff was that psychology marks were always altered so that the fail rate was acceptable - that it was often not a fair reflection of what students had done but*

that the bands were moved so that you got your 10 percent of the cohort under 50 and they firmly believed that and that's one of the reasons why they fail to ever address the issue properly because they see themselves on the moral high ground and they still believe that".

Q. "That didn't surface from all the paperwork. The documentary work - none of that surfaced"

A. "No. People don't say that in writing. They're not going to accuse their colleagues of doing things like that but that's part of their value system. Or their set of beliefs about what goes on. Those law staff"

Q. "So the issue of self-criticality is critical".

A. "Yes. They've always got reasons why they are doing the right thing. It's either the students are not good enough or other courses, if they don't get the same failure rate, they're cheating". (Dean of Faculty)

This law group culture was identified by the Assistant Director in terms of a "clash of culture". As he pointed out *"At that time, the H.E. sector was going through a period of immense and happy expansion; the commitment was to participation, to access. A lot of the arguments put forward as to why this (the critical incident) happened was that weak students, these students, should never have been enrolled. We had large numbers to deal with, limited resources and there was a philosophy at this stage that this was a good thing - we are expanding higher education. But there existed another philosophy which says higher education is preparing an élite of very clever people to deliver very difficult social activities to a very high standard. And nowhere is that more keenly felt than in the world of law".* He continued *"Law, I think, is about producing an élite cohort of people who are going to be lawyers of a very special sort. Therefore it's about limiting access, it's about high standards, it's about very focussed teaching processes and I think as part of this (the critical incident) a small part of it was that, that rubbing together, of two very different objectives". (Assistant Director)*

Whilst it was recognised by four of the interviewees that the law staff group exhibited a sub-culture which may not have sat easily alongside the expansion of the HE sector at that time, 58 percent (11) of the interviewees expressed the view that the critical incident was handled in a manner which met that part of the College's mission statement which provides for all its students *"a caring and supportive culture"* (Appendix 6). Typical responses from those interviewees are exemplified as follows:

"We have a College mission, we have a culture of supporting students - caring - all of those

things which we still respond to" (Head of School, Law)

"So the focus tended to be on students, partially I suppose because it's a student focussed institution and that's part of the culture of the institution". (Investigator)

"We still do care for our students and do our best for them people who go to other institutions come back and tell me that, first of all, the law department is more professional than certain other places - not all places but certain other places. And that the staff are more approachable. You can never get to see anybody in such and such institution but there is always somebody here to talk to. (Head of Studies, Law)

The clear identification of this part of the mission statement as reflecting the culture of the organisation was not confined to the lecturing staff, but a broad cross-section of the interviewees ranging from the Director and the Pro-Vice Chancellor to the Faculty Executive team and lecturing staff.

Whilst the goal of degree awarding powers/university status was mentioned by six (32 percent) of the interviewees as an important variable affecting the manner in which the incident was handled, it was noticeable that in this regard, no less than five interviewees (26 percent) commented upon the College's dependency culture: - a reflection upon the years the College had depended upon guidance from Leicester University in terms of its accreditation arrangements. Quotes from the following interviewees exemplify this dependency culture.

"The troops were still stuck in an old fashioned relationship with the university - a dependency culture on the university to a large extent. We were faced by enormous pressures of change and what this suggests is that a) there was a divide between them (the staff) and the speed at which management and the institution was moving and b) there was probably weaknesses in the management of them" (Director)

"I think we strove and strive to be open. I think we try to be supportive. We were trying to become independent of Leicester and still lots of staff were enthralled with Leicester at that time" (Head of Combined Studies)

"I think you've got two functions. One is our previous relationship with the University of Leicester and the lawyers were one of the groups that were very much under the thumb of the law

faculty at Leicester and they saw it as maintaining ... as keeping them happy, if you see what I mean, and I think that led to a certain amount of things being battened down and kept quiet".

(Dean)

Finally, three interviewees indicated that, because the investigation had, in their view, been flawed in certain respects and the College had not sufficiently responded to their concerns, there was a College culture which "hid" issues when those issues did not conform to management's views. This view was expressed powerfully by lecturer 2 - *"My own personal feeling is that the emphasis was on making sure that there was evidence of a reaction rather than on what the proper reaction should be. I don't think the reaction was proper, I think that the reaction was improper".* (Lecturer 2).

6 Other issues that were raised by more than one interviewee

6(i) Audit Trail

It was evident from the responses of the Assistant Director and the Head of Combined Studies that they had deliberately ensured that there was an audit trail running through the documentation available for any future auditor to identify and follow. In response to a question put to the Assistant Director as to why he had written on his memo to the Director *"I thought it would be helpful to have a note on record concerning the response of the College"* and *"It may be important to place this note on record in your file"*. (Document Set 3, memo dated 23.09.92 to Dr SMG), the Assistant Director replied *"It was a recognition that, perhaps if not now, some time in the future we would be held to account on how we behaved and I felt it was important to put down as best one could, the full nature of the College's response to the particular problem that we faced"*. (Assistant Director). The Head of Combined Studies in discussing the minutes of Committee for Academic Standards (Document Set 7) commented *"Now what an auditor would do would then ask students ... So one could say that had been engineered to set up a trail. The final paragraph could be interpreted that way. Now, I would answer automatically - Yes, it's been engineered to do that because it's good practice anyway."* (Head of Combined Studies).

6(ii) External Relations

The relationship of the College to its external environment was commented upon by the

Governor, Pro-Vice Chancellor and Assistant Director. In response to a question concerning external responses to the poor law examination results, the Governor suggested *"Any bad set of results for a College, particularly a College aspiring for university status, must inevitably undermine the credibility of the organisation. People outside are entitled to say - well if they're setting themselves up with these standards and here is a set of results that falls some way below those standards - are there questions that should be asked?"* (Governor).

Both the Pro-Vice Chancellor and the Assistant Director commented upon the relationship of staff in the law faculty at Leicester University with those in the law group at the College. The Pro-Vice Chancellor explained that the law faculty at the university had refused to support the validation of an LLB at the College and the College had thus developed and offered an external LLB validated by the University of London. This had created bad feelings between the two law groups and *"explains that relations between law at Leicester and law at Nene weren't particularly good"* (Pro-Vice Chancellor).

6(iii) The relationship of quality systems and the individual

Three interviewees commented upon the individual's actions (or non-actions) and whether or not quality systems could compensate. The Head of School (Information Systems) whose role included developing and monitoring quality assurance within the Faculty, suggested early on that there were sufficient indicators exhibited through the quality assurance systems that suggested that something was going wrong on unit 1 law on the combined studies. He cited the 25 percent response rate to the feedback questionnaire (Document Set 1) as one example. He remarked *"I suppose the key to me about the incident was the failure to negotiate the sensible solution before they (the law lecturers) got to the end result. In the end it comes down to an individual and whether I was prepared to confront things early enough. I didn't pick up on this indicator"*. (Head of School, Information Systems).

Even if the Head of School, (Information Systems) had approached the particular individual many interviewees cited as being in some part culpable for the examination failure rate, the unit 1 law tutor (to December 1991), was considered to have *"a problem with asking for help, you know. I think it was a character thing rather than, you know what I mean, associated with the job"*, and *"In practice, it turned out that although the chap concerned had a commendation (when we did HEFCE he got a couple of distinctions for his teaching) his administration was and is poor. He needed watching. But we weren't to know that"* (Head of Subject, Law).

6(iv).Final Comments

Question 13 asked the interviewees if they had any other reflections as to the critical incident. Two responses indicated that the interviewees concerned believed that the College benefitted in the medium to long term from the lessons learnt from the critical incident. These quotes are included as they add to the impression discussed elsewhere in this chapter that the College was an open community as evidenced from both documentary record and interview responses.

"It was a terrible shock at the time and I think a lot of good has come out of it. We got our act together and tightened up since". (Head of Subject, Law)

"I think it (the critical incident) was put in as something of an example in the degree awarding powers document. There was very much a feeling of - we've made these tutors relive this time again and its about time the guys were let off the hook". (Registrar)

Chapter 6 - Evaluation and Analysis

1. Introduction

This case study was designed to provide data which would underpin the evaluation necessary to answer the research questions posed at the end of Chapter 3. This chapter will revisit those research questions and, by using the results collected in Chapters 4 and 5, come to some tentative conclusions as to whether there is sufficient evidence gleaned from the documentary analysis and structured interviews to satisfactorily answer those questions. In so doing, reference will be made to the review of literature provided in chapter 2 and a comment will be made as to the applicability of the proposed model suggested in chapter 2, p.42, (Figure 10)

2. Research Questions Revisited

2.1 What evidence is provided from an analysis of a critical incident at Nene College that theoretical models of educational management were operational and were applied and used throughout the incident process?

2.1.1 Formal Models

The evidence suggests that the organisation relied heavily upon formal structures and relationships for the delegation of "actions" to appropriate staff and for the provision of reporting lines as to progress in dealing with the critical incident. At Faculty level there was documentary evidence provided to show that no-one questioned the right of the Dean to instigate an investigation into the poor unit 1 Law examination results and both the conclusions of that investigation, the annual course review, and the Dean's summary concentrate on issues of accountability whether at Year Tutor, Course Tutor or Head of School level. That the organisation was considered hierarchical by the incident investigator and the Dean is evidenced, for example, in the use of the phrase "Chain of Command" (Issue 27, investigation report) by the investigator and the assertion by the Dean that *"there was an overall lack of control of the staff and the students"* (Dean's summary document, p.1). Throughout the first set of documents reference is made to the accountability of the year tutor and in the interviews with both year tutors there was an acknowledgement that they had role responsibilities and were accountable for their actions. Similarly, the law course co-ordinator recognised his responsibilities although he commented critically upon his reporting relationships to the Head of Legal Studies and Head of School (Law) within the Faculty and centrally, the Head of Combined Studies. (See 2.1.3 below).

The results of question two, theme two, also indicate that responses by interviewees as to whom were deemed responsible by others for dealing with the critical incident very much depended upon the hierarchical position of the particular interviewee. Whilst this point will be returned to later (Section 2.2, p 158), what is clear from the responses is that there was an emphasis on accountability, whether at Dean, Head of Course or Year Tutor level which permeated the organisation.

Further evidence relating to the issue of accountability is provided by the documentary evidence relating to the appointment of the new combined studies (law) co-ordinator in the Faculty of Management and Business (Document Set 5) where the responsibility for the appointment is clearly laid at the feet of the Dean by the Director in the context of her (the Dean's) position in the organisational system. Similarly, Document 6 refers to objectives for the new combined studies (law) co-ordinator having been "*prepared by the Dean and Head of School*" (Document 2 Section 2.1), and a meeting consisting of "*the Dean, Head of School, Head of Law courses and the course management team*" (Document 6, section 3.1) called to review progress as against those objectives.

Whilst the formal models operated internally within the organisation in terms of accountability and responsibility, there is evidence to suggest that the organisation accounted to its students (feedback reports, lowered resit examination pass mark, development of personal tutorial system) and to the external world (Governors, the University of Leicester and local law firms). In this sense, the evidence gained from the analysis of the critical incident appears to support the notion developed by Barton et al (1980) that accountability for an organisation can be sub divided into three facets:-

- (1) answerability to one's clients ('moral accountability');
- (2) responsibility to oneself and one's colleagues ('professional accountability') and
- (3) accountability in the strict sense to one's employers or political masters ('contracted accountability') (Op.Cit . p 111).

There is compelling evidence gained from both the documentary analysis and interview results that the College exhibited throughout the critical incident an emphasis on accountability of actions. Hierarchical and organisational roles were recognised in terms of the responsibilities that accrued to those members of staff who were in official positions and colleagues accepted that those in managerial roles had the authority to take decisions and follow them through.

Formal models are often characterised as reflecting organisations which are goal seeking and where managerial decision making is conducted in a rational manner. (Bush, 1995; Mintzberg, 1979). The evidence provided in document set 2 and document 3 clearly indicates that the correspondence between the Director and the Pro-Vice Chancellor was in part designed to protect the College's reputation in the light of its goal to achieve university status and taught degree awarding powers. It is interesting to note that the Director required the College's collegiate system to address these matters, and the Assistant Director's summary memo (Document 3) confirmed that appropriate actions had been undertaken and that monitoring of the situation was ongoing. The interview evidence reinforced the documentary analysis in that it confirmed that it was important to the senior executives of both the College and the university that an incident audit trail was placed on record.

The stated intention was that such an audit trail would protect the two institutions in their academic relationship and provide evidence against which a critical reader might conclude that the College had reached a level of academic maturity in the way it handled the incident. This convergence of formal action through collegiate structures reflects Becher's (1988) synthesis model. The interview response of the Head of Combined Studies regarding the importance of an audit trail (chapter 5, p.145) and the Assistant Director's confirmation that he wrote document 3 in the expectation that the College would be held to account in the future, exemplifies Becher's notion that formal and collegiate models are both "front stage" and "in the public domain".

Whilst the goals of taught degree awarding powers and university status were uppermost in the minds of many of the College's senior executives (as affirmed by responses to interview question 12, fig 26, Chapter 5, p 141), another part of the College's mission was suggested as being as important a goal by a majority of the lecturing staff and senior executives - that of a caring and supportive academic culture. Both goals were seen by many of the interviewees as complementary and it is interesting to note that all interviewees (excepting the university moderator) were able to respond to question 12 by acknowledging at least one of the College goals.

There is thus sufficient evidence to suggest from both the analysis of documentation and interview responses that the formal model operated at Nene College during the period of the critical incident. The theoretical typology characteristics for formal models given in Fig 17, Chapter 4, p.84 have been exemplified throughout the critical incident - particularly those that relate to role accountability and organisational goals. Indeed, this emphasis upon accountability

and decision-making based upon the achievement of clear organisational goals by members of staff deriving from their authority to act through the hierarchical position they occupied, exemplifies most, if not all, of the central features of formal models described in Figure 17, P. 84. As such, these features suggest that the formal model operated as a strong force in underpinning the practice of individuals during the critical incident.

2.1.2 Collegiate Models

Collegial models, it has been suggested, are *"a necessary antidote to the rigid hierarchical assumptions of the formal models"* (Bush, 1995, p. 70). Generally espoused by staff and management in Higher Education as an ideal to which the organisation should strive to operate, it has been criticised as a model by those who have observed practice in educational organisations as either "contrived" (Hargreaves, 1994) or impossible because it is *"a situation which the existing law and external expectations preclude"* (Hoyle, 1986, p.100). However, the actions of management and staff in response to the critical incident exhibit participative approaches to the problem and consensus as to the short-term action that needed to be taken. There is documentary evidence in the annual review that the course team made every effort to examine the problem *"honestly and effectively"* (line 6, p 10, annual course review) and that *"objective consideration of the issue in any other forum is welcome"*. (Line 9, p 10 annual course review). The openness of the investigation process is commented upon by the investigator in the first paragraph of the investigation report, and that openness was confirmed by the investigator and others in their responses to the interview questions. Indeed, the unanimous positive response from all interviewees to Question 9 in the interview schedule - *"the documentary evidence suggests an open process and evaluation of the incident - do you agree?"* indicates an acceptance of an investigation process that allowed the participants to express their views freely and without duress. Whilst the openness of the investigation process and the operation of the formal collegiate system at Faculty and College level subsequent to the critical incident reflects the notion of consensual decision-making, it is interesting to note that as time progressed, the slowness of the process and the consequent frustration felt by some of the law lecturers exemplified one of the acknowledged disadvantages of collegial models (Bush, 1995, p.59).

Evidence of formal representation through decision making bodies is provided at both College and Faculty level. The incident was debated, decisions made and actions monitored at the Committee for Academic Standards (CAS) and the College Academic Board (CAB). In addition, five interviewees commented upon the activities of the committees at Faculty level that dealt with the incident (Responses to Question 4). Indeed the minutes of the Combined Studies Board of

Examiners laid the blame for the law results upon "*academic management*" (Minute 4.4 Board of Examiners meeting 30.06.92), suggesting that a collegiate meeting did not feel itself restrained in offering criticism of the executive arm of the organisation.

Whilst the results provided evidence of an open process of incident investigation and a collegiate structure which took agreed decisions in response to the critical incident, some interview responses suggested that certain activities monitored by College and Faculty committees were not followed through. For example, the exercise to compare assessment practices across different subjects within Combined Studies was never undertaken although it was actioned in the minutes of the Boards of Examiners' meeting in June 1992. The investigation report and the Dean's summary was, according to the evidence provided by the unit 1 law tutor (January 1992 onwards), made available to CAS without allowing the law lecturers a right of reply. In addition, it is interesting to note that in response to Question 7 of the interview schedule, all but one of the interviewees suggested that their professional expertise had not been asked for or used to resolve any part of the critical incident. Whilst many of the lecturers responded to this question from the point of view of correcting inaccuracies in the investigation report as they saw it, there does seem to be evidence to suggest that the collegiate structure was seen as a vehicle for providing "audit trails" and monitoring agreed actions, but less helpful in supporting the lecturers on the ground. (See Head of Legal Studies comments Chapter 5, p 127). Indeed, these results might suggest that collegiality was, in fact, "contrived" (Hargreaves, 1994, pp 195-196) in that the evidence appears to indicate that the collegiate system was:

1. Administratively regulated rather than spontaneous, eg management's concern for an audit trail
2. Compulsory rather than discretionary, eg Director requiring the critical incident to be addressed through the collegiate system.
3. Oriented towards implementation rather than policy formulation, eg the system concentrated upon actions specific to the critical incident and did not open a wider debate which related to the whole of combined studies.
4. Fixed in time and place rather than informal and opportunist, eg other than informal meetings by the law team prior to the investigation, all collegiate committee meetings were fixed in time and place.

5. Predictable outcomes rather than open discussion - this last element is not proven by the evidence. In response to Question 4, whilst 14 of the 19 interviewees agreed that the incident was formerly processed and monitored appropriately by the collegiate structure, five interviewees found the Faculty collegiate system unsupportive and others were concerned as to the single subject focus of the debate in collegiate committees.

Whilst these criticisms of the collegiate structure suggest that "consensus decision-making" may have been "contrived", evidence suggests that the short term actions which were accepted by the College and Faculty committees did emerge from discussions and eventual agreement by the lecturing staff in course teams and were clearly undertaken in support of students who were taking resit examinations. However, both management and lecturing staff expressed unease that the committees did not use the opportunity to use lessons learnt from the incident to open a wider debate across the College and that, as a consequence, promised longer term actions were not followed up. Perhaps the concentration upon the understandable management imperative of dealing with the incident through the collegiate system in the short term meant that longer term opportunities to learn lessons from the incident were overlooked. Thus, whilst the evidence does not suggest that the collegiality was 'contrived' in the short term, it does indicate that over time, there was less consensus as to the actions agreed by those committees and the monitoring thereof.

2.1.3. Ambiguity Models

The documentary analysis provided little evidence of ambiguity in the College. Indeed, as one might expect from written evidence about which there was acknowledged concern from College management as to future external scrutiny (the concern for "*audit trails*", and "*record on files*" (Assistant Director interview)), any evidence of ambiguity as to responsibility for action was not likely to be found. There was, however, sufficient evidence in the documentation to suggest that the College had clear goals and was organised in a hierarchical manner, both in terms of individual responsibilities as well as committee structures. Similarly, the College appeared clear as to the internal processes which needed to be actioned in order to respond to the critical incident and there is sufficient evidence in committee minutes and executive memos to this effect.

Where documentary evidence suggesting ambiguity can be found is in the minutes of the University's Board of Collegiate Studies (22.09.92). Here the role of the University moderator is clearly signalled as one of providing advice to course teams on a regular basis when "*their attention is brought to such cases*" (Moderators report, p.1). However, no documentary

evidence could be found which described or provided guidelines regarding the activities of moderators and there was no evidence of the law moderator attending any course meetings in 1991/92.

Evidence relating to ambiguity model criteria was equally elusive when the responses to interview questions are analysed. Once again, there was ample evidence from the interviewees to indicate that they knew and understood College goals (Figure 22, Chapter 5, p 124 and Figure 26, Chapter 5 p 141) and there was clear evidence that short term actions that were agreed were carried out (Figure 21, Chapter 5, p 122). There was no evidence to suggest there was uncertainty over the relative power of collegiate committees and the membership of those committees was consistent over the period of the critical incident.

There was, however, evidence provided by the Assistant Director, Course Co-ordinator (Law), University Moderator and Head of Combined Studies as to ambiguity within the organisational structure. The Head of Combined Studies exemplified the ambiguity of his position in the formal hierarchy by producing a diagram disputing the *"rhetoric"*, as he described it, of his position and role. The Assistant Director described the possible results of this ambiguity as *"a load of headless chickens running around trying to sort it out"*. The Course Co-ordinator (Law) suggested that when problems occurred, some faculties dealt with them internally whilst others were *"happy to let it be done centrally"*. (Course Co-ordinator, Law)

It is interesting to note that the ambiguity described by these interviewees was not provided *"by the contingent, the unexpected and the irrational"* (Hoyle, 1986, p 72). Rather, the ambiguity was inherent within the organisational structure that was operating at the time; ambiguity appears to be evidenced along those informal relationship lines indicated in Figure 16, Chapter 4, section 2(ii), p.86. (It is interesting to note that the College radically changed the reporting relationships between Faculties and Combined Honours (as it then became) in 1993).

2.1.4 Political Models

Writers, (Pfeffer, 1979; Mintzberg, 1983) have suggested that successful politics often requires a collegial posture. If that is so, it is likely that it might be difficult to assess the level of political activity through the analysis of documents in that it may be impossible from an evaluation of the written word to assess the motivation of the writer or recorder. (Giddens, 1979; Scott, 1990).

Yet according to Hardy et al (1984, p 361) it is *"on the basis of motivation rather than behaviour"* that collegiality is distinguished from politics. Thus whilst the documentation in the public domain (annual course review, investigation report, Dean's summary, College committee and Board of Examiner's minutes) provides little evidence of political activity, the internal memorandum to the Head of Legal Studies from the Course Co-ordinator (representing the course team) and the subsequent memos from the Year Tutor (January 1992 onwards) to the Dean and Head of Legal Studies indicate an underlying level of political activity or self interest which is confirmed by interview responses to Question 6.

The annual course review and the investigation report did, however, signal that some blame for the poor examination results might be attached to the Year Tutor (to December 1991). He himself at interview acknowledged that, taken as a blanket commentary, the documents indicated that he was the *"scapegoat"* as he saw it and Lecturer 1 suggested that the investigation report *"is almost trying to load it (the blame) on to the year leader"* (Lecturer 1). However, it was only after the Dean commissioned the investigation report and subsequently reported the results of the investigation to CAB and CAS that individuals and groups took political action by writing internal memos to Faculty executives disputing inaccuracies, as they saw it, of the report results. The memo from the Course Co-ordinator (Law) appeared to be predominantly self interested in that it chose to reinforce the view that the Year Tutor (to December 1991) was primarily to blame for the students' poor examination performance. Whereas much of the criticism is directed towards the Year Tutor (to December 1991), the Course Co-ordinator (Law) indicated in his interview that during the 1991 autumn term he had informal meetings with the Head of School (Law) to voice his concerns about the Unit 1 Law course. It is therefore, interesting to note that it was some six months after the critical incident took place before documentary evidence can be found suggesting that the law lecturing group was adopting a collective position disputing management action and views.

The interview results support these findings from the documentary analysis. There was no evidence of immediate political activity by the lecturers in response to the examination results and whilst five respondents to Question 6 indicated that the Year Tutor (to December 1991) was partially or wholly to blame for the results, eight respondents (of whom five came from the lecturing team of seven) suggested that the lecturing team were equally to blame, albeit some lecturers acknowledging their contribution reluctantly.

Responses to Question 8 again reinforce this lack of political activity. Eleven of the nineteen

interviewees indicated that they believed that no negotiations occurred between different parties to the critical incident and only two suggested that negotiation had taken place within the lecturing group in order to respond in similar manner to the investigator's questions. The only other "negotiation" appeared to take place between the College and university in order *"to make sure that the outcomes at the Collegiate Board of Studies were satisfactory"* (Director).

Pettigrew (1973) and Pfeffer (1981) argue that for political activity to occur four conditions have to be met, viz: (1) presence of conflicting goals (2) interest groups must be interdependent (3) resources must be scarce and (4) issues must be critical. The results of the documentary analysis and the interview process indicate that (1) staff groups were interdependent (2) staff believed resources to be scarce and (3) staff recognised that the incident was critical. There is, however, no evidence of conflicting goals in the short term - staff were motivated to support students throughout the incident, particularly as the lecturing staff appear to acknowledge that some blame for the poor examination results could be attached to themselves and their performance. Senior management also required that staff be active in supporting students so that, in meeting a central plank of its mission statement, the College could provide evidence to interested external parties that it was sufficiently robust and mature as an organisation to deal satisfactorily with the problem in the short term and learn from it in the medium to long term as it strove to reach university status. In this case, therefore, all staff (whether management or lecturers) shared a common belief in the value of achieving shared organisational goals and a willingness, albeit in the short to medium term, to co-operate positively in delivering those goals by solving the problems which arose as a result of the Unit 1 Law examination failure rate.

In the longer term, however, conflict became more apparent as the law lecturers became concerned that at College level, debate was focussed too directly towards "law" within the combined studies programme and not other subjects. At the Faculty level, concern was expressed that the law tutors were concerned with *"Defending it (the law course) everywhere we went"* (Unit 1 Law Tutor, January 1992 onwards) and feeling that little if no action was taken in correcting the inaccuracies (as they saw it) of the investigation report and subsequent reports to central College committees. As noted in chapter 4, section 5(v), the law lecturers' attitudes towards Faculty management "hardened" over time so that there was less emphasis upon the protection of the individuals' and group's professional reputation and more concentration upon the lack of management and College response to the law group's requests for a full debate relating to their view of the inaccuracies for the investigation report and that law (rather than psychology or sociology, for example) upheld standards and was penalised as a consequence.

Cultural Models.

Cultural models are characterised by rituals and symbols which reinforce the "*values, beliefs and norms of individuals in the organisation*" (Bush, 1995, p 130) However, unless those values and beliefs are shared by individuals within an organisation, they may not take shape as unofficial organisational norms which eventually become embedded in the fabric of an organisation. It may be interesting to note that, though the collegiate committee structure may be considered 'contrived' as, for example, another vehicle for management to use to persuade others to accept their policies and strategies, the fact that the system is there in the first place and has remained largely unaltered over the test of time, may reflect the symbolic and ritualistic underpinning of the scholarly collegium in Higher Education.

The evidence gained from both the documentary analysis and the interview results suggests an organisation that has at its heart a shared value system relating to the importance of supporting students. Examples from the documentary analysis include the immediate agreement by lecturing staff to a summer remedial programme for Law students prior to their resit examinations, the documented "*openness*" of the investigation process, the recognition by members of the Board of Examiners (30.06.92) that there might have to be a slight adjustment of marks to compensate for the poor student learning experience and the ritual of the Dean (rather than the Head of School or Course Co-ordinator) providing reports to College committees. What became evident from the responses to question three of the interview schedule was that interviewees whose jobs were immediately concerned with the resit students confirmed that their supportive actions were as a result of an "*instinctive and genuine response*" (Lecturer 1). Other members of staff, mostly senior executives or representatives of the university, focussed upon the impact the failure rate might have on the College mission to achieve university status. Whereas the results provide evidence of "sets" of staff looking to two different College goals in terms of the impact of the high failure rate on the College mission, it appears that these goals were complementary in that action taken at different levels of the organisation did not create strategic dissonance. This view is confirmed by the responses to Question 11 of the interview schedule. All excepting lecturer 3 agreed that they had been part of a group that had agreed principles and had carried out consequent objectives. Four interviewees reflected upon the law lecturers sharing a distinct sub-culture which perhaps only emerged as a response to a perception that their professional integrity continued to be impugned by management [motivation] after the conclusion, as they saw it, of the critical incident (see previous section on political activity). Whilst this sub-culture became more evident over the longer term, an interesting observation from the Assistant Director

(p.142) indicated that he thought that any law sub-culture (as opposed to sub-cultures in other professional areas) would be more sharply identified as an institution rapidly increased student numbers, given his view of the norms and values held by the group of law lecturers. Similarly, the Dean of Faculty indicated that, in her opinion, the law lecturers had *"the strong view that they were the setters of standards and they were delivering a proper university-style course"* and thus *"They've always got reasons why they are doing the right thing. It's either the students are not good enough, or, other courses, if they don't get the same failure rate, they're cheating"* (Dean of Faculty).

Responses to question 12 of the interview schedules confirmed the results of the documentary analysis regarding the handling of the incident in the light of the College's mission and culture at that time. Eleven respondents cited the caring and supportive element of the College's mission as embodying the College's culture whilst six cited degree awarding powers/university status. There was reference by five interviewees to the dependency culture upon the University of Leicester at that time particularly as it related to the relationships of the law lecturers to the university.

Such commonality of shared meanings and values by those involved in the critical incident point to an organisational culture which provided *"a focus for organisational action"* (Bush, 1995, p 140). The extent of the embedding of this organisational culture is difficult to assess although the interviewees' responses to issues of culture were positive and consistent. As Nias et al (1989) have pointed out, many shared beliefs are *"so deeply buried that individuals do not even know what they are"*. (Nias et al, 1989, p.11).

Conclusion

It is clear from evaluation of both the documentary analysis and interview results that all theoretical models of educational management were operational throughout the incident process.

2.2 Do the results derived from an analysis of the critical incident suggest dominance of one or more theoretical models?

The results derived from both the documentary analysis and the interview responses suggest that both ambiguity and political theories tended to be less dominant throughout the critical incident. The process of action and decision making appeared largely unambiguous and whilst the formal and informal organisation relationships were considered by some to be unclear (Head of

Combined Studies, Assistant Director, Course Co-ordinator (Law)), such ambiguity did not appear to impede the pursuance of the agreed action plans. Whilst some comprehensive models (Hardy et al, 1984; Davies and Morgan, 1983; Enderud, 1980) include an ambiguity or "garbage can" (Cohen and March, 1984) element, the position of ambiguity within the model is invariably placed at the starting point for the emergence of problems against which decision making processes either respond or fail to respond. Enderud (1980), however, has indicated that within organisational structures, particularly those that represent multi-layered and multi-faceted organisations, sub units may be loosely coupled horizontally as well as vertically thus providing the opportunity for ambiguity. Whilst the ambiguity of the reporting relationships relating to Combined Studies can be seen in this light, the potential impact of that ambiguity was to a great extent overcome by the operation of the formal rather than the informal lines of responsibility and authority. What the evidence does suggest, however, is that the 'players' within the critical incident most involved in potentially ambiguous relationships (Head of Combined Studies, Course Co-ordinator (Law)) understood that ambiguity potential, and had made *"a considerable amount of effort [which was] devoted to punctuating this loosely coupled world and correcting it in some way in which it can be made sensible"*. (Weick, 1988, p 69).

Political activity tended to be evidenced by the lecturing group rather than senior organisational members. Their political activity tended to focus either upon who might be to blame for the critical incident problem, or, as time went on, the refusal (as they saw it) of Faculty management and Faculty committees to respond to their particular concerns arising out of the critical incident. However, political theories stress the prevalence of conflict in the organisation and, whilst there was clearly a hardening of attitudes by the law lecturers over the long term as they perceived they were receiving unsatisfactory responses from Faculty representatives, nevertheless over the short to medium term any conflict, if there was any, was evidenced as "low-key". Throughout the critical incident, there was little if any evidence of bargaining and negotiation and it was clear from the documentary evidence and interviewee responses that the organisation's goals were clear, understood and uncontested by the "players" within the critical incident. It is, however, interesting to note that the Year 1 Law Tutor (to December 1991) did feel *"scapegoated"* and felt that the blame for the examination results had unfairly rested upon his shoulders, even though other members of the law team recognised their shared culpability. Given this apparent group ownership of the critical incident, however, there is no group response to the Dean's authority when she changed the Year Tutorship after term one and a grudging acceptance that their (the law team's) concerns regarding the investigation report and its conclusion were unlikely to be responded to once the short-term threat of the critical incident had passed.

Political theorists (Bolman and Deal, 1984; Baldrige, 1989; Crozier, 1964; Bacharach and Lawler, 1980) suggest that within organisational process structures individual and/or group self interest is likely to deliver conflict, usually between sub units within an organisation and/or between groups of subordinates and managers. This emphasis on conflict would seem to suggest that an individual's or group's goals are likely to be at odds with others within the organisation or with those of the organisation itself. If, however, there is agreement to goals, there is *"the possibility of professional collaboration leading to agreed outcomes"* (Bush, 1994, p 42). The evidence from the case study suggests that there was professional collaboration to solve the critical incident problem in the short term and that individuals and groups were motivated to deal with the problem because they supported the goal(s) of the organisation.

Such shared understandings of the need to support students who had failed the law examination results, the acceptance of formal authority figures having the right to take executive action and the acknowledgment of the right of the collegiate system to monitor the action outcomes and to require further action to take place, points overwhelmingly to a heavy reliance upon formal, cultural and collegial models in solving the critical incident problem. The evidence in Section 2.1 suggests that Clark's (1992) assertion that academic institutions sometimes develop powerful and persuasive systems of beliefs which produce strong consistency across all kinds of decision is to be found in the way 'players' within the critical incident related to the examinations failure. Whilst the formal authority structure dominated the process through which managers and lecturers acted, the collegiate system tended to be used to reinforce, monitor and record their action. Nevertheless, the overarching culture of the organisation exhibited a tight cultural control over behaviour reflective of a *"numinous organisation"* (O'Neill, 1994, p 116). All interviewees except the university moderator were able to articulate that part of the College's mission which referred to either a caring and supportive academic culture and/or the College's aim of degree awarding powers/university status thus indicating a clearly defined and strongly articulated organisational culture. As O'Neill (1994 p.118) suggests, a *"clearly defined and strongly articulated organisational culture is perceived to provide a significant code of conduct within which schools and colleges can structure an appropriate management response to new and unfamiliar areas of educational activity"*. In terms of this critical incident, the context of a 'Nene' culture within which formal and collegial approaches dominated was clearly an important element in providing a positive and well-understood code of conduct to which staff naturally responded.

Conclusion

Results from the case study indicate that during the critical incident, the theoretical models which appear to underpin the practice of individuals and groups were those that related to culture, collegiality and formal structures. The presence of political and ambiguity model activity was evidenced by a very few individuals or groups. Thus the documentary analysis and interview responses indicated that political and ambiguity models were not dominant through the incident time period.

2.3 What influence did the external and internal context have upon (1) the process of the critical incident and (2) the action of the 'players'?

1) The external market for law students

It is clear from the documentary analysis that the Director was concerned as to the impact of the high failure rate upon the local recruitment market (see Document set 4). His letter of 30.11.92 to a senior partner of a local law firm and its emphasis upon results in part time courses (ILEX) and the LLB attempts to highlight positive examination outcomes rather than focus on the law failure rate on the Combined Studies programme. In his interview, the Director confirmed that there was no marked negative response to the Combined Studies Law high failure rate once letters highlighting positive part time examination results had been sent to local firms (as advised in the senior partner's response letter dated 14.12.92). Therefore no follow up meeting was arranged. Nevertheless, immediate cognisance of the potential impact of the high failure rate upon the local recruitment market was clearly documented and actioned.

2) The relationship with the University of Leicester

The influence of the University of Leicester and its responses to the critical incident appear to be of real significance throughout the process of dealing with the law examinations and their aftermath. Whilst the Pro-Vice Chancellor is quick to acknowledge in his letter of 03.09.92 (Document Set 2) that *"the College has acted quickly and effectively to address the immediate problem"*, the potential medium to long term problems are highlighted for the College's action. The response of the Director to that letter (dated 09.09.92) indicates that the College's *"internal review processes will be addressing these issues amongst others"*. He adds *"I will ask T (the Assistant Director) to liaise with you regarding the best ways of jointly ensuring a response and a*

satisfactory audit trail".

This concern for an audit trail has previously been acknowledged (Chapter 5, section 6 (i)) particularly in relation to the provision of academic evidence which could have supported the College's application for degree awarding powers, if required. However, the evidence suggests that the audit trail was also important from the University's point of view. This assertion is founded upon the following analysis:-

1. The role of the University Moderator did not appear to be operating in practice. As indicated earlier, there was no evidence of attendance by the University Moderator at law course committees and the Pro-Vice Chancellor's letter to the Director (dated 03.09.92) asserts that *"the University will review the role of moderators in such situations"*.
2. The Moderator's report to the Board of Collegiate Studies (22.09.92) indicates ambiguity as to the moderator's role. Were the moderators, as the report suggests, available as a resource from which advice could be sought or were they expected to take a more proactive role?
3. The Pro-Vice Chancellor stated that validating universities were under pressure at that time to carry out their validation/accreditation functions appropriately. He acknowledged that a working group had been set up which included the University's Vice Chancellor to investigate the national situation and provide a report to the Higher Education Quality Council (HEQC). He was therefore under pressure to ensure that the University/College validation/accreditation arrangements were seen to be operating effectively.
4. Five interviewees' responses to Question 12 referred to the College's *"dependency culture"* relating to the University of Leicester. The need for the College to become independent of the University in order to satisfy the requirement for degree awarding powers did not sit easily with the validation/accreditation arrangements in 1991/92. This friction is perhaps exemplified by, on the one hand, the Dean regarding the College law lecturing staff as *"being under the thumb of the law faculty at Leicester"* (Dean) and on the other, the Pro-Vice Chancellor indicating in his interview that the relationships between the College and University law staff *"weren't particularly good"* (Pro-vice Chancellor).

These difficulties may have provided the opportunities, in other circumstances, for the representatives of the different institutions to place the blame, wholly or partly, upon each

other's organisations. However, it is clear from the Pro-Vice Chancellor's interview responses that the University wanted the incident to be dealt with in a way which would result in the University being adjudged in a good light as a validating university. It was, therefore, in the University's interest to work with the College to achieve appropriate outcomes. From the College's point of view, it had to maintain its academic credibility with the University in order to secure its support in its future application for degree awarding powers.

3. The interrelationship between the internal and external context

It is interesting to note that the contacts with the external world were initiated, in written form, by members of the College. Thus the Director initially wrote to the partner of a local firm to provoke a response; the Pro-Vice Chancellor corresponds with the Director only after having received the investigation report and the Dean's summary from the Dean herself.

Comprehensive models which focus on policy formulation or decision making processes (Davies and Morgan, 1983; Hardy et al, 1984) tend to suggest that the *"environment"* or *"external world"* is a factor that impinges upon or creates the impetus for change in the initial stages of policy formulation or decision making. Other models concerned with the nature of an organisation at any one time appear to focus upon *"loose/tight"* qualities in organisational structure in order to comment upon the ability of an organisation to respond to external change. However, it is acknowledged (O'Neill, 1994; Turner in Packwood and Turner, 1988) that if organisations become looser and adopt more fluid and open forms then clarity of structure and hence authority no longer exists to the same extent. As Westoby (1988, p xv) suggests *"When visible structures and formal means of control are soft or loose, habits and attitude assume greater importance"*. In the case of the critical incident, the documentary analysis and interview results suggest that the culture and goals of the College appeared so embedded that it prompted staff to take the initiative in making contact with the external world, perhaps in an attempt to ensure that previously determined strategies would not be diverted away from the delivery of College goals. It was perhaps happy circumstance that there was mutual advantage to be gained by both the College and University in working together to achieve a successful critical incident outcome in order to satisfy common auditable aims.

Conclusion

The evidence appears to suggest that the external environment in the form of the College's

validating university played a key contextual role in the process of responding to the critical incident. It was particularly important in areas of ambiguity relating to the University Moderator's role but also in monitoring progress in the performance of the action plan, thus providing further evidence of the College and University's joint positive response to the high examination failure rate.

2.4 What influence did the stated aims and mission of Nene College have in determining some or all of the actions for the "Players" within the critical incident event?

Nene College's mission statement is given in Appendix 6. Whilst it is clear that in meeting its mission, the College will *"provide for all its students:-*

- *Defined academic programmes with clear learning outcomes*
- *Committed and competent teaching*
- *A caring and supportive academic culture*
- *An attractive and facilitative physical environment"*

(College Mission Statement)

Nowhere in the mission is the goal of "university status" and "degree awarding powers" stated. Given the importance granted by senior managers to this aim in their responses to the interview questions, it is interesting to note that all the actions documented within the original sets of documentation point to individuals and groups working to support a student group who had experienced a difficult teaching and learning year. This support for students has already been detailed in that it was a goal quoted by the majority of interviewees in the previous section as being extremely important in their responses to question 12 of the interview schedule. As has been evidenced, the explicitness and mutual beneficiality of the College goals of, on the one hand, student support and on the other, degree awarding powers, drove the actions of "players" in working through both the formal and collegial processes of the organisation. Indeed, the collegial operations were clearly fashioned to monitor actions; the committees exhibited many of the characteristics of "contrived collegiality", as described by Hargreaves (1994), particularly as they appeared orientated towards implementation rather than policy formulation.

This goal clarity might at first sight, have appeared to inhibit the 'political' activity of individuals or groups. This view, however, is one which pre-supposes that the definition of 'political activity' is one that suggests a break down in the policy making process where *"opposing interests coalesce to defeat proposals and seek to substitute their own plans"*. (Bush, 1995, p 79). Political activity could, one might argue, be activity which positively integrates with other

forms of organisational activity, provided that the individual's or group's aims concur with those of the organisation. In the case just outlined, a harmonisation of activity occurs in the short term as both self interest and organisational interest are satisfied to the benefit of both parties.

However, another more cynical view could be that, throughout the critical incident, senior managers used the formal and collegial system in order to politically manipulate outcomes, thus providing audit trails and satisfactory answers to an external world. Similarly, a view could be expressed that lecturers responded positively to the dramatic failure rate to protect their own professional positions rather than purely support the unfortunate students through the resit examinations. Whilst such activities have been recorded elsewhere (Campbell and Southworth, 1993; Bailey, 1982), there was no evidence to adduce that political activity by individuals and groups was undertaken in a cynical way, although senior managers were clearly aware of the need to take and record actions which protected the College's goals. The overwhelming response to questions which related to College goals and culture indicated that that part of the mission statement which related to a caring and supportive academic environment was pre-eminent in the minds of individuals (particularly the lecturers, registrar and faculty management). They appeared to respond genuinely to the plight of those students involved in the critical incident; a position which is evidenced by the interview responses given by the lecturers (see Figure 22, Chapter 5, p 124) and those citations given in Chapter 5 (pp 124,125).

As Clark,(1992) points out *"A clear description of the aims of a school, College or any section within it helps to provide a common vision and set of values. Well stated aims will seize everybody's interests. Such aims will help in creating a strong culture"*. (Clark, 1992, p 74). Perhaps these clear goals reflecting a common culture meant that the 'players' to the critical incident acted openly and positively rather than cynically and pessimistically. As Bolman and Deal suggest, the political framework *"overstates the inevitability of conflict and understates the potential for effectiveness and collaboration"* (Bolman and Deal, 1984, cited in Bush, 1995 p 89).

Conclusion

The stated aims and mission of Nene College influenced the activities of all the 'players' within the critical incident. Whereas those most closely involved with the student "on the ground" tended to cite the College's goal of a *"caring and supportive academic culture"* those senior in, and external to, the organisation were more likely to be concerned with the College's aim to achieve university status and degree awarding powers. There was no evidence to suggest that individuals and groups acted cynically in order to protect their own position whilst overtly

meeting College goals, but rather that individuals and groups acted openly and positively in response to the difficulties provided by the critical incident.

2.5 Are different theoretical models of educational management more or less likely to be dominant in influencing actions of Nene College staff involved in the critical incident located at different hierarchical levels within the organisation?

The case study evidence does not support the notion that, dependent upon the hierarchical location of individuals and groups of Nene College staff, one or more models of educational management were more or less likely to be dominant. Whilst political activity of a bargaining and negotiating nature took place at the lecturers' level within the Faculty towards the end of the critical incident time period, the impact of such activity, according to the evidence, was not significant in resolving the critical incident. Issues of ambiguity related to informal and formal networks across and outside the organisation rather than at hierarchical levels, and formal, collegial and cultural models appeared to be in evidence whatever the hierarchical level groups or individuals occupied within the College.

However, whichever hierarchical level was examined, whether, for example, senior management or faculty lecturers, the embedding of the values and goals inherent in the College mission appeared important in relation to the educational management models previously found to be dominant (Section 2.2, Chapter 6). Taking this analysis further, and applying such analysis to the model previously developed in Chapter 2, (figure 10), the evidence suggests that the explicitness of the College's goals and the permeation of the College's culture complimented each other in such a way so that:

Formal Models

- a) formal/hierarchical models of management were accepted/expected to be used by College staff
- b) action taken by the 'players' reflected their positions of authority
- c) the 'players' to the critical incident at various levels of the academic and administrative organisational hierarchy were accountable for, and took responsibility for, their actions

Political Models

- a) individuals and groups had short-term aims which were broadly in tune with that of the organisation. Thus, political activity in the short term did not manifest itself in terms of conflict with either the organisation's aims or the actions of management in pursuing those aims.

- b) decisions emerged as a result of an open investigatory process and through agreement rather than through negotiation and bargaining. Actions taken to deal with the critical incident appeared to relate to stable, well defined, College goals.

Cultural Models

- a) the part of the College's mission statement which related to support for students was shared by all College staff. Hence, any ambiguity as to action was overcome as "players" to the critical incident in potentially ambiguous positions worked towards agreed College goals
- b) the goals of "university status" and "support for students" were mutually supportive and, as a consequence, provided a complementary set of objectives against which College staff located at different hierarchical levels could act.

Collegiate Models

- a) the College's collegiate structure was used to agree and monitor actions rather than formulate policy. This was perhaps unsurprising given the nature of the critical incident and the College's validation arrangements with the University of Leicester.
- b) the College's collegial structure, given that it appeared throughout the critical incident to be used for confirmation of actions and monitoring thereof, appears to have met many of those conditions proposed by Hargreaves (1994) as constituting a 'contrived' collegiality. There is sufficient evidence from the case study to suggest that the collegiate system was used as a vehicle for audit assurance, and in that sense, might be viewed as an additional process tool for management to contrive consensus as to action. Whilst, however, no evidence was put forward by the interviewees which suggested that those involved in the critical incident felt disempowered or manipulated by management via the College's collegiate system, there is no direct evidence of decision by consensus either.

Ambiguity Models

- a) there was little evidence as to the existence of ambiguity models at different hierarchical levels of the College. Rather, any ambiguity that existed lay across the organisation tracing more informal, rather than formal, relationships.

This analysis of the critical incident evidence would appear to support the basis of the model proposed at the end of Chapter 2. For ease of reference, the model is repeated overleaf (Figure 10):

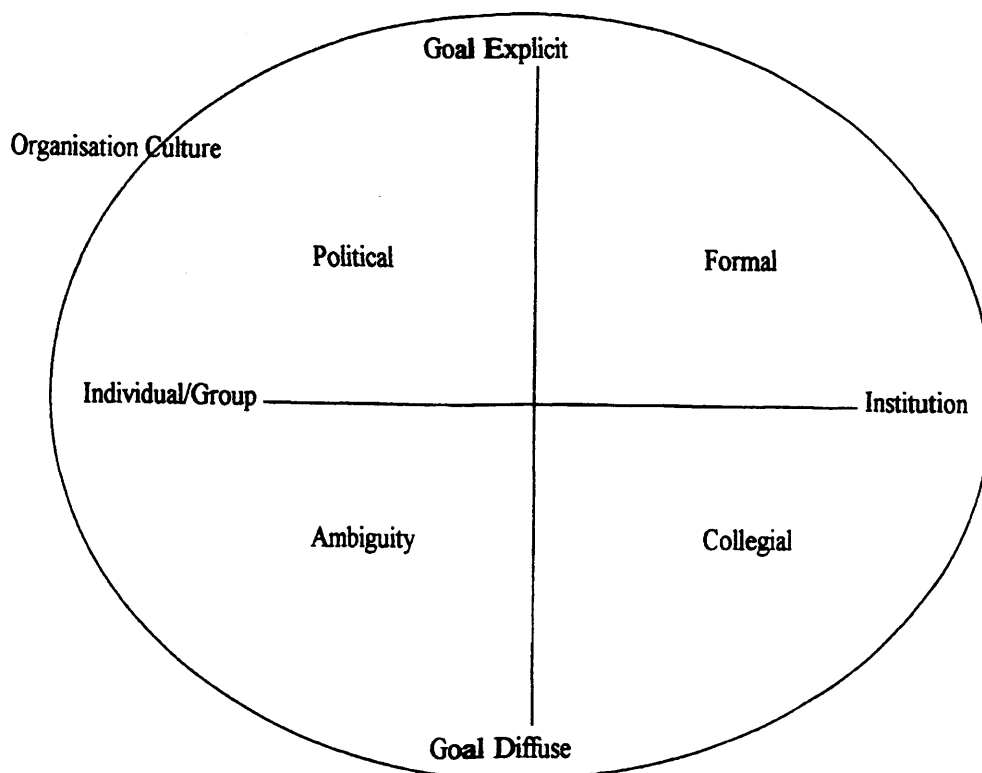


Figure 10 A new comprehensive model

At the level of senior management, **individual** managers had a clear vision as to the action they needed to take and appeared to compensate for any structural ambiguity. At the lecturing group level, the aims of individual lecturers, **course** tutors, course co-ordinators and appropriate administrative staff were synergistic with **the** aims of the organisation. In the short term, clear evidence was provided which supported the conclusion that the organisational culture exhibited embedded shared values relating to **university** status and more particularly student support. Additionally, the evidence indicated that, **whilst** there was a collegial structure and system in operation, much of the activity relating to **the** critical incident was oriented towards implementation rather than policy formulation and, as such, reflected a 'contrived collegiality' which supported and complemented formal **processes** rather than provided for consensual decision-making. Thus using the model to **describe** the organisational position at the time of the critical incident, the following diagram **could** be used:

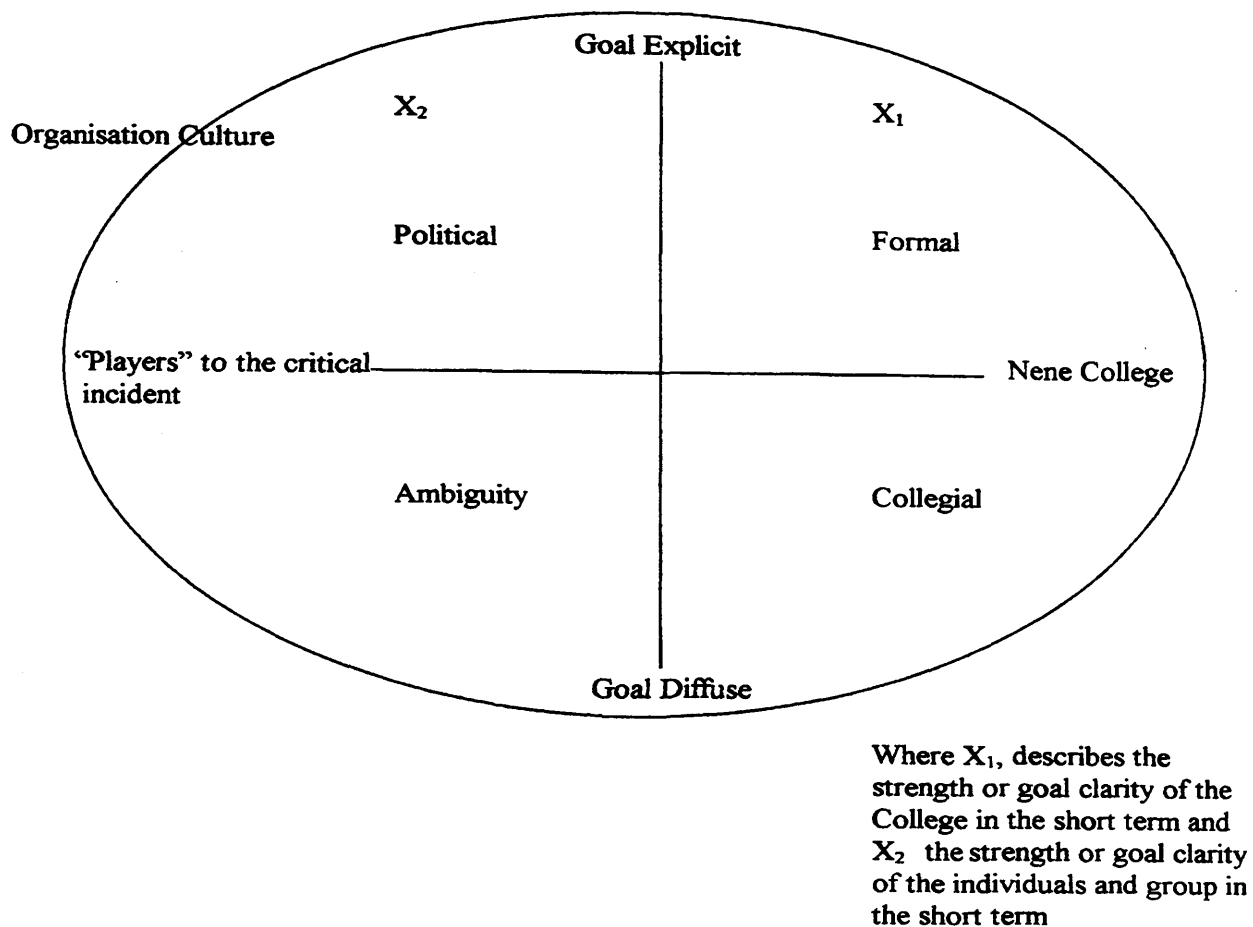


Figure 27 A new comprehensive model reflecting results of the case study in the short term

In this diagram, the use of the letter 'X' for both the College and the players to the critical incident indicates that the goals of both variables were 'pulling in the same direction'. The case study evidence as discussed previously would support that view in the short term. Additionally, the clarity of organisational goals and the embedding of those goals within the College gave rise to an organisational culture which provided the environment for shared values and beliefs.

In the longer term, however, the law group's activities conflicted with College goals in that the group became concerned as to the lack of a full debate relating to the whole of the combined studies programme at the College committee level and the continuing refusal, as the group saw it, of Faculty management and Faculty committees to respond to the inaccuracies of the investigation report. Thus for the longer term, the evidence suggests that the goals of the law group were not synergistic with those of the College: ie they were not "pulling in the same

direction". In this case, therefore, the diagram would portray different letter symbols for the College as opposed to the law group in that, whilst both were clear as to their goals, their goals were in conflict. In the diagram expressing the long term situation (given below) the Y_1 symbol expresses the law lecturer's goals and X_1 , the goals of the College. The use of different letter symbols for each group portrays the view that the lecturer's goals were beginning to be in conflict with those of the College.

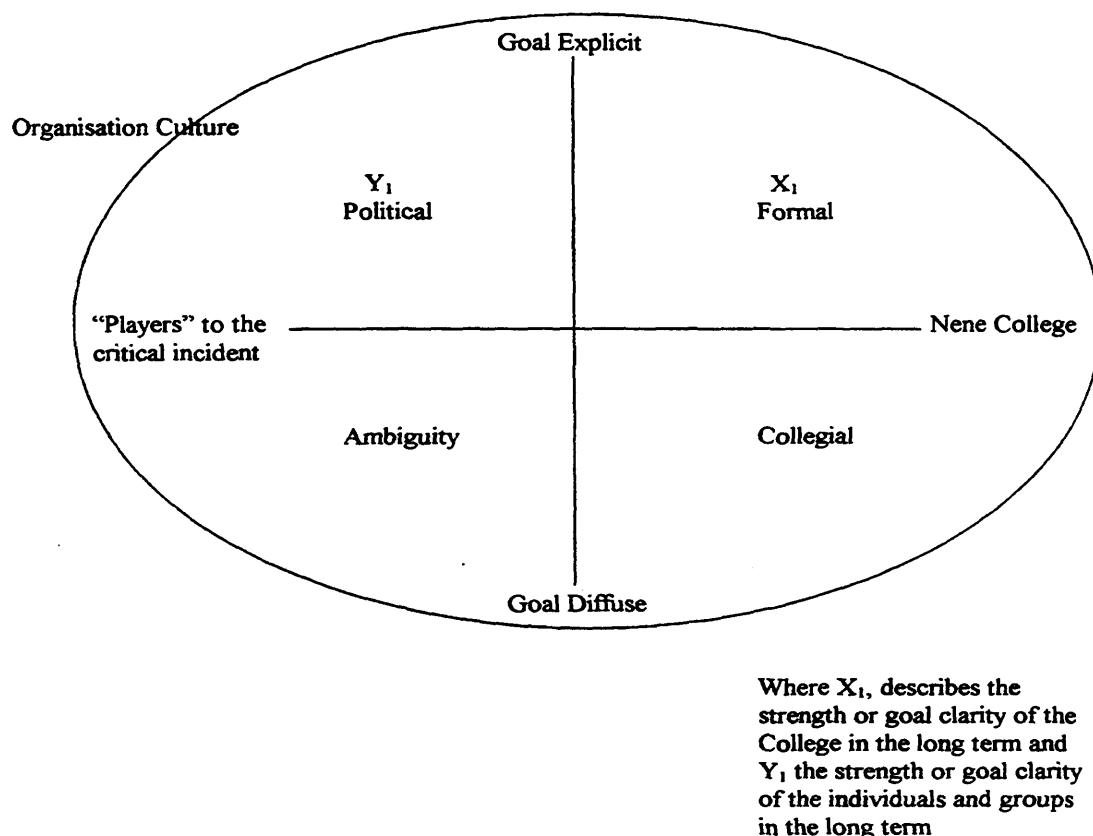


Figure 28 A new comprehensive model reflecting the results of the case study in the long term

Conclusion

The case study did not provide evidence which supported the notion that different models of educational management were more or less likely, per se, to be dominant in influencing actions of Nene College staff involved in the critical incident located at different hierarchical levels within the organisation. Rather, the clarity and strength of the College's goals along with the clarity and strength of individual and group goals were found to be important in determining whether particular models of educational management were used in the short, medium and long

term to respond to the difficulties of the critical incident. The College's culture reflected shared values which may have influenced both the organisation generally, and those "players" within it who were involved in the critical incident, to act in ways which led to satisfying similar and mutually beneficial goals, certainly in the short term. However, in the longer term, the goals of the College and the goals of the law group diverged as law lecturers' representatives became increasingly active in contesting the inappropriate response (as they saw it), of College and Faculty committees and Faculty management.

A new model, proposed in Chapter two, (Figure 10), was tested against these outcomes and was deemed suitable in expressing these relationships, both in the short term and the long term.

2.6 Is there any evidence from the analysis of the critical incident to suggest that the interrelationship (if any) between theoretical models of education management is developmental and phased rather than complex and dynamic?

Both Enderud (1980) and Davies and Morgan (1983) have developed integrative models interrelating models of educational management. These integrative models assume that policy making develops over four distinct phases. Hardy et al (1988), however, have concluded that decision making is characterised by combined collegial and political processes, with garbage can (ambiguity) influences encouraging haphazardness on one side of the process with competing analytical influences on the other.

Whilst analysis of the critical incident can only be a "snapshot" of an institution dealing with a specific problem over time, nevertheless the actions taken and the consequential results of those actions occurred over a period of around fifteen months. The goals and policies that were followed, and the decisions taken in the light of those goals and policies, have been shown to be strongly influenced by the culture of the organisation, and the acceptance of clearly defined organisational goals by College staff as motivators within the decision making processes that took place to deal immediately with the critical incident. Because of the level of embedding of organisational culture, individual subjective responses and individual/group self interest activity has been shown to have been underpinned by a collective motivation to respond positively to College goals, and, as a consequence, the critical incident data provided little evidence of political conflict or its resolution in the short term. In the long term, however, there is evidence of political conflict between the law group and Faculty management, although it must be acknowledged that the law group themselves recognised that the conflict exhibited towards the

end of the fifteen month period did not make any appreciable difference to the critical incident outcome.

3. Conclusion

The evidence suggests that the interrelationship between different models of educational management was not developmental through the critical incident period but rather was strongly influenced by the clarity of the organisation's goals and its culture. It is interesting to note that neither the integrative models of Enderud (1980) or Davies and Morgan (1983) include the cultural model and Bush (1995) indicates that the cultural model *"has not been incorporated into any of the syntheses applied to education"* (Bush, 1995, p 153). The new integrative model, referred to in the previous section, makes some attempt to include the cultural model as one of the five integrating model variables, recognising as it does the evidence gained from this research as to the power organisational culture can exert over the actions and decisions of staff located at all levels of the organisation's hierarchy.

Chapter 7 - Reflections

1. Introduction

Any piece of research can be criticised in terms of the weakness of its research methodology, research techniques or research design. The purpose of this chapter is to summarise those criticisms but also to recognise the positive benefits of the research outcomes, both for the researcher and, hopefully, for his colleagues within Nene College.

2. Limitations of the research methodology

The research methodology used an holistic case study design which focussed upon a single critical incident. It involved the systematic gathering of evidence through documentary analysis and interviewing techniques but did not require an experimental input. As such, it could be criticised for a lack of scientific rigour. Additionally, the generalisability and relatability of the results have to be called into question. For example, was the critical incident that has been investigated unique in nature, or could it have been replicated amongst a number of HEIs? Secondly, whilst there was great advantage in being able to interview the local population of staff involved in the critical incident, was the size of population sufficient to achieve reliable results and appropriately representative in composition? Finally, although the researcher became more expert in handling the structured interviews as he gained in experience, the temptation to follow "exciting" lines of enquiry had to be resisted in order to achieve an evenness of practice.

However, the purpose of this case study was to investigate whether theory was evident in practice; the replicability of any case study material is perhaps less important than the representativeness of the incident as portraying activities of a wide range of 'players' within the case study. As has been pointed out earlier, the population represented a large slice group across the College; from lecturer through Dean to Director. The incident was 'critical' and, as such, was more likely to reflect staff activities designed to overcome difficulties rather than providing a "performance" for a team of observers, for example, to observe. Nevertheless, whilst there is no guarantee that if a critical incident of similar nature occurred in another HEI results would have been similar, there is a good chance that theories of educational management would have manifested themselves in practice, albeit in different forms and with different strengths.

3. Limitations of documentary analysis

The use of documentary analysis as a research tool was very important to this case study. The critical incident was an historical event; the value of documentary analysis as a component in historical research has been acknowledged earlier (Langlois and Seignobos, 1898). The technique allowed for an analysis of the critical incident using documentary evidence as well as providing an opportunity to focus the interviewee towards actual practice in order to reduce the opportunity for respondent bias. It helped frame the interview questions and provided insights into the roles of the 'players' within the critical incident. It was 'unobtrusive' (Johnson, 1994) and it brought together previously unrelated material which illuminated the research topic. However, it was clear from comments made by interviewees as to the various purpose of some of the documentary evidence that many of the documents were not 'neutral', ie they were designed for a particular purpose (eg to provide an audit trail or to assure an external viewer). As Johnson, 1994, p.27 points out "*Administrative documents are not neutral reports of events. They are shaped by political context and by cultural and ideological assumptions*".

One difficulty the researcher had in using documentary evidence was in relation to the need to prevent the disclosure of identities. Whilst job titles or initials are used in the main body of the thesis, the documentary evidence provides the full names of members of staff in certain instances. It is a difficult balancing act to undertake to, on the one hand, protect the interests of members of staff and yet, on the other, preserve the authenticity of the documents. The decision was taken to preserve the authenticity of the documents as the material was, by and large, in the public domain. Thus all readers of the appendices to this thesis are asked to maintain confidentiality.

4. Limitations of interviewing

In determining a structured interview schedule, the researcher was concerned to reduce the amount of bias that potentially could accrue, given the role of the researcher within the organisation. In point of fact, all interviewees appeared able to discriminate between the researcher as "researcher" rather than "Deputy Director" and their responses to the questions were open and informed. Most interviewees responded positively to tactful probing and appeared to respond carefully to questions which required, as they saw it, their views about the actions of others involved in the critical incident. Most interviews took longer than had been planned and at times, the researcher felt the need to compare the interview results with a third

party in order to assure himself that the interviews were not straying too far away from their purpose. The opportunity to refer to documentary sources within the interview process was particularly important in this regard.

5. The single researcher

One of the great disadvantages of being a single researcher was that at no time through the data collection process was there an opportunity to compare progress or notes with other members of a research team. However, parts of the draft case study have been read by colleagues in order for the researcher to gain valuable feedback; additionally the research process as well as the research outcomes have provided the researcher with a range of new insights relating to educational management which, once the thesis is published, will be shared with colleagues involved in the critical incident.

6. The research outcomes

Whilst acknowledging the potential difficulties relating to the holistic case study approach and the use of documentary analysis and interviewing as research tools, it is hoped that the case study does inform the debate concerning the use of, and understanding of, theoretical models of educational management in practice. The development of a new comprehensive model will need to be tested further, and the researcher is particularly interested to explore in a further study the interrelationship between loose/tight organisational qualities and organisational culture. However, any future study will continue to focus on practice for as Morgan, 1986, p.336 explains *"Practice is never theory-free, for it is always guided by an image of what one is trying to do. The real issue is whether or not we are aware of the theory guiding our actions"*.

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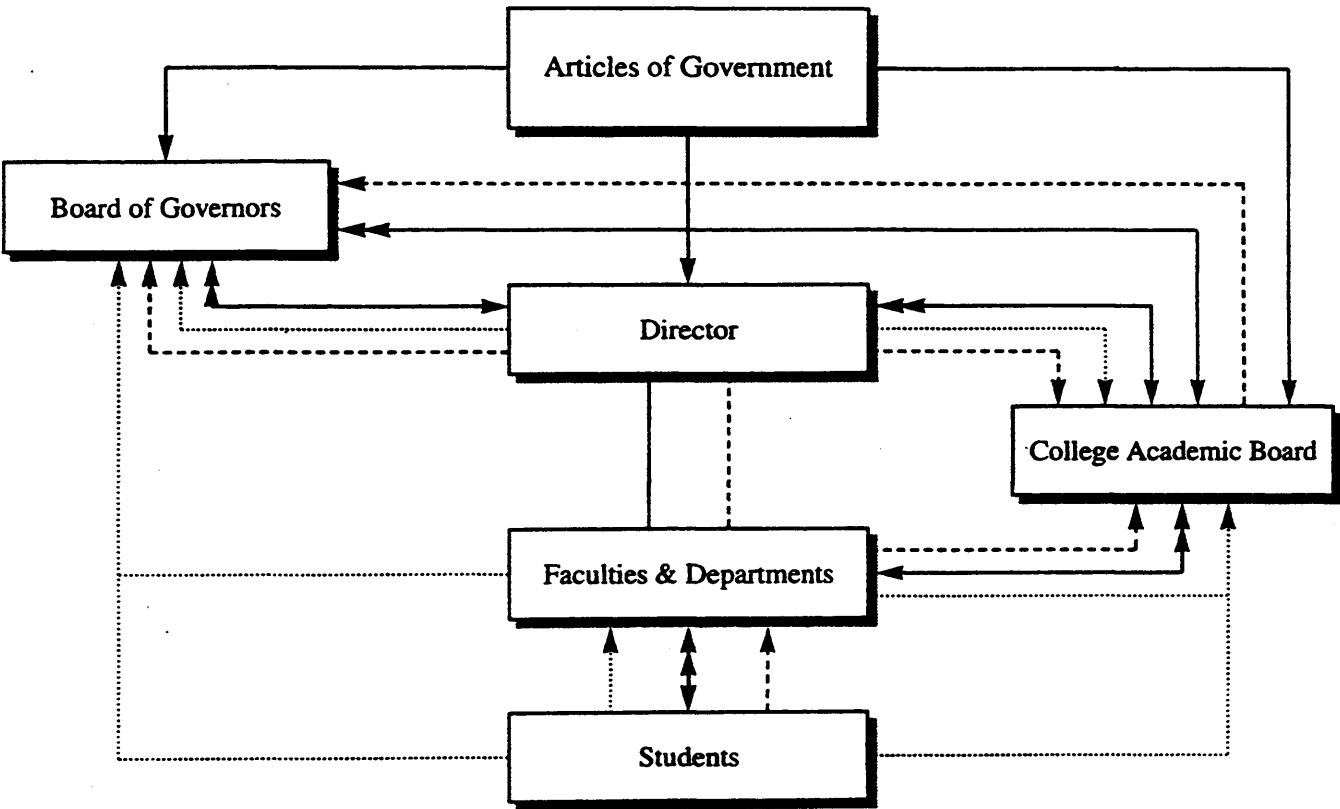
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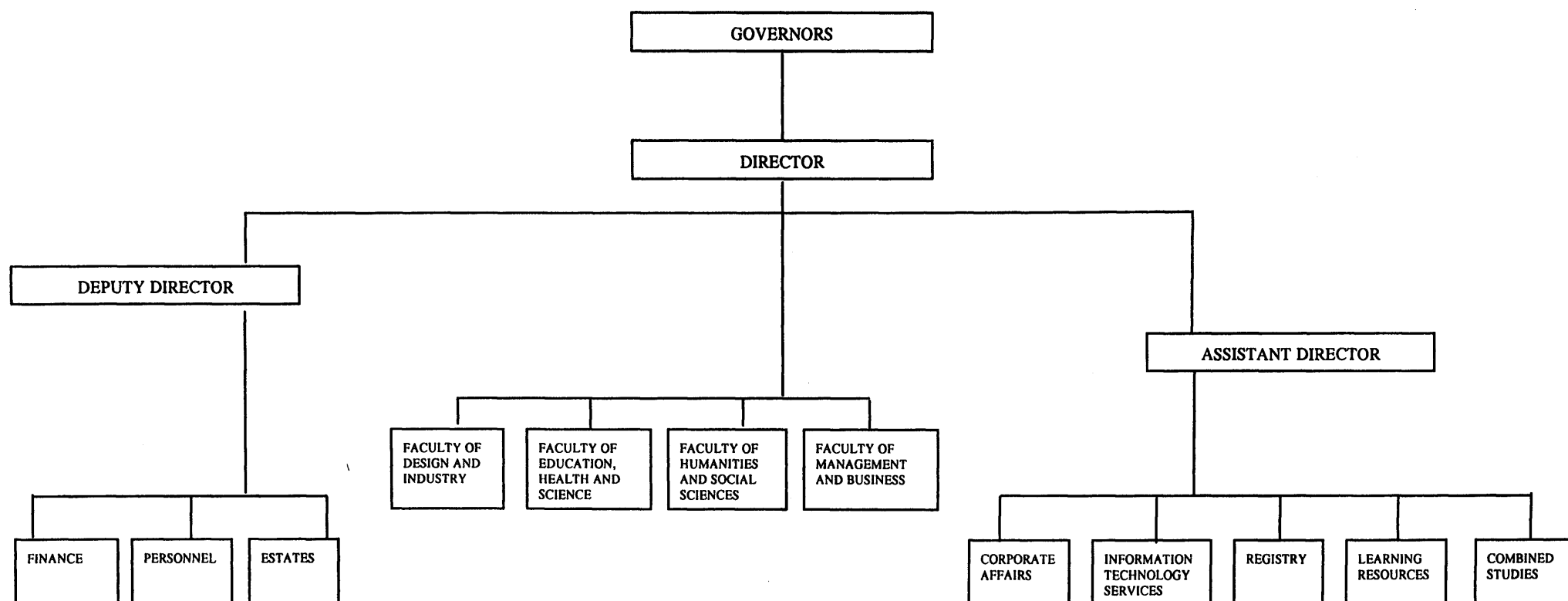
APPENDIX 1

Authority, Accountability, Advice and Representation

Authority, Accountability, Advice and Representation



- Authority —————>
- Authority & Accountability <————>
- Advice - - - - ->
- Representation>

NENE COLLEGE, NORTHAMPTON**Summer 1992**

Appendix 3

Sets of Documentation

Document Set 1

COMBINED STUDIES, LAW UNITS 1, 2 AND 3/4

ANNUAL REVIEW, 1991 - 92

CONTENTS

Discussed and formulated at the Annual Review Meeting of the Course Team.

1. ADMISSIONS
2. EXAMINATIONS
3. THE CURRICULUM AND ASSESSMENT
4. STAFF
5. STUDENTS
6. ACCESS AND EQUAL OPPORTUNITIES
7. EXTERNAL RELATIONS
8. SUPPORT SERVICES
9. MISCELLANEOUS
10. CONCLUSIONS AND FUTURE ACTION

Appendices.

1. ADMISSIONS

Total student numbers for the year were as follows (the equivalent numbers for the previous year appear in brackets):

Unit 1	-	253	(181)
Unit 2	-	161	(119)
Unit 3	-	24	(9)
Unit 4	-	62	(45)
Total	-	507	(354)

These figures show a substantial increase in all units, and reflect the popularity of the subject within the Combined Studies scheme. The target number of new majors for the year was 50; this target was exceeded, and a total of 82 new majors enrolled for Law.

A target of 80 majors had been set for the next academic year.

The figures continue to show the following trends, which have been apparent in previous years:

(a) It is very rare for students, in any year, to change their major subject from Law to something else; a considerable number of students change their major subject to Law (approximately 15 in unit 4). The main reason for this trend is the fact that Law offers professional exemptions.

(b) Law continues to be a popular choice as a 2- or 3-unit subject.

(c) Law is most commonly studied in conjunction with (in descending order): Sociology, Psychology, and Business Administration. Other subjects combined with Law, but less frequently, are English, History, and Economics.

(d) The number of direct entry students into Law unit 2 continued to increase, as predicted. The increase in these students over the past two years is largely responsible for the greater number of Law unit 3 students, as most direct entry students have a BTEC HND Business and Finance background, and typically choose Business Administration as their major subject complemented by 3 units of Law. The unit 2 examination results indicate that there is a need to review the entry requirements for Law for these students (see below).

(e) In unit 1, there was a slight increase in the number of Access/mature students, although, proportionately, the student profile was not significantly different in this respect to that of the previous year.

Ethnic Origins

Figures provided by Registry indicate that Law is studied by students from a wide variety of ethnic groups (see appendix 1), and compares very favourably with other Combined Studies subjects in this respect.

A summary of this information on a unit-by-unit basis is as follows:

	% White Students	% Other Ethnic Groups
Unit 1, majors	52	48
Unit 1, others	63	37
Unit 2, majors	63	37
Unit 2, others	65	35
Unit 3/4	84	26
Total	64	36

2. EXAMINATIONS

It is sensible, because of the large number of students involved and also because of other factors peculiar to particular units, to consider the examination results on a unit-by-unit basis.

Unit 4

Midsummer results were as follows (previous year's figure in brackets):

1st	0	(1)
2:1	18	(13)
2:2	37	(26)
3rd	1	(5)
Pass	0	(0)
Fail	6	(0)

Comments

(a) Proportionately, the results are broadly similar, and a healthy number of students again achieved 2:2 and 2:1 standard.

(b) Unlike the previous year (and other years), however, some students failed Law in their final year. This is disappointing, but should be understood in context:

(i) other subjects experienced the same phenomenon, and Law was far from unique in this respect;

(ii) of the six students who failed Law, one did so through non-submission of coursework due to personal problems, whilst another failed to keep a number of appointments with his dissertation supervisor and consequently failed this element of the unit. The four remaining students who failed were all weak students who struggled in the previous two units of the course, had been required to re-sit on previous occasions and had nevertheless decided to proceed with Law, in some cases after being warned by tutors of their weaknesses.

Unit 3

1st	0	(0)
2:1	4	(2)
2:2	17	(5)
3rd	1	(2)
Pass	0	(0)
Fail	2	(0)

Comments

(a) These results were proportionately similar once again to those of the previous year, although it is disappointing to note that two students failed. One, however, did so through late submission of his extended essay and non-attendance at his examinations (in his major subject as well as in Law), whilst the other had been required to re-sit Law in both units 1 and 2, had been advised not to continue with the subject in her final year, and also failed her major subject in her final year. In September, the first of these two students failed once again to attend his Law examination, whilst the latter passed successfully.

Unit 2

1st	0	(0)
2:1	17	(10)
2:2	66	(53)
3rd	29	(31)
Pass	3	(3)
Fail	46	(22)

Comments

(a) At first glance, whilst there appears to be a reasonable number of 2:2 and 2:1 performances, the increase in the number of failures seems to be a cause for concern, giving rise as it does to a failure rate of 28% as opposed to 18% for the previous year. Of the 46 students who failed, however, 12 did so because of non-submission of coursework and/or non-attendance at examinations (in all units, non-submission of any piece of assessed coursework results in failure of the unit); if these students are removed from the equation, the failure rate is 21%, an increase of 3%. Set alongside a 35% increase in student numbers for the unit, this does not seem unreasonable, although there is, of course, no room for complacency.

(b) The performance of the direct entry students was disappointing, and noticeably worse than in previous years. Discussions with BTEC tutors suggest that the nature of the BTEC HND in Business and Finance has recently altered considerably, and may not prepare some students for a course such as Combined Studies Law. The entry requirements for these students therefore need to be revived (see action points).

The Unit 2 results in September were as follows (excluding students who failed to attend one or both papers and/or to submit coursework):

Candidates	33
Pass	16
Fail	17

Unit 1

1st	0	(0)
2:1	1	(2)
2:2	25	(75)
3rd	24	(45)
Pass	9	(4)
Fail	193	(55)

September:

Candidates	163
Pass	107*
Fail	56

*This includes 27 students who failed Law with a mark of 38, but were raised to a pass by the Combined Studies Board of Examiners in September because of compensating strength in other subjects (in other words, the students were treated as if they had obtained a mark of 39).

The pass rate in June was 24%; when the September results are considered, this rises to 63% (excluding the 27 students just mentioned), or 75% (including them).

Comments

The midsummer examinations results were appalling; quite understandably, they were drawn to the attention of the Board of Examiners for Combined Studies, and a member of the Faculty was asked to investigate the results on the Dean's behalf. This report was then summarised by the Dean, and both documents are attached (see appendix 2). The initial report contains some factual inaccuracies (understandable given the time-scale in which it had to be completed), and both documents contain some conclusions which are not shared by members of the course team. The Head of Legal Studies has agreed to compile a document representing the views of individual members of the course team. At the time of writing, this document is not available.

As soon as the unit 1 results became apparent, the unit 1 course tutor convened a meeting of all tutors involved in the unit, together with the course leader, course head, head of school and head of Law staff, to discuss the matter. External examiners were informed and invited to comment (see appendix 3 for their reports), as was the Leicester University moderator; the issue was also the subject of extensive debate at the annual review meeting for the course (see below). A remedial programme was arranged at the end of the summer term for those students who had to re-sit (the sessions were poorly attended), and members of the course team also made themselves available during the summer for consultations with students. Remedial sessions were also offered just before the September examinations; approximately 15 students took advantage of this facility.

The points below represent an attempt to summarise the views of the course team as expressed at the review meeting; it should, however, be noted that, although there was general agreement on many important issues, some tutors differed on certain points. Any significant differences are

pointed out below (see also action points in general).

It may be useful to record the discussions in terms of the questions which were addressed:

1. What was the extent of the damage caused by problems in the management of unit 1?

It had become apparent during the first term that there were problems with the administration of unit 1; it is not appropriate to discuss the

nature of these problems in this report, but informal counselling by the course leader and relevant staff head at the end of term 1 did not have the desired effect, and, early in term 2, a change of year tutor was made. The outgoing year tutor was also responsible for a large proportion of the teaching on unit 1, and further problems then came to light. It took the combined efforts of the Head of School and Dean to deal with these problems in term 3. Given the pivotal role of a year tutor in setting the ethos within which a unit functions, and the fact that this role becomes much more important when a year tutor has a major teaching responsibility on a unit, the significance of these problems, which were unique in my experience as a course leader, should not be under-estimated.

2. Were the examinations fair to the students?

The examinations were no more difficult than in previous years, a fact confirmed by the external examiners who had approved the papers beforehand. The standard of papers was appropriate to the first year of an undergraduate course (however, see point 5, below).

3. Had the examination papers been fairly marked?

All papers had been marked in accordance with CAS requirements, and samples from each option approved by the external examiners. In a number of instances, papers had been double-marked at Nene, rather than simply internally moderated. Tutors and externals alike had no doubt that the standard of marking was fair.

4. During the course of the year, had the students been mis-lead in some way as to (a) what to expect in the examinations and (b) the standards expected of them in the examinations?

The format and structure of the examination papers should not have come as a surprise to any of the students; however, there was certainly evidence in the scripts that a large number of students were unaware of the standard expected of them when answering legal questions. If the course had run smoothly, students should have been given sufficient opportunity in seminars and coursework to develop the legal techniques necessary to cope with the examinations. Problems involving seminar attendance, scheduling of seminars, alterations of seminar groups and return of marked coursework seem to have meant that these techniques had not been sufficiently inculcated in students. Better monitoring of seminar attendance and student performance in general is necessary (see action points).

5. How did the standards applied in Law compare with those applied in other subjects? If there were significant differences, had students been

confused as a result?

Comments made by students indicated that they felt, rightly or wrongly, that Law was "more difficult" than their other subjects; when asked to expand upon this, they stated that, for any given question, knowledge of one source/authority would be sufficient to obtain at least a bare pass in many subjects, whereas in Law they felt (rightly) that knowledge of (eg) one case or statute would be inadequate. Additionally, students pointed to a difference of policy regarding prior indications of examination topics between Law and some of their other subjects.

It is also important to note that many other Combined Studies subjects, including those commonly studied alongside Law such as Sociology and Psychology, have recently altered the format of their examinations, introducing (typically) shorter papers and multiple choice questions. To date, Law has been unable to move in this direction because of reservations on the part of external examiners (see appendix 4), and several students pointed out that their examinations in Law were longer than those in their other subjects, and therefore perceived as more difficult. Further consideration would have to be given to the format of Law examinations (see action points).

6. Why had students who had performed well in coursework performed badly in examinations?

This discrepancy was a mystery to most tutors, and the course team was unable to arrive at a common conclusion. The importance of giving regular and informative feedback to students was emphasised.

7. Had sufficient time been allocated to subjects on the timetable?

At the start of the previous academic year, 1990-91, when the number of students on the course had begun to increase dramatically, the timetable had been completely revised in order to cope with the increase. The revised timetable was designed to accommodate large lecture groups and a series of smaller seminars, and had worked well for all units in 1990-91, and for units 2 and 3/4 in 1991-92. The increase in unit 1 numbers in 1991-92 was 72; the structure of the timetable is such that it should be able to absorb an expansion of this size with little difficulty. Two further points should be borne in mind here: firstly, external constraints such as the Combined Studies "block" timetable and availability of staff and rooms limit alternatives. Secondly, for the benefit of students with difficulties in a particular option, specified timetable slots are set aside for tutorials and consultation; many of the students who failed their examinations had also failed to take advantage of this facility.

8. Had the liaison between tutors been sufficient?

No; there were undoubtedly problems in this respect. On some occasions communication between tutors had been poor, whilst on others information passed on and guidance given seemed to have been dis-regarded. A meeting between the course leader and (then) year tutor in term 1 had addressed this problem amongst others, and designated particular tutors as "leading" certain options, but this had not solved the problem. A large number of tutors had been involved in the delivery of unit 1, and the importance of good communication between tutors at unit and option level as well as course level was stressed (see action points).

9. Had the seminar programme been properly monitored and controlled?

No; tutors had not been given proper information about group sizes, alterations to seminar times and changes to group compositions. This had made it extremely difficult for tutors to monitor attendance and performance and to institute the "cause for concern" procedure. The need for effective monitoring was emphasised (see action points).

10. What was the overall effect of the increase in student numbers?

Large student numbers placed considerable demands on the course. In such an environment, it is inevitable that tutors cannot devote as much time and attention to individual students as was previously the case, and weaker students will suffer as a result. This situation, however, is not unique to Law, and there is no obvious reason why it should affect Law to a greater extent than other subjects.

11. Were the students significantly weaker than in previous years?

Yes, although it is accepted that this does not account for the fact that many students failed Law but passed other subjects. Some important points, however, need to be made:

(a) The Combined Studies admissions procedures should be reviewed, in order to give subjects some control over 2- and 3-unit students; Law will take advantage of any mechanism which facilitates this - see action points.

(b) One student appeared on the course as a Law major having been rejected by the admissions tutor; the admissions tutor had taught the student "A" Level Law, which the student had failed (obtaining a grade "E" after repeating the course). This suggests a general need to tighten up procedures.

(c) Many of the students who failed did so spectacularly, some displaying a complete inability to write English or construct a sentence. Some of these students passed in some subjects. This suggests a need to review standards and admission requirements on a College-wide basis, and to look at the Law results in this context. This view was endorsed by the external examiners.

3. THE CURRICULUM AND ASSESSMENT

A full review of the course is due in the academic year 1992-93, which is likely to be an extremely substantial exercise in which all aspects of the course will be considered. The main issues which are likely to arise were discussed, but firm decisions remitted to the review. These issues may be summarised as follows:

(a) Should the course continue to offer CPE exemptions?

(b) Should it continue to be based entirely on options, or should compulsory elements be introduced?

(c) Is the current English Legal System content adequate?

(d) Are any of the existing options obsolete? Are any new ones necessary and/or desirable?

(e) Should the assessment regulations be altered to place greater emphasis on coursework?

(f) Should the format of examinations and coursework be altered?

4. STAFF

For staff development activities, see Law subject report (appendix 5).

The number of tutors responsible for the delivery of the course has increased in keeping with the rise in student numbers, so that many options are now taught by more than one tutor (in unit 1, for example, Contract teaching was shared by five tutors during the year). A number of new tutors, and some part-time tutors, have also been involved with the course. These factors obviously increase the importance of good communication, to which reference has already been made; it is also important that, with the advent of other specialised Law courses, the interests of Law on Combined Studies are not overlooked.

5. STUDENTS

(a) Feedback exercises were conducted in accordance with College/Faculty requirements (see appendix 5), and a significant increase in response rates was achieved, albeit at the second attempt in unit 1. These exercises did not reveal any significant problems, and it is a comment on the effectiveness of the feedback process that it produced no hint of the problems with unit 1. There is a need to make the process more "user-friendly" in order to gain the confidence of the students.

(b) A staff/student liaison committee was established, thanks to the efforts of Brendan Greene. This committee is designed to allow students to initiate discussion of matters of concern to them, and met once in each of the first two terms. The students responded well, electing representatives and raising issues, but it is again interesting to note that the committee failed to pick up the unit 1 problems.

(c) An internal mooting competition was again organised by Tim Blakemore, and student response was good. The competition, however, places considerable (and un-recognised) demands on staff time, and may not be able to continue in the face of increased demand. A team was again entered in the Observer National Mooting Competition, performing creditably and reaching round 2 before losing to Leicester Polytechnic.

(d) As in the previous year, the personal tutor system came under considerable pressure because of the number of students.

(e) The previous year also indicated that Nene Combined Studies graduates would not be disadvantaged (as against single honours Law students) when attempting to enter the legal profession; current evidence

suggests that this remains the case, and that a number of students have been successful in obtaining either articles or a place on a Law Society Finals course. Several students also obtained places on postgraduate courses. At the time of writing, precise details and figures regarding first destinations have not been received from the Careers Office.

(f) Second year students had spent the year studying at Avenue campus; this had caused problems, especially early in the academic year, but these difficulties were not unique to Law and had been addressed at Combined Studies as well as College level. The year tutor for unit 2 had done a good job in difficult circumstances.

6. ACCESS AND EQUAL OPPORTUNITIES

There do not appear to be any problems in this respect - see section 1, Admissions.

7. EXTERNAL RELATIONS

Although Howes Percival continued their sponsorship of the internal moot competition, it was accepted at the review meeting that there is a need for improvement in this area, especially with regard to guest speakers. After some discussion, it was decided that the best way to proceed would be for individual tutors to take responsibility for arranging guest speakers within their subject/option areas.

8. SUPPORT SERVICES

The increase in student numbers had placed considerable strain on library facilities; a number of students had experienced difficulties in finding materials, and there was evidence of abuse of the system by students. In spite of these problems, however, the library seemed to have coped quite well. In general, tutors were happy with the service provided by reprographics.

9. MISCELLANEOUS

(a) The system of devolved course budgets was welcome, and had worked well, and the allocation of hours for the course was satisfactory. The freedom to decide how best to use those hours, however, is limited by a number of externally imposed constraints.

(b) During the year, other tutors had become involved in the administration of the course, the principle of year tutors having been accepted and adopted. Although there had been problems with this arrangement in unit 1, these were problems of practice rather than principle, and, as the course continues to expand, the involvement of a number of tutors in its administration must be maintained.

(c) The three external examiners for the course all came to the end of their respective terms of office during the year, and will need to be replaced for the current session.

10. CONCLUSIONS AND FUTURE ACTION

(a) The problems with unit 1, which dominated the review meeting, were obviously very serious, and the course team has made every effort to examine them honestly and effectively, to identify possible and probable causes and to formulate remedial action (see action points). Objective consideration of the issue in any other appropriate forum is welcomed.

(b) This issue should not be allowed completely to overshadow all other aspects of the course; the fact that units 2 and 3/4 ran essentially smoothly should not be forgotten. These units coped well with increased student numbers, and unit 2 also with the problems of Avenue campus.

(c) The time is ripe for a fundamental review of the course, and the opportunity offered by the forthcoming quinquennial review to examine critically all aspects of the units should be seized.

(d) Unit 1 difficulties notwithstanding, the management of the course was facilitated by the appointment of year tutors; Julia Mycawka, who took over the year one tutorship in term 2, deserves recognition for her efforts to deal with problems inherited.

(e) The action points in last year's review were all satisfied; specific action points for this year are as follows:

1. To review the criteria for admission of 2nd year entrants, in consultation with College BTEC tutors.

2. To ensure that, in all units, seminar attendance and performance is monitored as effectively as possible, and the Combined Studies cause for concern procedure instigated where appropriate.

3. To review the format of examination papers, with a view to considering whether they should more closely resemble those which are now common in other subjects. This will depend, of course, on the approval of the new external examiners as well as on the views of the course team.

4. To ensure that, in all units, student coursework is effectively monitored, adequate feedback given to students and proper records kept.

5. To ensure, via the course leader and year tutors, that:

there is effective liaison between tutors;
that year teams meet on a regular basis as well as course teams;
that, where a team of tutors is responsible for a particular option, then that team also meets regularly;
that, where an option is taught by a team, one tutor is clearly designated as the leader of that particular team.

6. To appoint new external examiners.

7. To take advantage, as the course team sees fit, of any mechanisms offered by Combined Studies to control and monitor the number of 2- and 3-unit students.

Nick Simpfendorfer

—

	White		Black Caribbean	Black African	Black Other	Indian	Pakistani	Bangla- deshi	Chinese	Total Ethnic Minority		Other	Unknown		Total
Geography															
Year 1	71	74%	0	1	0	1	1	0	0	3	3.1%	1	21	22%	96
Major	35	71%	0	0	0	1	1	0	0	2	4.0%	1	11	22%	49
History															
Year 1	85	74%	2	1	0	1	2	0	0	6	5.2%	0	24	21%	115
Major	45	85%	0	0	0	0	0	0	0	0	0%	0	8	15%	53
Human Biological Studies															
Year 1	78	70%	2	0	0	3	1	1	1	8	7.1%	2	24	21%	112
Major	28	61%	2	0	0	1	0	0	1	4	8.6%	1	13	28%	46
Law															
Year 1	148	61%	11	3	1	25	6	1	2	49	20%	4	40	17%	241
Major	43	52%	8	2	1	8	4	1	0	24	29%	2	13	16%	82
Maths															
Year 1	16	89%	0	0	0	1	0	0	0	1	5.5%	0	1	5.5%	18
Major	11	92%	0	0	0	1	0	0	0	1	8.3%	0	0	0%	12
Music															
Year 1	29	76%	1	0	0	0	1	0	0	2	5.2%	1	6	16%	38
Major	21	70%	1	0	0	0	1	0	0	2	6.6%	1	6	20%	30
Psychology of Human Behaviour															
Year 1	162	70%	5	0	0	12	1	0	1	19	8.1%	4	47	20%	232
Major	64	76%	1	0	0	1	1	0	0	3	3.5%	1	16	19%	84
Sociology															
Year 1	198	73%	6	1	1	12	2	0	0	22	8.0%	3	50	18%	273
Major	58	72%	1	1	0	1	0	0	0	3	3.7%	1	19	23%	81
TOTAL	568	71%	16	4	2	40	9	1	2	72	9%	9	160	20%	800

NENE COLLEGE, NORTHAMPTON
Faculty of Management and Business

BA/BSc Combined Studies Law Unit 1 Examinations - Summer 1992

Introduction

The failure rate in these examinations was 74.4% of those who sat the examinations. An investigation was carried out for the Dean by Mr Mark Cook, Head of Economics. The terms of reference for this investigation are appended (A). The report made by Mr Cook is also appended (B). The investigation was carried out over a very short period in order that advice was available before the end of term.

Summary of the Report

It appears that:

- a) The course content was delivered - the lecture and seminar programme for each of the three subjects for Unit 1 (students choose two out of three) was carried out.
- b) A new and inexperienced lecturer took charge of the first year course. During the first term the seminar programme was not timetabled in full due to the inability to fit the number of groups into the half day time frames available. Seminar groups were doubled up. It appears that the students were not guided strongly enough about the need to prepare well for seminars and to gain as much as possible from them. The techniques for dealing with examination problem style questions must be learned in the seminars.
- c) The delivery of the course has not changed with the growing numbers. 263 students were recorded as being enrolled for this unit. The staff did not know the students. More staff are involved in seminars and there was not always good liaison between lecturer and seminar leader.
- d) There is almost no formative assessment programme. Students must complete two assignments per subject (four in total). Depending on the subjects studied it was possible for two coursework marks to be awarded for student presentations. There was delay in marking large numbers of written assignments, therefore some students did not receive their coursework results before they began revision for examinations.
- e) The examinations were properly conducted and marked and the marks given are a fair reflection of the papers written by the students.

Conclusion

The students were not prepared for the examinations as well as they might because they did not (perhaps because they did not realise how important it was) take the seminar programme seriously enough. The staff were overwhelmed by the numbers, new staff were involved, staff changed at Christmas, and there was an overall lack of control of the staff and of the students.

Preparation for the Resit

All students were invited to workshop sessions in the final week of term. They have been given questions with model answers. They have been given other questions to practise and some staff have volunteered to be available during the days before the resit examinations to go through the students' practise answers with them.

Lessons Learned

During 1992 - 93 the quinquennial review of the Combined Studies Law units will be held. At this time detailed consideration will be given to the content of the Law units, their delivery (given the large numbers) and the appropriate assessment strategy.

However, it is necessary to put in place prior to that immediate remedies for the problems of 1991 - 92.

A controlled seminar programme.

More pieces of formative assessment scheduled through the year.

Better liaison between all staff conducting lectures and seminar.

Better records of attendance and work done by the students.

Diane Hayes
Dean

Enc

DAH/EM/law/MR/PC
13 July 1992

REPORT ON THE COMBINED STUDIES LAW UNIT 1 RESULTS FOR 1992

OVERVIEW OF RESULTS

The following results are based on the initial mark sheets prepared for the Law Units Board of Examiners. At that meeting minor changes were made to the results, though the analysis here represents a true reflection of the overall results.

Relationships Failure rate 60.3%

Criminal Process Failure rate 63.5%

Contract Failure rate 68.5%

For a student to pass Law unit one, there must be a pass both in the course work and in the average written examination element. There were 263 candidates taking Law Unit 1. Of these 32 failed unit 1 because of a failure in the course work element, usually because of not submitting a piece of course work. That is 22 out of the 32 failed through non-submission of the coursework (69%).

In the first year on the Law Units students must take two out of the three options if they are offered.

There were 234 students who sat the first year exams and of these 108 failed both papers(46.1%)

The average exam mark on each of the papers was as follows;

Relationships - 34.2%

Criminal Process - 32.5%

Contract - 29.4%

A number of students submitted coursework but did not take the examination or alternatively had withdrawn from the course. Thus there were 263 candidates for whom a mark is shown on the mark sheet though as we know already only 234 sat the written examination. 60 students passed unit 1 overall, a pass rate of 25.6% or conversely a failure rate of 74.4% of those that sat the examination.

In the Combined studies Degree students must take three subjects in their first year. 97 of the law students who had elected for a BA Combined Studies Degree had failed only Law, having successfully passed their other two subjects. That is 97 of the 201 fails in law (48%) had only failed law.

Procedure of Investigation

Separate interviews were arranged with all but one of the course members taking either the lectures or the seminars in Law Unit 1. The following individuals were interviewed;

Julia Mycawka (Year Leader of Law Unit 1 from January 1992)

Robin McKusker (Year Leader of Law Unit 1, Autumn term 1991)

Tim Blakemore

Sally Conlon-Spears

Brendan Greene

Lucy

Mick Sumpter (Course Leader Law Units on the Combined Studies Degree)

Interviews were also arranged with two groups of students, though both these groups were ones who had failed the Law examination.

Course Timetable

The Law Units are taught on two pairs of half days. Thursday morning/Monday afternoon and Monday morning/Thursday afternoon. The individual tutors involvement with each was as follows;

Thursday morning/Monday afternoon

Monday

Lecture - Criminal Process - Robin McKusker

Lecture - Contract - Brendan Greene

Lecture - Relationships - Tim Blakemore

Thursday

Seminars - Criminal Process - Julia Mycawka/Robin McKusker
(Robin took over some of Julia's seminars in January 1992)

Seminars - Contract - Lucy (from January)
Robin McKusker

Seminars - Relationships - Tim Blakemore/Sally Conlon-Spears
(Sally took over some of Tim's Seminars in January 1992)

Monday morning/Thursday afternoon

Lectures

Criminal Process - Julia Mycawka

Contract - Brendan Greene

Seminars

Criminal Process - Julia Mycawka/Robin Mckusker

Contract - Robin Mckusker/Michael
Sarah Howe (Part time lecturer for a few
weeks at the start of the autumn term)

Results of Investigation

The course team were very open in their discussion of the results and provided the various schemes of work requested and the tutors and students both indicated that the scheme of work had been followed.

Julia also arranged for me to see the individual student groups. In the investigation the following issues were raised ;

1. The law units appear to be very popular on the Combined Studies Degree with approximately 260 students taking Unit 1 Law, or 130 on each of the two half days. This growth in numbers appears difficult to cope with. Tutors do not know the names of the students. Moreover the response by the course team is to increase lecture numbers and resolve the issue with introducing more seminars. It proved difficult, firstly to staff all these seminars and to time them on the two half days of the week. One response in the autumn term was to double up the seminars in criminal process which meant seminars numbers were around 50 in each of these groups.
2. The course team need to consider different methods of dealing with large numbers.
3. The rooms used with the large numbers were not the most "appropriate" teaching rooms. Often L14 or the LLT, both of which inhibit best teaching.
4. The number of pieces of course work for each of the subjects was small. It is understandable that given the growth in student numbers the marking load would be excessive. In each of the modules there were 2 pieces of assessed work. In the Criminal Process module students had one written assignment and one presentation. There were two pieces of written work in contract and of the two pieces of work in Relationships one could be a optional presentation. It was possible that students could arrive at the exam stage for two of the subjects having only written one piece of coursework. Moreover, the type of work undertaken was not always the type that would have appeared in the written examination. The course team should consider introducing more shorter pieces of written work which prepares the students more so for the examination.
5. Seminars were fortnightly and there may be a need to examine whether this pattern gives some students enough "support"
6. Although seminar lists were posted at the beginning of the course, the difficulties raised by not having enough staff for the seminars which led to the "doubling-up" process for two groups outlined earlier, meant that it became difficult to know who was in each seminar group. In addition, students also switched seminar groups. Thus when there were the change overs

in the Spring term from one member of staff to another, the incoming member of staff had no accurate knowledge as to whom should be in each seminar group. Moreover, the tutors taking seminars did not keep seminar attendance lists, thus some students could have not been attending seminars at all.

7. The seminars were used as occasion where legal-problems would be solved and to resolve student difficulties. Given that half the examination papers were made up of problem solving questions the poor student attendance meant that they would have had difficulty in answering this type of question.

8. There were students who attended all the seminars, but some of these performed badly in the examination. These may have been weak students, but the appropriateness of the written assessment in helping students with their examination performance still needs to be examined.

9. The course team should look at introducing a greater number of shorter pieces of course assessment which are aimed at preparing the student for the examination. Perhaps a series of time constrained essays would be more appropriate.

10. There were problems in the Autumn Term with the management of Unit 1 Law. The Year leader was a new lecturer at the college, though not new to the college, having been a student on the Combined Studies Degree course. Thus the policy of allowing a new member of staff to lead an important year in one of the faculty's courses should be examined.

11. This tutor did not appear to perform adequately in his duties and was relieved of these at the end of the Autumn Term, 1991. Nonetheless, some damage had been caused at this stage in that the seminar times were chaotic. Moreover, this tutor attempted to resolve some of the problems without seeking help from the course leader of the Law Units or subject head of Law and the decisions taken, with hindsight, appeared to exacerbate the problems.

12. There were no official course team meetings of the Unit 1 Law tutors. Problems would be attempted to be sorted out on an informal basis.

13. Given that the work in seminars is of major importance there appeared to be no conclusive proof that both in Contract and in Criminal Process that the seminar tutors were looking at areas indicated by the lecturers in this subject. Although individual lecturers had given guidelines as to the seminar sessions, it was left to the individual seminar tutors to use these. In other words greater liaison is required between lecturer and seminar tutor. This criticism cannot be aimed at Relationships.

14. Law is one of the main faculty courses within the Combined Studies Degree, yet from a staffing point of view over half the course in the first year is staffed by new members of staff to the college. Moreover, only Julia and Tim taught on the course last year. Without course team meetings it would be difficult to say that everyone knew precisely what they should be doing.

15. Given that the other course developments had taken place in Law it could be argued that some of the best and experienced members of staff had moved on to teach elsewhere. In particular Keith Owen's role in the Law Unit 1 module may well have been pivotal in its previous success. Moreover, because Keith's attention was now elsewhere, he was unable to resolve some of the difficulties appearing in the Unit 1 course.

16. There was no indication from the course work marks that students were having any difficulty with the course. Although, given the fact that one of the exam papers in the moderation process resulted in a large change in some of the marks, it is possible that some of the course work marks may not have been as accurate as they could have been.

17. There was a large delay in some students receiving their marked course work back. The course leader found it extremely difficult to obtain the course work marks from one tutor. From the students point of view, given that they have very few pieces of written work, and some of it is delayed in being marked they may not have been fully in the picture as to how they were performing on the course.

18. There may well have been problems with the timing of one of the Law papers. There are a large number of students who take Law and Psychology and having a Psychology examination in the morning followed by a Law exam in the afternoon may have resulted in a poorer Law performance than was normal.

19. The Combined Studies structure is one which allows for students to be categorised under a heading of "cause for concern". One aspect of this is failure to attend lectures/seminars or not providing course work. There is no evidence that this procedure operated within the Law Unit 1 area.

20. Concern should be raised that many of the Law staff are teaching elsewhere on other units of Law or in other courses where student numbers are very high.

21. The students commented that there appeared to be a lack of co-ordination amongst the Law team on Unit 1 and that the communication between the lecturers and the students was not all it was meant to be.

22. Strangely a number of the students had left the examination feeling that they had done well. This may be an indication of weaker students not being able to assess their

own performance, but it may also be an indication that they had not been prepared well enough for the Law Examination, particularly in the area of examination techniques. Some of this may well have occurred in seminars, but given the poor attendance the students would have not received this here.

23. If it is examination technique that the students are lacking, then it is unlikely that they will pick this up before the September resit examinations.

24. Since students in the Combined studies degree take two other subjects, their attendance and performance at Law seminars may have been a reflection as to what was occurring elsewhere.

25. In seminars students are asked to prepare work, nonetheless many of them did not. Thus faced with this problem one tutor appeared to demand that students should think through the problem there and then, another took a "softer" line and worked through the problem for the students. Thus, although students were going to seminars they were not getting the techniques they needed there, moreover, the student response to being questioned in seminars resulted in some of them moving seminar groups to the "softer" tutor.

26. In terms of quality of students, over half the UNit 1 Law students were majoring in another subject, thus their decision to take Law in Unit 1 was outside the control of the Law course team. The Law course team should consider the idea of setting an upper target number for admission in to Unit 1 Law or the ability to reject students from other areas.

27. There is some evidence to suggest that the chain of command within the Law Units was slow. I realise this is said with the benefit of hindsight, but the problems being faced with a tutor who was not doing the job properly in the Autumn Term took until the Spring term to be resolved. At this stage, students had completed almost half of their course. Moreover, the change of staff at the beginning of the Spring term made control and consistency of delivery difficult.

28. Finally, some of the problems of larger student numbers could be resolved if the Law Units were not constrained into their half day slots.

Conclusion

There are a number of important issues the Law Units need to face though the high failure rate in Law Unit 1 cannot be attributed to any one single issue but appears to be due to a combination of many factors. Moreover, the points raised by the students should be considered in the light of the student group interviewed being only those who had failed the Unit 1

exam, they thus tended to externalise their problems. However, almost 50% of the student only failed Law out of their three Unit 1 examinations.

ANNUAL REPORT 1992-92

The most notable feature of this year's examination results was the exceptionally high failure rate in the first year. This would not seem to be a problem relating to a particular examination or course as the students appear to have had equal difficulty in relation to all of their subjects, indeed the failure rate among the second year students was also high (though nothing like as bad as that in the first year). I know that the staff of the College are worried by the failure rate experienced and they must obviously review the admissions policies adopted in relation to this year's first year students as well as the training in basic legal techniques which they are giving to the students.

I have no criticism of the examination papers which were set or of the standards adopted in assessing the students. I am of the opinion that the staff are adopting perfectly proper standards in these matters and I was pleased to find that my comments on the draft papers were dealt with efficiently. The practice adopted in relation to referring scripts to me for consideration worked far more smoothly than that adopted in the other institution at which I am an external examiner this session.

I did comment in relation to one paper that I felt that an examiner had been unduly harsh in allowing a mark of 0% on one question to lead to a candidate failing in spite of a fairly strong performance on the other questions answered. I accept that the practice of examiners does vary in relation to the appropriate mark to allocate to an answer which has totally missed the point of a question but I am strongly of the opinion that an examiner should be alert to the risk that the mathematical result produced by such marking may misrepresent the worth of the candidate's script when considered as a whole.

I was asked to comment this session on a suggestion that the format of the examinations should change to that of asking the students to answer only three questions over three hours; the reason apparently being that it was felt that students' results were being damaged by their writing weak last answers on papers requiring four questions to be answered. My response was that the general form of the examination was a matter of internal course management. I also feel that examiners should be left free to experiment with different assessment techniques in order to find that which is most appropriate to their discipline and students. However, I would comment that the usual reason which I have encountered in other institutions for adopting the three answer formula is that it is hoped that it will give strong candidates the scope to produce answers with more depth. I do not feel that the answers being produced by the College's students at present suggest that many of them possess the depth of understanding which would make it likely that they would avail themselves of the opportunities which the three answer paper would offer.

I have acted as external examiner on the law portions of the College's combined honours courses for four academic sessions. My specific responsibility has been for the courses in Contract, Consumer Law, Industrial Relations Law and Compensation for Accidents.

My feeling is that the College has adopted appropriate academic standards throughout this period, but that the procedures being utilised have improved markedly as the University's role has reduced. I have no doubt that this is a clear example of the benefits to be gained from devolving responsibility to those who have daily responsibility for these particular courses.

As someone whose main research interest lies in the law of tort, I am slightly disappointed, if not wholly surprised, at the history of the course on Compensation for Accidents. When I first acted as an examiner at the College this was an interesting and novel course which seemed to be a successful attempt to break away from the more traditional model of tort courses. The advances have not been maintained and the course taught and examined this year seems to be little different from those offered in most other law schools. I do not regard this as a matter for criticism, it is simply that I regret that a rather inventive course has not seemed to stand the test of time. In the light of staff changes and the pressure of expanding student numbers I would have been slightly surprised if it had done so. I do, however, feel that the College should consider whether it should rename the course as tort.

KEITH STANTON

(UNIVERSITY OF BRISTOL)

July 15, 1992

I have now completed a three year term as an examiner in three law subjects for the Combined Studies degree at Nene College. The three subjects were Equity and Trusts, Land Law and The Individual in a Relationship. I had ample opportunity of scrutinising the draft question papers and the very small number of suggestions which I made were taken into account. I consider that the form and standard of the question papers ~~was~~ ^{were} entirely appropriate. I also had the opportunity of reading two dissertations into which the students had clearly put a great deal of work and I found the detailed comments of the two internal examiners helpful and indicative of the care which had gone into the process.

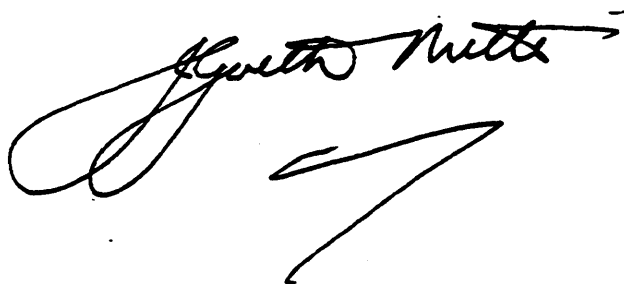
There were a number of failures in Land Law but the figure was not out of line with what I have encountered elsewhere. There were more failures in Equity and Trusts but in this case too the marking was fair. Poor answering technique was evident in some cases and it may be worth giving specific attention to this with some of the weaker candidates. This is not a feature unique to Nene College and it was clear to me from the scripts generally that the teaching had been thorough.

The failure rate in the "Relationships" paper gave more cause for concern and we had an informal discussion about this before the main meeting. I concentrated on trying to find some explanation in the scripts bearing in mind that there had been no problem in previous years. When I arrived for the meeting I found that there was a similar problem in relation to other law subjects in Unit 1 which confirmed the view that it was not the fault of the teacher in charge of the course. (Indeed I have been favourably impressed by the way the course has been developed). I am afraid that I was unable to come up with any obvious explanation for the failure rate. It seems likely to be found in the aptitude and/or application of the students. This may or may not be connected with what appears to be a significant expansion of numbers. I am sorry that I cannot be more helpful in this respect.

I was happy to be able to attend the meeting of examiners this year not only to meet the members of staff at Nene but also to gain a clearer picture of the "arithmetic" of the process which is quite complicated. The meeting was conducted in a fair and reasonable manner and due regard was had to the views of the external examiners.

I came away from Nene College with the impression of

an enthusiastic and conscientious staff of the law department. They deserve to be given the opportunity of consolidating their position.

A handwritten signature in dark ink, appearing to read 'J.G. Miller', with a large, stylized flourish extending from the bottom right.

J.G. Miller
Professor of Law
University of East Anglia, Norwich.

(REPLY FROM BRD EXTERNAL, PROFESSOR BRIDGE
(EXETER) NOT YET RECEIVED)

From Professor John Bridge
Professor of Public Law
Tel. (0392) 263370
Fax: 0392 263381



Faculty of Law,
Amory Building,
Rennes Drive,
Exeter,
EX4 4RJ.

Mr. M. Sumpter,
Department of Law,
Nene College,
Moulton Park,
Northampton, NN2 7AL

-16 January 1992

Dear Mick,

Thank you for your letter of 14 January enclosing the draft papers in Civil Liberties and Criminal Process.

I am quite happy about the questions in these papers. As you will see, I have marked a couple of typing errors.

But, I have serious reservations about the proposal to invite candidates to answer only three questions. I consider this quite ill-advised for a range of reasons:

1. Time was when five answers were required. Four in my experience is now standard; I have never come across three before. This raises the issue of comparability with other places teaching law at degree level.

2. I doubt if it is possible to assess effectively the candidates' knowledge of the whole subject of the examination on the basis of only three answers. In order to do this it seems to me that it would require much wider based questions so that each would test a range of knowledge. (Questions 5 and 6 of the Criminal Process paper may be an attempt to do this, but all the other questions seem of the traditional type.) I wonder whether that is appropriate for an undergraduate paper of this sort.

3. My guess is that many of the students who find it difficult to answer a fourth question would also find it difficult to answer a third question under the proposed new scheme, especially if the questions are more wide ranging. A weak fourth answer is a common phenomenon and is probably as much to do with poor examination technique as with gaps in knowledge. In my view, answering four questions in the time available is an important part of the examination.

4. I believe that a three answer examination would favour the abler candidates and seriously disadvantage the weaker candidates. While it would enable the former to display the breadth of their knowledge, it would also tend to expose gaps in that of the latter. If a candidate comes down on one answer out of four, he only risks denying himself 25% of the available marks and may well still pass overall; if he comes down on one out of three, he risks denying himself 33% of the available marks which would probably be disastrous for him.

I urge your colleagues to re-consider.

Yours sincerely,

NENE COLLEGE, NORTHAMPTON
Faculty of Management and Business

Analysis of Feedback Reports for CS LAW

Division of LEGAL STUDIES

Aspect	Course	U1	U2	U3/4		
1	Response	25%	56%	70%		
2	Control Sheet	please provide if available				
3	Analysis	good	good	good		
4	Comment	good	good	good		
5	Actions List	Y	Y	Y		
6	Reported to Services	F C A S				

Action for Course Leader of CS LAW

- Response rates for U1 & U2 need to be higher next time
Re-do unit 1 this time
- Control sheet if available please
- Student signatures required at end of each unit, or at end with rep. from all 3 years.

Conclusions for Division Report is well produced but

response rates for U1 and U2 are a concern. The ~~student~~ student response indicates their experience on course is good but there are some concerns over course in general, with students also complaining about hygiene duties and very strongly about

Action Points for Division (continue over if required)

See page 4

Arrive Campers. Some strong criticism of the Library. ~~Re-arrange~~ ~~over~~ ~~the~~

Meeting Held

24 Feb 92

Present

R. M. Lacey
R. M. Lacey

NEL/EM/125/PC

H. Cuthbert

M. Lacey

R. M. Lacey

M. Cuthbert

(PTD)

Feedback Report

Unit n
Consumer Law

Combined Studies, Law Units

Division: Legal Studies.

School: Business.

Survey Carried Out: Between Monday, 2nd December, 1991, and Friday, 17th January, 1992.

Response Rate: See below.

Statistical Summaries: Attached (unit-by-unit).

Unit 1

No. of students: 250

No. of replies: 63

Response rate: 25.2%

The response rate is disappointing, and does not represent an improvement on the previous year's figure (an improvement in this respect was one of the aims stated in the annual review for 1990 - 91).

Combined Studies Enrolment and Documentation

The majority of responses in this section were in categories A and B, and no significant problems were identified.

Law Enrolment and Documentation

The majority of answers were again in categories A and B, and the replies did not point to any substantial problems. There is, however, room for improvement in basic documentation, so as to reduce the number of students finding it unhelpful to a bare minimum - see action points.

Course Management and Overall Impression

Satisfactory, although the fact that some students, albeit a minority, have reservations in this area suggests that there is no cause for complacency. The responses are encouraging, however, especially in view of the large number of students in unit 1 and the involvement of a number of new tutors in the administration/teaching of the unit (see action points).

The Criminal Process

Students were generally complementary, and a large proportion of those who replied felt, wholly or partly, that this option is excellent; liaison between tutors could sometimes be a little better (see action points).

Contract

Satisfactory, although on the whole not quite as good a feedback as Criminal Process. There had been problems early in the term with the organisation of seminar groups and topics, and a number of students had been confused as a result. Better liaison between tutors should alleviate these difficulties (see action points).

Relationships

This option received a generally positive and complementary response; the replies indicate that the students are happy with the option, and no significant problems were identified.

Resources

The main feature of this section is the comparatively large number of students who felt that the library facilities are very poor. This is obviously a cause for concern, and indicates that the recent increases in student numbers are having an adverse affect on some aspects of student life. This is also borne out, to a lesser extent, by the comments on the teaching, refreshment and social facilities (see action points).

Unit 2

No. of students: 150

No. of responses: 84

Response rate: 56%

This represents a significant improvement on last year's response rate; it should be pointed out that students were given time in lectures and seminars to complete the forms, but a number flatly refused to do so whilst others returned blank forms.

Combined Studies Enrolment and Documentation

Satisfactory, most responses in categories A and B. There appeared to be some confusion amongst the students as to what this question actually related to, given that they are now in their second year.

Law Enrolment and Documentation

Generally good responses, the vast majority in categories A and B. The unit 2 documentation seems to be more useful to the students than that provided in unit 1.

Course Management and Overall Impression

Basically satisfactory, although, as in unit 1, some comments point to the need to ensure adequate liaison between tutors. The number of C responses to questions 4.1, 4.2 and 4.3 is disappointing; some of the problems are the result of the course being taught at Avenue, so that it is not always possible to inform students of (e.g.) staff absences and the like as promptly as might otherwise be the case. The situation needs to be kept under review, however, to ensure that problems of this nature are kept to a minimum, and tutors should try to make themselves available at Avenue as often as possible to deal with difficulties and to explain/discuss any arrangements and alterations (see action points).

Compensation for Accidents

Although the feedback for this option was generally satisfactory, there were a number of responses in categories C and D. A problem seemed to have arisen with regard to communication between the two tutors concerned, but teaching is now concentrated in the hands of one tutor. Some students also found the option difficult to follow, and there is a need to adhere more closely to the provided scheme of work (see action points).

Equity and Trusts

This option received a good feedback; most responses were in categories A and B, and no problems were identified by the students.

Civil Liberties

This option also received a very complementary set of responses, the substantial majority of which were in categories A and B. No problems were identified.

Consumer Law

Generally positive, and, again, no problems raised.

Resources

A very bad feedback; it is clear from both the numerical analysis of the replies and the attendant comments that the students feel that Avenue campus is totally inadequate, and that they are being treated as "poor relations." The grievances are too numerous to list here, but relate to all of the areas referred to on the feedback form, namely classrooms, library facilities (in particular), refreshment facilities, social facilities, college administration and information technology services (see action points).

Unit 3/4

No. of students: 88

No. of responses: 62

Response rate: 70.4%

This is a good response rate, and a substantial improvement on last year.

College Enrolment and Documentation

A satisfactory set of responses; again some confusion as which documentation the questionnaire actually referred to.

Law Enrolment and Documentation

A very positive feedback; no problems identified, and again pleasing to note that the majority of students find the documentation helpful and informative.

Course Management and Overall Impression

Good; most responses in categories A and B, no problems identified.

Individual and State

This option received a very complementary set of responses, and seems to be popular with the majority of students.

Land Law

A good feedback; no problems were identified, and the students seem to appreciate the efforts made by the tutor concerned to make an inherently technical subject more straightforward.

E.E.C. Law

Satisfactory; no significant problems, although some students would prefer a slightly "tighter" scheme of work (see action points).

Industrial Relations Law

A positive set of responses, most of which were in categories A and B. No problems raised.

Resources

A rather negative feedback overall, containing fairly substantial criticisms of library, refreshment and social facilities. The nature of the comments indicates that the students feel that the recent increases in numbers have had a detrimental effect, and that the college is not yet properly equipped to cope with such large numbers of students (see action points).

Overall Comment and Conclusions

The improvement in the response rate in units 2 and 3/4 is pleasing to note, but the response rate for unit 1 remains disappointing. The overall feedback for the course is good, and those options which have tended to be popular with students in the past remain so. It is also to the credit of the tutor concerned that the Land Law option in unit 3/4 is running smoothly, problems having occurred during the past two years. The large number of new tutors involved with both the teaching and administration of the course has emphasised the need for consistent and accurate liaison, and some problems have arisen in these respects. In general, however, the course continues to cope as well as can be expected with large numbers of students, although there is strong evidence to the effect that the quality of student life at the college is suffering. The most serious problems raised by the feedback exercise relate to the experience of unit 2 students at Avenue campus, where there appear to be serious deficiencies.

Action Points

1. The basic/introductory course documentation should be reviewed by the course leader and year one tutor - M. Sumpter/J. Mycavka.
2. The results of the survey should be circulated to all option tutors - M. Sumpter.
3. The appropriate college authorities should be informed of the opinions of the students, with particular reference to (a) the problems at Avenue campus and (b) the problems with the library - M. Sumpter.
4. The importance of liaison/communication between tutors needs to be emphasised; the course leader and year tutors should ensure good communication via full course team meetings, year team meetings, and other methods as appropriate - M. Sumpter/S. Sharpe/J. Mycavka.
5. Tutors responsible for options taught at Avenue campus should bear in mind the particular problems of unit 2 students, and try to make themselves as accessible as possible in order to alleviate difficulties - S. Sharpe/S. Conlon-Spears/M. Sumpter/A. Sutton/B. Greene.

Other Comments

Despite improvements, the feedback process remains cumbersome, repetitive in parts, excessively bureaucratic and time-consuming. It does not have the confidence of the students, as evidenced by the fact that they have to be pressurised into completing the forms.

Nick Sumpter,
11th February, 1992.

Nick Sumpter

S. Doncorbe . Unit II Consumer Law .

ed to: Mr J. Bonner
~~Dr S. M. Gaskell~~
Dr J. F. Watters
Mr D. K. Allen



To:
KAWY
NALL

~~DR GASKELL~~
~~MRS MAYES~~
~~MR CLARK~~

192.

FACULTY OF LAW

NENE COLLEGE: B.A. (COMBINED STUDIES)

REPORT OF EXTERNAL EXAMINER IN LAW 1991-1992

This is my third and final year as an External Examiner for this degree. I have continued to be responsible for four papers: Criminal Process, Civil Liberties, Individual and the State, and European Law & Institutions. I saw all of these papers in draft and I had no hesitation in giving my approval to them. My views were also sought and fully taken into account in connection with a proposed change in the format of one of the papers.

At the assessment stage I was sent, in accordance with a scheme previously agreed, any prima facie firsts and fails, all borderline cases and a sample of scripts falling squarely within the other classes. These were accompanied by helpful notes drawing my attention to any particular cases where my opinion was being sought. I again found that the marking was fair and to appropriate standards. The few changes in the marks which I proposed were accepted by the Internal Examiners. There were rather a large number of failures this year in Criminal Process. But this was a large class and my reading of the scripts suggested a lack of aptitude and/or application on the part of the candidates as the likely causes. I was also asked to read two dissertations both as a sample and to give a second opinion on the results of the internal marking.

I have continued to be impressed with the efficient way in which the examination procedures have been carried out. The new relationship between the College and the University which was introduced last year has worked very well in my experience. It has proved to be helpful for contact to be made directly between the Course Leader and the External Examiner. Mr. Sumpter and I have been able to develop an excellent working relationship. As I concluded last year, I am left with the general impression of courses well-taught and conscientiously examined.

John W Bridge

21. vii .92

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Document Set 2



UNIVERSITY OF LEICESTER

From the Pro-Vice-Chancellor · Mr John Bonner

CONFIDENTIAL

3 September 1992

Dear Martin

BA/BSc Combined Studies Law Unit 1 Examinations. Summer 1992

Diane Hayes was kind enough to send me a copy of Mark Cook's initial investigation into the very high failure rate in these examinations, together with her summary of the report and the lessons to be learned. After consultation with John Watters and Cliff Dunkley, we agreed that there was no reason to question the decisions of the Board of Examiners and that the College had acted quickly and effectively to address the immediate problem.

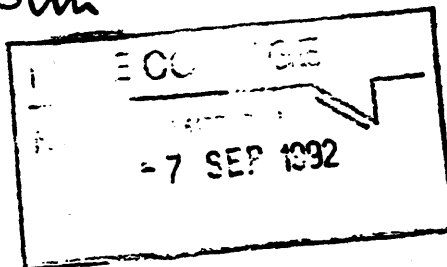
However, the explanations for the high failure rate, which emerge from Mark Cook's report, are a cause of serious concern about the quality of course provision in the longer term. The University and the College must be worried about the strains on buildings, staff and services imposed by rapidly increasing student numbers, and the Law failure rate has revealed an example in which staff did not seem to be properly prepared to deal with the teaching and assessment of a large intake, and a breakdown in course delivery was the unfortunate result. I assume that the outcome of your internal reviews and remedial actions will eventually be reported to the Senior Tutor and the Board of Collegiate Studies. The University will review the role of the moderators in such situations. In the meantime, I am anxious to join with you in ensuring

- i) that a contingency plan has been prepared to deal with the possible repeat of a high failure rate in the re-sit examination for Law Unit 1 this month,
- ii) that Law is not about to repeat the same mistakes with the 1992 entry, and
- iii) that the possibility of similar problems in other hardpressed subject areas, like Psychology, are being taken into account.

*Yours
John*

Dr S. M. Gaskell,
Director,
Nene College,
Moulton Park,
Northampton,
NN2 7AL

Copy to the Vice-Chancellor
Dr John Watters, Senior Tutor
Mr C. M. Dunkley, School of Education
Mr David Allen, Department of Law



NENE COLLEGE

INTERNAL MEMORANDUM

FROM: Dr. S.M. Gaskell

TO: Dr. A.J.R. Berry
c.c. Mrs. D. Hayes

OUR REF: SMG/KJW/C17.1/15.125wp

DATE: 9th September 1992

I enclose a letter from John Bonner re failure in Year I Law examinations and my response. Can you please ensure:

- i) the matter is raised at Academic Board under Matters Arising and actions taken are reported.
- ii) CAS monitors Faculty investigations and actions.
- iii) CAS oversees transfer across institution of good practice and addresses the general issues.
- iv) liaison with University regarding response and action (avoiding provoking undue Moderator interference)

S. MARTIN GASKELL,
Director

Enc.

c.c. Dr. A.J.R. Berry
Mrs. D. Hayes

Mr. John Bonner,
Pro-Vice-Chancellor,
University of Leicester,
University Road,
Leicester,
LE1 7RH.

9th September 1992

SMG/KJW/C17.1/15.124wp

BA/BSc Combined Studies Law Unit I Examinations - Summer 1992

Thank you for your letter dated 3rd September re the above.

The points you raise, with respect to the long term implications of this high failure rate, are important. Our internal review processes will be addressing these issues amongst others and we will be expecting to see:

- a) clear response and actions
- b) careful monitoring of the situation.

I will ensure that both Dr. Berry and Mrs. Hayes are aware of the points you raise and ensure that they are addressed. There will be a verbal report on this item at the Academic Board and I hope you will reinforce our view of the seriousness of the situation.

I will ask Tony to liaise with you regarding the best ways of jointly ensuring a response and a satisfactory 'audit trail'.

Document 3

NENE COLLEGE, AVENUE CAMPUS

INTERNAL MEMORANDUM

TO: Dr S M Gaskell

DATE: 23 September 1992

**CC Mr J Bonner
Dr J Watters**

YR REF:

FROM: DR A J R BERRY

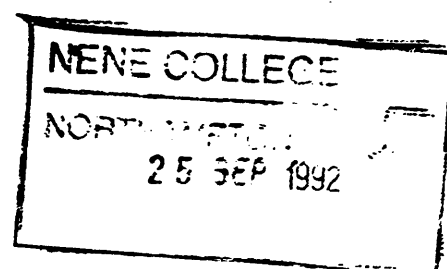
**REF: AJRB/SP/Course/
LawUnit1**

Following the Board of Collegiate Studies I thought it would be helpful to have a note on record concerning the response of the College to the Unit 1 Law examination results for the session 1991/92. The responses may be regarded as those of the Faculty, the wider College and the Board of Examiners.

You will know from the Dean of the Faculty of Management and Business, Mrs D Hayes, that the immediate response of the Faculty was to ask Mr Mark Cook, Senior Lecturer in Economics, to conduct an enquiry into circumstances regarding the high failure rate, and to produce a written report. That task Mr Cook completed, with a series of issues that I know the Faculty have addressed in some detail; issues concerned with the control of students, the experience profile of staff on courses and the discipline culture associated with courses involving large numbers of students.

Together with this response, the Faculty instituted a series of remedial teaching sessions for students required to resit Unit 1 Law in September as a means of providing some short-term support directly to the students affected. In the longer term, the Faculty continues to reflect upon the lessons to be learned and to effect change into both Unit 1 Law and any other courses that may have a potential for such problems.

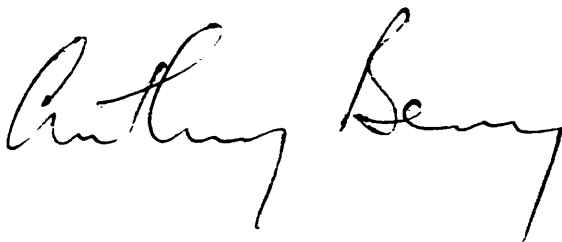
The College response has been to debate with the Faculty the key lessons to be learned from this matter, and the College Academic Board has, following its own debate, requested the Dean of Faculty to produce her own report highlighting key teaching and learning lessons. Such lessons will constitute the raw material for a series of seminars to be developed by our Education Development Unit on the problems, in particular, of coping with large numbers of students and integrating new staff into a programme.



The Combined Studies Board of Studies has, in a general sense, been concerned with the difficulties of teaching large numbers, and has precipitated significant changes that will affect all unit 1 programmes, including that of Law. Under these new arrangements there will be a more systematic management of Year 1 students, prescribed occasions when they will be required to discuss their personal learning plans with their personal tutor, and to discuss with him the future implementation of that plan. The full introduction of assignment handling systems will require greater discipline from the student in the management of his course work. Within the Combined Studies there has also commenced the experiment of supplementary instruction, where evidence from other colleges has indicated that this is a significant and positive factor for reducing Year 1 wastage rates.

Finally, in response to the particular needs of individual students, the Combined Studies Examination Board instituted a particular discretionary policy with respect to Unit 1 Law students on progression with substitution, the consequence of which has been that fewer Unit 1 Law students will be required to undertake an additional subject of study within their last two years and fewer of them will be prevented from majoring in Law if they so wish.

It may be important to place this note on record in your file.

A handwritten signature in cursive script, reading "Anthony Berry". The signature is written in dark ink and is positioned above the typed name and title.

DR A J R BERRY
ASSISTANT DIRECTOR

AJRB/SP/Courses/Lawunit1

Document Set 4

Mr P Bennett
Howes Percival,
Solicitors
Oxford House
Cliftonville
Northampton NN1 5PN

30 November 1992

SMG/DA/PC/C17.1/11.108wp

Following the higher than normal failure rate on the first year law course in the Combined Studies degree, I have been aware of comments from the legal profession that they are dissatisfied with the quality of provision they are receiving at Nene and that as a result they are withdrawing their employees from courses here. I must stress I have not received any direct statements to this effect and have only had rumours reported to me. However these are worrying if there is such a view abroad.

I therefore asked the Head of School to investigate and report to me. We can not think the comments refer to law on the Combined Studies degree as this would not be a course to which employees were seconded. We presume that this must relate to our ILEX courses which are the only ones which bring us into direct contact with local solicitors. In the opinion of the Head of School, and in my view, any such views are unfounded. The examination results on the ILEX courses have been excellent and we continue to recruit healthy numbers to our courses, in fact exceeding our targets.

For the Associateship course the examination results for 1991/92 were as follows:

		*
Law 1	70% pass rate, including 1 distinction.	(59%)
Practice 1	50% pass	(40%)
Law 2	92% pass	(78%)
Practice 2	71% pass	(67%)

For the Fellowship course the results were:

		*
Contract	73% pass rate	(47%)
Crime	56% pass	(51%)
Conveyancing	100% pass	(74%)
Land Law	67% pass, including 1 distinction	(66%)

(* National averages).

We still continue to receive good support not only from local solicitors but also from Milton Keynes and even Bedford. I attach a list of organisations sending students this year and last year.

At the same time the results on the LLB degree course have been above national average and for your interest I enclose a copy of an article by the Head of Law in the latest issue of our Educational Development Unit's newsletter.

I would welcome your views as to how we can best promote a more positive view of legal studies at Nene in their entirety to the Northampton legal profession. I would be happy to host a meeting/reception if it was felt that would be most effective.

NENE COLLEGE, NORTHAMPTON
Faculty of Management and Business

ILEX

<u>Part 1 Year 1</u>		1991/92	1992/3
Hawkins Russell Jones	- Milton Keynes	✓	
E T Ray and Co	- Milton Keynes	✓	
Lamb and Holmes	- Corby	✓	
Howes Percival	- Northampton	✓	✓
Milton Keynes Borough Council		✓	
Neil Clark	- Northampton	✓	✓
CPS	- Northampton	✓	
Linda Mason and Co	- Milton Keynes	✓	
Shoosmith and Harrison	- Northampton	✓	✓
Perkins and Tustin	- Northampton	✓	✓
Borneo Martell and Partners	- Northampton	✓	✓
Max Engel and Co	- Northampton	✓	
<u>Part 1 Year 2</u>			
Hewitson Beck and Shaw	- Northampton	✓	
Wilson Browne	- Kettering	✓	
Denton Hall Burgin and Warren	- Milton Keynes	✓	
Clarke and Co	- Kettering	✓	
Bridgeman Scott and Fowler	- Northampton	✓	
Howes Percival	- Northampton	✓	
Lamb and Holmes	- Kettering	✓	
Fennemores	- Milton Keynes	✓	
Franklins	- Northampton		✓
Wilfords	- Wellingborough		✓

<u>Part 2</u>		<u>1991/92</u>	<u>1992/93</u>
Hawkins Russell Jones	- Milton Keynes	✓	
Denton Hall Burgin and Warren	- Milton Keynes	✓	✓
Fennemores	- Milton Keynes	✓	✓
Toller Hales and Colcutt	- Kettering	✓	
Smith Chamberlain	- Wellingborough	✓	
Perkins and Tustin	- Northampton	✓	✓
Hodson and Lines	- Rugby	✓	✓
Shoosmiths and Harrison	- Northampton	✓	
CPS	- Northampton	✓	✓
Rodney Corner and Co	- Buckingham	✓	
Park Woodfine and Co	- Bedford	✓	✓
Lamb and Howes	- Kettering	✓	✓
Brevitt Rieker	- Northampton	✓	
Bridgeman Scott and Fowler	- Northampton	✓	✓
Wilson Browne	- Corby	✓	✓
Heffrons	- Milton Keynes	✓	
Burnhams	- Wellingborough	✓	
Wilson Browne	- Kettering	✓	
Hewitson Becke & Shaw	- Northampton		✓
Howes Percival	- Northampton		✓
Lamb & Holmes	- Corby		✓
Toller Hales & Colcutt	- Northampton		✓
Borneo Martell & Partners	- Northampton		✓
Eckford Rands	- Northampton		✓
Dennis Faulkner & Alsop	- Northampton		✓

HOWES PERCIVAL

SOLICITORS

file

Gary Baker
Richard Barber
Andrew Barnes
Peter Bennett
Charles Bension
Michael Beresford
Roger Burnell
Gerald Coudrahe
Michael Garton
Geoffrey Gilbert
Michael Gotelee

Alan Hamblett
Jeremy Heal
Alan Kefford
Christopher Kennedy
Anthony Miles
Paul Montgomery
Alexander Munro
Michael Percival
Ian Rowland
James Shellorn
Peter Thompson

Martin Tomiak
Heather Wolstenholme
Andrew Wood
Ian Zant-Boer
Consultants
Roger Fennimore
Jane King
(U.S. Attorney)
Ian Mason
Gordon Miller C.A.
David Stone

Associates
Sara Hands
Mark Hicks
Jane Liddington
James Morris
Roger Pritchett
Brandon Ransley
Jim Simpson
Jit Singh
Fran Smyth

Item 12 *Item 13*
Directorate *Directorate*
29.1.93 *15.1.93*

Dr S M Gaskell
Director
Nene College
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NN2 7AL

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Telephone (0604) 230400

Fax (0604) 20956 & 230426
DX 12413 Northampton

response to 29/
after 1.2

Our ref PWB/cln

Your ref SMG/DA/PC/C17.
1/11/108wp

Date 14th December 1992

Dear Martin

Thank you for your letter of the 30th November concerning the law courses. As you say in your letter the main contact that local firms have with the College is through the ILEX courses where the results appear to be very satisfactory.

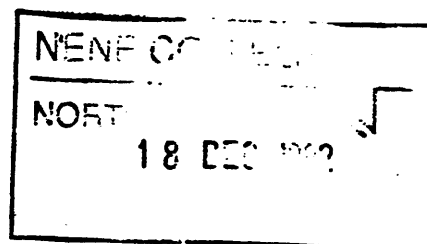
I would have thought the best way of dealing with the matter would be to write to the Senior Partner of each of the firms who send students (they are, in fact, from the list the major firms locally) setting out details of the results and inviting the firms to visit the Faculty and speak with the Head of Schools. After the letters have been sent, I would be delighted to undertake some market research amongst the Senior Partners mailed to make sure that their confidence in the College is as high as it should be. If there appears to be any doubt on their part then I would suggest that we arrange a presentation to them en masse which I would be delighted to co-host with you.

I hope the above is helpful. Any problems, please give me a ring.

Yours sincerely

P W Bennett

P W BENNETT
Group Managing Partner



Document Set 5

Director Kyanka.

INTERNAL MEMORANDUM

NENE COLLEGE
Moulton Park, Northampton, NN2 7AL

Faculty of Management and Business

From: Mrs D Hayes

To: Dr S M Gaskell

cc: Mr D J Halton

Our ref: DAH/EM/834.1/PC

Date: 15 September 1992

Your ref:

Combined Studies - Law Course Leadership

It is necessary to replace the person who has previously held the leadership of this course. All the Law staff have been notified of the vacancy, whilst three staff indicated their willingness to be involved in a lesser capacity only one applicant actually indicated that they wished to seek leadership and whom Mike Cuthbert and I wished to consider. This was Julia Mycawka. She is very keen to take up the challenge and has a number of ideas as to how the course might be operated. She is currently a Lecturer on point 11 of the salary scale, from 1.9.92. I would like to offer a responsibility increase with the post for one year from 1.9.92, at her current rate plus £2,000.

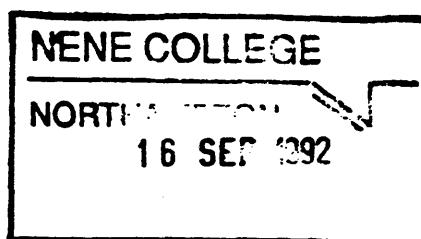
It is our intention to reconsider the position of course leader next summer and following that we would reconsider Julia's salary position. Funding for this will come out of my salary budget.

I would appreciate your views on the acceptability of this proposal.

No

1) see an

2) see - 166 HK 1/21



NENE COLLEGE
MOULTON PARK, NORTHAMPTON NN2 7AL

INTERNAL MEMORANDUM

FROM: Dr S M Gaskell

TO: Mrs D Hayes
cc: Mr Halton/Dr Berry

REF: SMG/DA/PC/C17.1/11.79wp

REF: DAH/EM/834.1/PC

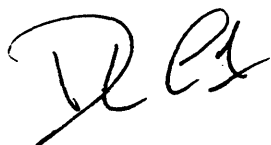
DATE: 5 October 1992

LAW COURSE LEADERSHIP

I have now considered your memo of 15 September regarding Combined Studies - Law Course Leadership. It is of course a matter for you to appoint a course leader. With regard to the payment of a responsibility allowance I would wish to hold on this until we have considered the wider implications of the development of such a practice.

I have asked Dr Berry to talk with you about the particular situation in Law.

I will come back to SET with the issue of organisation below Head of School, when the paper the Deputy Director was preparing is available.



S M Gaskell
Director

Document 6

NENE COLLEGE, NORTHAMPTON
Faculty of Management and Business

A REPORT on the monitoring process on the delivery and management of Combined Studies Law Unit 1 - 1992 - 93

Introduction

In the examinations held in May 1992 the failure rate for Unit 1 Law was 75%. After the resit examinations in September this had been reduced to 34%.

The Course Team and Faculty investigated these results and took a number of measures to ensure that they would not be repeated in 1993.

1 Post Summer Examinations

- 1.1 Directly after the examination results were collated the Unit 1 tutors met with the Head of School, Mike Cuthbert, and with the Head of Law Courses, Royston Makepeace. The meeting was to determine what action was needed prior to the resits in September. As a result of this meeting each option group were timetabled for two sessions led by tutors. They were given feedback on the exam papers and the reasons for failure. They were asked to work on preparing new answers using the advice given and at the second meeting handouts were provided outlining points that should have been in good answers. It was intended that this be used as a basis for revision. Phone numbers and addresses of tutors were given to students in order that they could contact staff for support during the summer. Approximately 50% of the students who failed attended the two sessions held. Some students did phone tutors and some sent work to be looked at.

To assist the Faculty and Course Team in understanding why the high failure rate occurred a report was prepared by the Head of Economics, Mark Cook. A summary of the main issues was produced by the Dean. Both of these reports have been widely circulated but are available if required.

- 1.2 In August a letter was sent to all resit candidates for Unit 1. This offered two scheduled drop in revision sessions for each option. A number of tutors were available at these times. Less than 20 students out of 163 who took resit examinations actually attended these sessions.

2 Course Management

- 2.1 In August the current Course Leader, who had already indicated that he preferred to concentrate on the MPhil that was half completed and on the Periodic Review of Combined Studies Law taking place during 1992 - 93, was replaced by Ms Julia Mycawka. A set of objectives for her and the Course Team to pursue by early October was prepared by the Dean and Head of School.

These were:

- a) Discussions to take place to resolve how the Unit 1 courses should be delivered and timetabled. ie lecture/seminar/tutorial split, number of staff involved, liaison between them etc.
- b) A mechanism to be developed to monitor student attendance for Unit 1.
- c) An assessment strategy for Unit 1 options to be developed to ensure that throughout the year formative assessment is happening.
- d) An induction programme for Unit 1 to be devised.

- e) A view to be developed as to whether it is necessary to take any action regarding the students moving into Unit 2 to remedy deficiencies of 1991 - 92.
- f) The course management team membership and responsibilities to be determined.

3 Monitoring

- 3.1 At the beginning of October a meeting was held between the Dean, Head of School, Head of Law Courses and the course management team to discuss the progress on the objectives.

The key points reported were -

All students in Unit 1 are to have timetabled English Legal System tutorials in addition to studying two out of three from:

Criminal Process
Contract
and Relationships.

There are to be time-constrained assignments set during seminar time as well as the course work by assignment as in previous years. The aim of this is to check that students are learning the necessary skills of problem solving and writing up.

That there would be a strong induction programme lasting for the first two weeks.

In addition to clearly identified year tutors each option in Unit 1 would have a clearly identified leader who would take responsibility for co-ordinating the option, particularly the seminar programme. Seminar attendance would be monitored.

The first piece of assessed work would be due in on Friday 27 November and would be returned to students by the end of term.

Unit two students would be monitored and would be given an assessment before Christmas.

- 3.2 At the meeting of the Faculty Academic Standards Committee, on 30 October, the Course Leader attended and reported on the measures taken.

The Course Team continue to carefully monitor the situation. For the first time this year students are members and have attended Board of Study meetings.

- 3.3 At the beginning of January results for the first assignments have been analysed. Out of a maximum of 485 pieces of work, 402 have received pass marks. This indicates that the majority of students are making satisfactory progress at this stage.

Diane Hayes
Dean

DAH/EM/CSLAW/MR1/PC
14.1.93

Document Set 7

CAB Minutes

- 1 First reference to Law results
Section 4.5 from CAB minutes 1.7.92
- 2 Second reference to Law results, Section 4, Item 4.2 from
CAB minutes 16.9.92
- 3 Third reference to Law results - amendment to minute 4.2
(above), Section 4, Item 4.1 from CAB minutes 3.11.92

CAS Minutes

- 1 Reference to monitoring of performance after high failure rate
of Unit 1, Law. Agenda item 12, pp5-6 CAS minutes 20.1.93
- 2 Report of periodic review event of BA/BSC Combined Studies
Law in CAS minutes 12.5.93, item 8.2.2

The results and recommendations of the examiners in respect of MA International Business Analysis and BA (Hons) courses in the Faculty were received.

It was noted that the first awards of the degree of BA Business Studies were to be made in 1992.

4.3 BA/BSc (Hons) Combined Studies

The results and recommendations of the examiners were received. It was noted that the results for the Local History and Social History units from the evening programme would be not processed through College procedures but would be reported directly to the relevant Board at the University of Leicester.

4.4 Recommendation

The Board recommends to the Board of Collegiate Studies that the above results and recommendations be accepted.

4.5 ~~Recommendation~~

The relatively high failure rate amongst first year students was noted. It was agreed that there was a need to analyse the pattern of results and to compare information from other parts of the sector.

In discussion the concern was expressed at the shortness of time allowed for marking and processing of results on the Combined Studies programme. It was agreed that the Head of Combined Studies and the Registrar should once again examine the issues although the limitations were recognised. It was also agreed that the notification to students of final degree awards should not be moved to a later date since this affected students' employment prospects.

ACTION: Mr Castley, Registrar

5. Reports of Validation and Review

5.1 Faculty of Design and Industry - Validation

5.1.1 BA/BSc (Hons) Combined Studies: Art and Design

The Dean reported that no difficulty was anticipated in meeting the conditions.

The Board referred the monitoring of recommendations to the Faculty Academic Quality Committee.

ACTION: Dean

The report of validation was approved.

5.1.2 HND Product Design

The Board agreed that the validation panel which would meet on July 14th 1992 would act with the delegated authority of the Board.

CAB 1/7/92

ACADEMIC BOARD

Minutes of the 9th Meeting held on 16th September 1992

1. Present

Dr A J Berry
Mr J Bonner
Dr N Boutle
Mr A Broadaway
Dr J Bush
Mr A Castley
Mr M Cuthbert
Mr L D'Arcy
Mr P Davies
Mr B Greene
Mr D Halton
Mrs D Hayes
Dr M Molyneux
Mr M Penny
Mr G Otley
Dr C Ringrose
Ms P Shirreff
Dr M Stowell
Mr M White
Mr M Wilson

Dr J Clark (Secretary)

2. Apologies

Dr S M Gaskell, Dr R Belshaw, Ms J Glasman, Mr K Osborne

3. Membership

The conduct of an election in the Faculty of Management and Business was noted.

4. Minutes of the eighth meeting

4.1 Confirmation

The minutes were agreed to be a true record.

4.2 Matters Arising

First Year Examination Results

The Dean of Management and Business reported on the action that had been taken as a result of the unusually high failure rate amongst first year BA/BSc Combined Studies Law Students. The Faculty had requested and received a report from a senior member of staff. The report had highlighted several contributing issues namely:

- increase in student numbers
- the control of students

- course delivery not being adapted to larger student numbers
- the differences between formative and summative assessment procedures

A new course leader had been appointed who has been given clear objectives and deadlines.

The Dean also reported that the results of resit examinations had shown that a number of students had still failed.

It was also reported that during the summer students concerned had been offered revision sessions.

The Law subject panel of the Board of Examiners had asked the Combined Studies Executive to examine implications and lessons for the programme as a whole to assist the Law team in, for example, developing the use of different assessments.

The Dean also pointed out that (i) the subject was due for quinquennial review this year and (ii) the Faculty Academic Standards Committee would closely monitor the subject.

Members of the Board who had relevant expertise offered support in assisting the faculty in respect of any necessary sharing of good practice in dealing with large student numbers.

The Board agreed that the Committee for Academic Standards should receive regular reports from the Faculty on the monitoring activity and developments in the subject.

ACTION: DEAN

The Board also agreed that the Committee for Academic Standards should receive a report from the Combined Studies Executive on the matter.

ACTION: MR CASTLEY

Mr Bonner commented on behalf of the University expressing concern that there is a need to ensure that problems were identified and dealt with at an early stage and not just through review processes. In this case the problems leading to examination failure had stemmed back to an early stage in the academic year.

It was reported that this had been discussed in the Faculty, where it was now considered that there should be a member of staff in each School having particular responsibility for oversight of matters concerned with Academic Standards, rather than one person having responsibility for the Faculty as a whole.

In the light of such discussion the Vice-Chairman required that Deans should again discuss the matter of monitoring and managing difficulties as they occur at Faculty level. A short report to the Committee for Academic Standards will be required from each faculty.

ACTION: DEANS

5. Standing Orders

The board received a proposed set of standing orders. The Board noted that standing order 16 conflicted with 11h. Also there was some conflict with the current terms of reference.

Academic Board

Minutes of the 10th meeting held on 3rd November 1992

Present

Dr S M Gaskell (Chairman)
Dr A J Berry
Dr N Boutle
Mr A Broadaway
Dr J Bush
Mr A Castley
Mr M Cuthbert
Mr P Davies
Ms J Glasman
Mrs D Hayes
Mr A Minai
Dr M Molyneux
Mr M Penny
Mr G Otley
Mr K Osborne
Dr M Stowell
Mr M Wilson

Mr J Bonner (University Representative)

Dr J Clark (Secretary)

Apologies

Mr B Greene, Dr C Ringrose, Mr M White, Mr D Halton

Membership

The Board welcomed Mr Minai to the Meeting. It was noted that there were two vacancies on the Board, one for an elected Head of School from the Faculty of Education, Health and Science arising from the appointment of Mr Otley as Dean, the other following the retirement of the Associate Director.

Minutes of the 9th meeting

4.1 Confirmation of Record

The minutes were agreed to be a true record subject to the following amendments to minute 4.2.

5th paragraph now to read:

The Law subject panel of the Board of Examiners has asked the Combined Studies Executive to examine the implications of the failure rate. Furthermore a request had been made for the Law team to be assisted in, for example, developing the use of different assessments.

Penultimate paragraph now to read:

It was reported that the matter was the subject of ongoing discussion in the Faculty. The Faculty was considering the possibility of having

or matters concerned with Academic Standards, rather than a single person with responsibility for the whole Faculty.

4.2 Confirmation of actions from previous meetings

4.2.1 9th Meeting Minute 4.2: concerning first year Law results

It was reported by the Dean of Management and Business that a report on the first year failure rate would be forwarded to the Committee for Academic Standards.

Mr Castley reported that the matter was being considered through the annual reporting process for the Combined Studies programme.

4.2.2 9th meeting Minute 6: concerning the constitution of Faculty Academic Boards

The Chairman reported that draft constitutions had been received.

4.2.3 9th Meeting Minute 7: concerning the establishment of Course Boards of Study

Dr Bush reported that she had written to the Assistant Director requesting exemption to the 'standard' requirement for the Diploma in Social Work.

The Assistant Director reported that all Faculties had now indicated that all students were now covered by Course Board of Study.

4.2.4 9th Meeting Minute 8: concerning Forms of Address

The Director sought clarification from the Board that the action required by him related only to forms of address. The Board confirmed this, and noted that they would receive a decision in due course.

4.2.5 9th Meeting Minute 9.2: concerning Academic Regulations

It was reported that a final version of the regulations had been approved by the Chairman.

5. Reconstitution of the Board of Governors

The Board received a paper from the Director outlining the representation required from Academic Board to the Board of Governors and the Trustees of the Student Extreme Hardship Fund.

5.1 Nomination to the Board of Governors of a member of Academic Staff

The Board nominated Mr M Cuthbert to represent Academic Staff at the Board of Governors.

5.2 Nomination of two members to the Trustees of Student Extreme Hardship Fund

The Board agreed that the nomination of two members of staff to the Trustee Committee should be determined by the Chairman.

ACTION: CHAIRMAN

See item 12
pp 5-6

**NENE COLLEGE
ACADEMIC BOARD
COMMITTEE FOR ACADEMIC STANDARDS**

Minutes of the third meeting of the reconstituted Committee for Academic Standards held on 20 January 1993.

1. Present

Dr A Berry
Dr N Boutle
Dr J Bush
Dr J Clark
Dr M Daniel
Mr J Gingell
Mr D Hubbard
Mrs L Merriman
Ms E Musgrave
Mr A Pilkington
Ms S Randall (for Mr M Lacey)
Dr M Stowell
Mr A Sutton
Ms C Webster

Observer: Mrs J Bowers

Apologies for absence were received from T Birch, J Campbell, D Halton and D Shuttleworth

Ms C Webster, the student representative from the Faculty of HSS was welcomed to her first meeting of the Committee. The Committee noted that Dr Mike Daniel who had recently taken up his post as Assistant Director with responsibilities for quality assurance, would be taking over the chairmanship of this Committee after this meeting.

2. Minutes of the second meeting

The minutes were confirmed as a correct record.

3. Matters arising

3.1 Literacy skills

The Committee discussed the recommendations it wished to put forward to Academic Board having considered the report on standards of student literacy at its last meeting. Members of the committee reiterated their concerns about whether students should be penalised for errors of literacy in any of their written work before the College had taken steps to provide remedial support facilities. The Registrar pointed out to the Committee that it would take time to redraft criteria for marking written assignments to include literacy skills and that this would not be implemented that quickly.

It was agreed to recommend to Academic Board that support facilities be provided to assist students with literacy skills so that in the long term literacy skills could form a routine part of assessment for all written assignments.

3.2 Moderators reports

The Chair reported that he had written to Deans explaining that their responses to the University Moderators' reports needed to be in a format such that they could be passed on to the University. He explained that these needed to be received by the University by 5 February and that the University would also wish to have a review of the actions taken as a result of the previous year's moderators' reports.

ACTION Chair

4. Faculty Academic Standards Committees

4.1 Design and Industry

The Committee received the minutes of the Design & Industry FASC held on 9 December 1992.

4.2 Management and Business

The Committee received the minutes of the Management and Business FASC held on 27 November and noted that it had discussed the HEFC consultation paper on the use of performance indicators to assess quality in higher education. It was reported that the HEFC had subsequently revised its views in the light of responses from institutions and was now unlikely to place such emphasis on performance indicators.

5 UFC Research Selectivity Exercise

The Chair of the Research Sub-Committee reported that the College had received the following rankings in the UFC research selectivity exercise; Psychology 1, Metallurgy and materials 3, Geography 1, Economic and Social History 2, Business and Management Studies 1, Philosophy 3, Drama, Dance and Performing Arts 2.

Achieving such rankings had clearly demonstrated that there was a significant research presence within the College. The exercise had received widespread national coverage and Nene had done well in comparison to other similar institutions.

6 External Academic Auditors

The Committee noted that in response to the report of the external auditors two working groups had been set up to consider monitoring and evaluation guidelines and the periodic review process. The Quality Support team (previously called the internal academic auditors) had completed their training with the external auditors and

after consultation with the Deans were about to start their work within the faculties. There would be a report to this Committee about their work at the next meeting.

There remained however a concern about the gulf between the views and expectations of senior staff and those of other staff. It was important that this be addressed particularly as the College prepared to submit its application for degree awarding powers for taught courses.

The Assistant Director (Academic Quality) as incoming Chair suggested that a way forward for this Committee would be to organise a developmental session. The aim of this would be for members of the Committee to critically examine the role and work of the Committee in the light of recent developments. They could then decide on what its priorities should be.

7. Assessment Regulations

The Committee considered a paper from the Registrar on the need to reform assessment regulations. This had arisen because of variations in practice between different courses due to the piecemeal way in which assessment regulations had been developed. The concerns related to how the regulations governed the progression of students and to the award and classification of degrees and diplomas. There was also a concern that some regulations were unclear and could be open to different interpretations.

The first step in this process would be to establish a common set of principles about assessment to ensure that all students on the various courses were treated fairly and reasonably and that the academic values of the College and the particular course were reflected in the progression and final grading of the students.

It was agreed that a working group be set up to look at these issues.

ACTION Registrar and Dr Daniel

8. Generic Degree aims
(Previous minute of 9.12.92 item 15 refers)

Arising from the discussion on the previous item the Committee noted that there remained a need for the College to establish a set of clear generic degree aims and objectives. It was reported that work had already been done on this in respect of the Combined Studies programme by the Registrar and Dr Stowell and they were asked to present this to the next meeting of this Committee.

ACTION Registrar and Dr Stowell

9. Reports of Validation and Review

9.1 Faculty of Management and Business

9.1.1 CIPFA P3

The Chair of the Validation panel presented the report and reported that the conditions had been satisfied. The Committee noted that it would be the responsibility of the Faculty Academic Standards Committee to ensure that action was taken on the recommendations and asked the Secretary to check that this was done.

**ACTION FASC & Assistant Registrar
(Validation)**

9.1.2 Intermediate Review of IPM Stage 1

The Committee received the Visitor's report and noted that he recommended that the coursework:examination weighting and the marking bands be amended. The Committee agreed to recommend that these changes be approved subject to confirmation that two thirds of the students on the course supported the changes and that all students were informed in writing that the changes had been approved.

10. Update on Conditions of Validation and Review

10.1 BA/BSc (Hons) Combined Studies: Equine Management
The Committee noted that a termly report on the management of this course had been submitted to the validation panel.

10.2 BA/BSc (Hons) Combined Studies: Environmental Biology
(Previous minute of 9.12.92 item 10.1.1 refers)

The Chair of the Faculty Academic Standards Committee reported that she had received clarification from the Chair of the Validation panel that the provision of field work had fallen to a 'minimum acceptable standard' rather than an 'unacceptably low level' as stated in the original report. A memorandum had been received from the course leader in response to the recommendation that every effort be made to reinstate residential courses of field work for unit 1 and 2 focusing on habitats not available locally. He explained that there were difficulties in meeting this recommendation as this would require more resources from the College. The Committee accepted that the course leader was not in a position to resolve resource issues but wished to ensure that the panel's concerns about the level of field work were

addressed. A member of the Committee commented that it was important to distinguish between the level of fieldwork required academically and that established by custom and practice. It was agreed that the Assistant Registrar (Validation) should write to the Head of School for further information about the provision of field work on the course and that the Assistant Director (Academic Quality) would consider the response.

ACTION Assistant Registrar (Validation) & Assistant Director (Academic Quality)

- 10.3 Postgraduate Diploma in Office Systems and Data Communications
(Previous minute of 9.12.92 item 10.3.2 refers)

The Secretary reported that a written assurance had been received from the Dean that at least one visit would be made to each student during the placement. The Committee agreed that the students should be informed of this and the information included in the student guide.

- 10.4 BA/BSc (Hons) Combined Studies: Peterborough Franchise
(Previous minute of 9.12.92 item 11.3 refers)

The Secretary reported that she had received verbal assurances that the conditions relating to the software needs and student guide had been fulfilled. The Committee agreed that it would like to receive a copy of the student guide for information. It also agreed to ask M Cuthbert as the moderator to check on the software requirements.

ACTION M Cuthbert

- 11 Admissions Sub-Committee

The Committee received the minutes of the tenth meeting of the Admissions Sub-Committee held on 20th November 1992. A member of the Committee asked for confirmation of the statement under item 6 that the College did not intend to increase admissions numbers on existing courses. It was explained that these minutes pre-dated the revised policy required by the changes in funding for band 1 students. The Committee noted that unplanned increases in student intakes were detrimental to quality and should be avoided.

- 12 BA/BSc (Hons) Combined Studies: Law

The Committee received a report from the Dean of Management and Business on the monitoring of the

delivery and management of the combined studies law unit 1 for 1992/93 following the high failure rate for this unit in the May 1992 examinations. The Committee noted that the course team and faculty had organised remedial sessions during the summer to assist students who took resit examinations in September resulting in a reduction of the failure rate from 75% to 34%. An independent member of the faculty had prepared a report on the reasons for the high failure rate and the Dean had produced a summary of the main issues. A new course leader had been appointed with a set of objectives agreed by the Dean and Head of School. The new Course leader had attended the Faculty Academic Standards Committee on 30 October 1992 and had reported on the measures taken. The Committee was satisfied that the Faculty had done its best to recover from a difficult situation and to ensure that it should not arise again.

The Chair put forward the view that it was not sufficient to put the onus on weak students to attend supplementary sessions and that any remedial programme should be compulsory if it were to be effective. The Committee noted that, in this case, the extra sessions had taken place during the summer holidays and students could not therefore have been required to attend. One of the members of the Committee commented that such a requirement could be perceived as threatening rather than helpful from the point of view of a student who had just failed examinations. The Committee did, however, accept that remedial support needed to be pro-active rather than reactive.

The student representative commented that the students still did not understand the reasons for the high failure rate and the Committee agreed that the faculty should advise the students of the outcome of its deliberations particularly the cohort of students who had been affected.

The Committee noted that units 1 and 2 of the Law programme were due for periodic review in March 1993.

13

BA European Business (Italian stream)

(Previous minute of 9.12.92 item 11.2 refers)

The Committee had agreed at its previous meeting that it wished to monitor the progress of the cohort of students who had been admitted to this course at ab initio level in Italian and the course leader had been asked to attend for this item.

The course leader explained that there had been two intakes of students at ab initio level. The Italian stream had originally been validated with the same entry requirements as the other language streams but

there had been few suitable applicants. Taking into account the experience of other institutions the course team felt that it was important that the intake should all be at the same level of language ability and it had therefore been decided to recruit candidates through clearing at ab initio level in Italian. Of the 11 students who had enrolled on the course 5 remained in the cohort. The course leader felt that this was an acceptable level of drop out given that the students had been recruited through clearing. He pointed out that none of the students had been lost due to failing the language component. 24 ab initio students had been recruited for the current academic year and 23 remained on the course. In order to ensure that the students were prepared for the third year of the course to be spent at the University of Florence the language teaching had been increased from 6 to 8 hours per week. The tutors were arranging work experience for them during the summer holiday prior to the year in Italy although experience suggested that few students would take advantage of this.

The Committee agreed that the Faculty Academic Standards Committee should be asked to continue the monitoring of these cohorts of students

ACTION FASC M&B

14 Role of the University Moderator

The Committee received a letter dated 22 December from the Pro-Vice-Chancellor of the University of Leicester setting out the University's understanding of the role of the University Moderator particularly with relation to validation and review. This was that the moderator should be independent of the course team and the validation/review panel but should be present at the meetings of the panel to observe and where appropriate join in the discussion and offer advice.

15 Validation and Review Activities

15.1 Combined Studies Programme

The Committee considered a proposal that a member of the Combined Studies Executive should be a panel member at the validation or periodic review of a combined studies subject. The Committee agreed that consideration of this item should be deferred until the new Combined Studies framework had been established.

15.2 Evaluation of Validation/Review events

The Committee considered a proposal that questionnaires be used to obtain feedback from members of the panel and course teams after validation/review events and received copies of the questionnaires used

by Southampton Institute of Higher education for information. The Committee agreed to this in principle but felt that further thought needed to be given to what use would be made of this information.

ACTION Assistant Director (Academic
Quality) Registrar,
Assistant Registrar (Validation)

16 Annual Course Reviews

The Chair reported that because of the establishment of the quality support team the previous system for considering annual course reviews had not been followed this year. Nonetheless this Committee did need to consider the responses from faculties and it was agreed that a sub-group of this Committee should do this.

ACTION Assistant Director (Academic
Quality), Deans, Chairs of FASCs
Registrar, Assistant Registrar
(Validation)

**NENE COLLEGE
COMMITTEE FOR ACADEMIC STANDARDS
20 January 1993
ACTION SHEET**

Chair	To advise Deans that faculty responses to Moderator's comments needed to be received by the University by 5 February.
Assistant Director Deans, Registrar, Chairs of FASCs Asst Registrar	To consider the outcome of annual course reviews.
Registrar & Dr Stowell	To present a paper on generic degree aims.
Assistant Reg	To seek further information about the field work provision on the Combined Studies Environmental Biology course for consideration by the Assistant Director (Academic Quality).
<u>Ongoing</u>	
FASCs	<ol style="list-style-type: none">1. To ensure that criteria for marking written assignments include literacy skills.2. HSS to report on response re Combined Studies Drama3. M&B to follow up recommendations relating to CIPFA P34. M&B to continue to monitor the progress of the 2 cohorts of students recruited at ab initio level to the BA European Business Italian stream.
M Cuthbert	As Moderator to the Combined Studies Peterborough Franchise to check on the fulfilment of validation conditions.
Dr Boutle	To carry out a survey of students' numeracy skills
Assistant Director & Registrar	To set up a working group to consider assessment regulations
Assistant Director, Registrar & Asst Registrar	To implement the use of feedback questionnaires for validation/review events.

letters, that the course was being reviewed and that it was likely that the units would no longer carry Law Society exemptions. The panel felt it was important to ensure that applicants were quite clear about the position with regard to exemptions.

6.3 Curriculum

The panel asked about the sequence of some of the units. For example why had Contract been chosen as a unit 1 subject and not Tort. The course team explained that it regarded Contract as a prerequisite for Law and Business which was part of unit 2 because students needed to have an understanding of contract law before doing this module. The course team felt that Contract was more suitable as part of the introduction to the study of law than Tort which involved conceptual difficulties which students could not be expected to cope with in the first year.

The panel asked about the implication of the course team's decision to dispense with EEC law as a final year option. Members of the panel wanted to know how this would be covered in future. The course team considered that EC law could be included in a number of different modules, for example the constitutional impact of the EEC could be taught as part of Law and Government. They felt that it was important that European law was treated as part of the law in general and not as a separate subject.

7. Admissions

7.1 Admissions Requirements

The panel asked about the admissions requirements for the course. The Course Team explained that applicants were expected to obtain two 'C' grades at A level. Mature students with a background in law were expected to have passed one A level. All applicants without these qualifications would be interviewed including those doing access courses. The Panel asked how the number of students admitted to the course was managed. The Course Team explained that there was a limit on the number of students taking the subject as a major but not on the number doing it as a minor. The students taking the subject as a major would therefore be in the minority and most of the students taking law would not have been required to have two A level passes at C grade. The course team explained that it had raised this issue with the Combined Studies Board of Studies and it was planned to monitor students' performance with relation to entry qualifications.

7.2 Literacy Skills

The panel had noted comments from the external examiners about the students' difficulties with literacy and asked whether applicants were advised about the standard of English which would be expected of them. The Course Team

confirmed that they did this and explained that applicants were advised about the rigour of the course in general. It was also stressed in the student study guides. Their experience of students having problems with written communication was a College-wide problem. The College was taking steps to address this and the course team felt that a significant obstacle to overcoming this was in getting the students to accept that they needed help.

8. Teaching and Learning Strategies

The panel had noted from the implementation strategy (Section 5.5.7 of course document) that the teaching and learning strategies for this course were moving away from the traditional pattern towards more student-centred learning. The panel asked the course team to elaborate on this. The course team explained that their methods of delivering the course had changed significantly over the last three years, particularly with the impact of greater student numbers. Lecturers tended not to deliver a lecture as in the past but to use these sessions to explain previously distributed material and to guide students on further reading. Seminars were student led and concentrated on a specific topic. Students were expected to prepare for seminars and this was the forum in which students' ideas and knowledge could be tested. Students presently had two 'lectures' and one seminar per subject per week, but the course team planned to introduce an additional hour's session for all units from the start of the next academic year. This session would involve student-centred activities such as group work or case studies. The course team were already teaching an additional session for students doing Unit 1 to provide them with extra tuition in legal methods.

The panel asked how the course team monitored students' attendance, which had been a cause of the difficulties with Unit 1 during the last academic year. The course team had found that keeping registers had improved matters. They felt that it was important not only that students attended lectures and seminars but that they also prepared properly and contributed fully. The course team appreciated that students doing Combined Studies often had conflicting pressures on their time because they were doing a number of subjects. It was important for staff to bear this in mind and tailor the demands on students accordingly.

The panel had noted references in the documentation to innovative teaching methods and asked the course team to elaborate on this. The course team explained that one of the things it had done was to assess students' seminar presentations using video. The course team had found this was very successful in encouraging students to prepare well for presentations.

The panel asked how the course team organised good liaison and communication between the staff. It was explained that one person was responsible for each module and for ensuring

that all the staff teaching on that module had regular meetings, in some cases once a week. All of the course team would attend the Board of Studies for the course.

The panel asked about the skills element of the course (p37 of course document). The course team took the view that students doing law as part of a Combined Studies programme should be taught general transferable skills. The course team would use legal research as a vehicle for enabling students to gather information, analyze that information and present the results of their findings. The course team would also use activity-based work, such as case studies, to teach students how to apply knowledge and how to solve problems.

9. Assessment

The panel received tabled papers proposing changes to the coursework regulations for Combined Studies Law. The panel noted that the change would allow a student who had failed a piece of coursework to resubmit only the failed piece of work and not all four pieces of coursework as required previously. The panel asked why the course team had chosen to retain the requirement for a pass in each piece of coursework and wondered whether they had considered making allowance for compensation. The course team explained that the revised regulations did give the Examination Board the discretion to award a pass if a student had a marginal fail in one piece.

The panel asked about the rationale for the requirement that a student must obtain at least 30% in any given examination in order to be eligible for compensation. The Course Team explained that this change had been proposed in response to comments from external examiners. At present students were not required to pass each individual paper and a student could therefore fail a paper but still pass the unit overall because of good performances in other papers. The course team felt that the introduction of a 30% minimum would guard against this.

The panel asked how the marking workload on staff was managed and what steps were taken to ensure consistency between markers. The course team considered that the workload was manageable. Coursework had been divided into smaller blocks and the workload for each subject area was carefully divided between the staff teaching that subject. The setting of assignment schedules was helpful to staff as well as to students in organising and managing workloads.

10. The Student Experience

10.1 Extra-Curricular Activities

The Panel asked what other activities were arranged for students, such as visits to the law courts. The course team explained that they had in the past organised visits

to magistrates' courts and the Old Bailey. The recent large intakes of students had meant that it was not feasible to take the whole cohort of students on visits but students were encouraged to visit law courts. The course invited in visiting speakers from organisations such as the local trading standards office and the crown prosecution service to provide external perspectives.

10.2 Meeting with students

The panel met with four of the current students. They all felt that the lectures and seminars were of a high standard and said that they would have liked to have had more seminars. They had particularly enjoyed groupwork learning. Some of the students felt that it was a pity that there were so few visits to law courts and would welcome lectures from more outside speakers.

In terms of assessment they did not feel that the workload was onerous although one student remarked upon the difficulties caused by changes in the assignment schedule with deadlines being brought forward.

The students had completed evaluation questionnaires but had not had received any feedback on what action had been taken as a result. They therefore did not feel that the questionnaires were likely to produce any changes.

10.3 Library

The students had experienced difficulties in obtaining books from the library and commented on the lack of workspace in the library. The students who had used LEXIS for their dissertations had found it a very useful service.

The panel discussed these comments with the course team which confirmed that it was aware of the problems students were having and had had discussions with the faculty librarian on ways of overcoming them, such as reducing the loan period for short loans. The faculty had spent £10,000 in the last academic year and another £10,000 in the current academic year on the law bookstock. The course team was also considering the possibility of making use of more set texts and of timetabling subjects and assignment deadlines to try and reduce the demands for particular books. The panel asked whether the course team had considered developing student information packs or other similar support mechanisms. It was explained that some members of the course team were part of a law consortium which was developing an expert learning system for law teaching. This was intended to develop software packages and learning programmes for the students. The project was in its early stages but the course team felt that it would be of benefit to future students. The panel welcomed this development.

11. Conclusion

In carrying out this review the panel had taken a forward looking view and had considered the course as it was to operate from September 1993/94. The panel recognised that there had been past difficulties in the operation of unit 1 and it had explored these issues with the faculty management and the course team. It was satisfied that the faculty had taken the necessary steps to ensure that these problems did not recur.

The panel resolved to recommend to the College Committee for Academic Standards the approval of BA/BSc (Hons) Combined Studies Law for a further period of 5 years with effect from 1993/94 without conditions, but accompanied by a series of comments representing matters which the course team should take into consideration, without their carrying the weight of specific recommendations.

In continuing to develop the course the panel would like the faculty and course team to take account of the following comments;

11.1 Library

The panel had noted deficiencies in terms of students' access to bookstock and space. The panel recognised that the College building programme would improve the space available. It would encourage the course team and library staff to develop means for alleviating students' difficulties.

11.2 Staff Development

The panel felt that the faculty should put resources into supporting the development of research and looked forward to seeing the faculty's staff development plan being fully implemented.

11.3 Course Design

The panel felt that the course team was to be commended on its contextual approach to the teaching of law. It suggested that the course team should look at the syllabuses of the modules to ensure that they all reflected this.

11.4 Assessment

The panel accepted the proposed changes in the assessment regulations. It felt that the course team should consider the possibility of requiring students to pass the coursework in total rather than having to pass the individual elements.

The panel also felt that the course team should continue to review and develop the variety of assessment methods which it used, particularly for examinations.

11.5 Quality Assurance

The panel noted that satisfactory mechanisms were in place for obtaining student feedback but felt that the course team needed to consider ways of giving the students feedback on their input into the quality assurance systems.

Ms C M Davies
Assistant Academic Registrar (Validation)
7 May 1993

reasons for this.

The Committee recommended to Academic Board that the report be approved

8.2.2 BA/BSc Combined Studies Law

Dr M Daniel reported on this event to review the operation of law as a major subject within the Combined Studies degree. The event had opened with consideration of the high failure rate in unit 1 in 1991/92. The panel had been provided with full details of the steps that the faculty and course team had taken to overcome these problems and had been satisfied that the appropriate action had been taken.

The Committee recommended to Academic Board that the report be approved

8.2.3 Intermediate Review of National Examination Board for Supervisory Management (NEBSM) Certificate

Dr N Boutle acted as visitor to consider the proposal that this course be offered on a full-time basis to individuals from ethnic minority groups. The certificate was a nationally recognised qualification with a prescribed curriculum and assessment pattern. It had previously been run as a part-time course. Dr Boutle explained that he had been satisfied that approval should be given for the course to operate in this new mode. He had recommended that the following issues should be carefully monitored by the faculty; the availability and suitability of work placements, staffing arrangements and student progress, in particular the effectiveness of the provision in meeting its primary aim of providing access into supervisory level employment for people from ethnic minority groups. It was agreed to ask the Chair of the Faculty Academic Standards Committee to provide this Committee with a progress report on this at the end of the summer term.

ACTION

Mr M Lacey

The Committee recommended to Academic Board that the report be approved

8.2.4 IPM Stage 2 by flexible Learning

It was agreed that, in the absence of the Chair of the Validation panel, consideration of the report on IPM Stage 2 by flexible learning should be deferred until the next meeting.

10. Update on conditions of Review and Validation

It was agreed that this Committee should receive a statement from the Chair and members of the panel as appropriate when conditions had been fulfilled.

CASMIN.MAY

Ms C M Davies (Assistant Academic Registrar)

Document Set 8

Additional documentation provided by three interviewees

A) Provided by the Registrar:

- 1. Minutes of the Combined Studies Board of Examiners held on 30 June 1992.**
- 2. Minutes of the Combined Studies Board of Examiners held in September 1992**
- 3. University of Leicester Board of Collegiate Studies Minutes dated 22 September 1992**
- 4. Moderators' Reports to the above named Board of Collegiate Studies**

B) Provided by the Combined Studies Law Course Tutor:

- 1. Internal memorandum dated 30 September 1992**

C) Provided by Unit 1 Law Tutor (January 1992 onwards):

- 1. Internal memorandum dated 30 September 1992**
- 2. Internal memorandum dated 22 December 1992**
- 3. Internal memorandum dated 1 February 1993**

NENE COLLEGE

ACADEMIC BOARD

Minutes of the Combined Studies Board of Examiners held on 30th June 1992.

1. Present

Dr A Berry (Chairman)
Mr J Bonner University of Leicester
Dr J Watters University of Leicester
Mr A Castley Course Leader
and internal representatives of each subject

Officers

Dr J Clark Nene College
Mr C Dunkley University of Leicester

2. Course Leaders Report.

The course leader congratulated tutors for their efforts in the midsummer assessment. The year had seen a 38% increase in workload. It was also reported that the Course Board of Study had begun to take action with respect to coping strategies for the increase in numbers. Subjects were to review their assessment strategies. A comparability of assessment exercise had also been initiated in order to ensure subjects would not drift apart to an unacceptable extent in terms of assessment.

It was also reported that the recent review of the programme had raised the issue of the involvement of external examiners at the final Board of Examiners, the comment of the review panel was welcomed.

3. Awards and Marks.

The mark lists and recommendations for award were agreed with following comments on particular candidates.

3.1 Finalists.

B Lewis - the student had narrowly missed a first class mark. After hearing a case from the leader of the major subject confirming that the student had been ill during the examinations the award of 1st class honours was agreed.

O Mdluli - Several opportunities had been given for this student to resit. The student was assessed in Unit 2 and Unit 3 subjects at this session.

Although he had failed the Unit 2 subjects the unit 3 subjects had been passed. It was agreed to award a DipHe on the strength of the Unit 3 passes.

3.2 Unit 2 BSc

N Hodgson - This student had suffered an accident which had affected the second paper in one subject. At the subject panel it had been agreed and endorsed by the moderator and external examiner that the student be required to take the second paper only. The Board sympathised with this view but felt it important to treat all students equally and so the student is required to sit the whole of the failed element i.e. both papers.

In the light of aggregate marks the mark of 39 for A Swords was adjusted to 38 fail resit.

3.3 Unit 2 BA

V Andrea - After explanation of the students circumstances by tutors it was agreed to award a resit in September.

W Forsyth - The request of tutors for a first sit due to this disabled student being late for examination after taking care of another disabled student was upheld.

In the light of the aggregate marks the following students marks of 39 were adjusted to 38 (fail) and resit.

A Baker
J O'Sullivan
E Peasley

3.4 Unit 1 BA

J Collins - It was agreed that this student could be awarded a resit and not a first sit as recommended by the subject panel.

Yun Wak Wan - It was agreed that this student could resit her examinations in Hong Kong where she was receiving medical treatment.

3.5 Students who resit without residence

- B Salter - the result was believed to be inaccurate it was agreed that the Chairman's action be used to agree the mark.
- T Slinn - Further clarification is required by the Board
- K James - A further opportunity to resit was agreed given the severe illness of the student.

4. Discussions arising from the award of marks.

- 4.1 In the light of this discussion it was agreed that recommendations for first sit should be reserved for the Main Board of Examiners since subject panels might operate in a diverse way. It was also agreed that the Board did not have to abide by first sit recommendations of subject panels.
- 4.2 Members also agreed that the Board should examine the issue of students who were ill taking examinations. Such a student conscientiously taking an examination under difficult circumstances might be disadvantaged by sitting either by gaining a low pass and losing a right to resit when well, or simply having to sit twice. Conversely the student who is absent with medical evidence automatically gains a first sit.
- 4.3 The Board reiterated that the student had a right to resit his/her failed examinations even if on passing the resit she/he could not gain an award.
- 4.4. The unit 1 Law results were noted as being of concern. It was reported to the Board that the standard of marking had been agreed to be appropriate with external examiners. Initial investigations had suggested that the problem appeared to centre on academic management, investigations were continuing.

Members were concerned to note that students who had performed well in other subjects, achieving marks of approximately 60% had failed Law.

There was some speculation that poorer levels of linguistic ability which had been noted in other subjects might be a contributing factor, since Law demanded a high level of such ability.

The discrepancy in failure rate between coursework with Law failure rate and the high

failure rate in examinations was noted. Members urged that student given support in order that they might succeed at their resits.

It was agreed that following the outcome of investigations there might be grounds for slight adjustment of marks at the next Board meeting.

5. Report and Recommendations.

- 5.1 It was agreed that there was a need to redraft the assessment regulations and code of practice to ensure that issues of custom and practice were codified.
- 5.2 It was agreed to re-examine the practice of holding major 3rd and 4th unit resits in the summer session only.
- 5.3 It was agreed that consideration be given to establishing a mechanism to evaluate medical and other circumstances and the consequent meriting (or not) of a first sit.

NENE COLLEGE
ACADEMIC BOARD
BA/BSC(HONS) COMBINED STUDIES BOARD OF EXAMINERS
SEPTEMBER MEETING 1992

1. Present

Dr A Berry (Chairman)
Mr A Castley Course Leader
and Internal representatives of each subject

Officers

Dr J Clark
Mrs W Dunkley

2. Minutes of the June 1992 meeting

2.1. Confirmation

The minutes were agreed to be a true record subject to the following amendment:

Minute 3.2. 'N Hodgson' to be replaced with 'R Hill' and a final line to be added 'Similarly N Hodgson was required to resit.'

2.2 Matters Arising

Members of the Board received a brief report from Mr Sumpter concerning the revision programme that had been provided for the students who had failed Unit 1 Law. He also explained that remedial work would be given to those students who had achieved a bare pass and were condoning with Unit 2 Law.

In the light of the unusual situation regarding the failure rate in Unit 1 Law it was resolved that for this session of the Board of Examiners only the regulation applying to marks of 39 would also be applied to marks of 38 for Unit 1 Law. It was agreed that this decision should not form a precedent for any other such decision or circumstance in the future.

3. Course Leaders Report.

Mr Castley reported on a number of developments arising from the examination processes.

- A paper proposing a scheme-wide examiner who would contribute to the meeting of this Board is to be presented to the next Board of Studies
- Changes concerning the organisation of Invigilation were being considered

- A paper was being prepared for presentation to the College Committee for Academic Standards which proposed stronger penalties for cheating and plagiarism.

4. Marks and Awards

The marks and awards were agreed and particular comments made as described below.

4.1. BA year 1

- Harvard - awarded a repeat year given his difficult personal circumstances
- Pang - resit without residence awarded noting Economics to be a first sit. The student was suffering from distressing personal circumstances.
- Watkins - this student did not provide further information concerning his illness therefore no adjustment was made.

Marks of 39 were adjusted to 40 for the following students:

N Boylan
S Feasey
J Jacobs

4.2. Bsc year 1

A mark of 39 was adjusted to 40 for K Mellor.

4.3. BA year 2

The Board decided not to consider late work submitted by S Champ.

The Board discussed the cases of R Mellor and Laycock. Both students had been asked to resubmit coursework, yet had not taken the opportunity to make a second attempt. It was agreed to bring forwards the marks of 6 and 11 respectively from the first attempt.

V. Salims - Due to a change of address this student had not received notification of the requirement to rework her Business Administration Case study. The Boards agreed to award a resit without residence.

D. Thomas - The mark was adjusted to 54 since the resit penalty had not been applied to this student's mark in being presented to the Board.

4.4 Part time student

It was agreed that given the personal difficulties suffered by Riley she should be allowed to retake the Fossils and Chemistry and the Environment papers at a time to be agreed between her and her tutors. The Board was concerned that as a part time student to require her to take all her resits in the summer along with other first sit examinations might be an unreasonable overload. All resits must be complete by the September Boards in 1993.

All examinations should be arranged through the Registry.

5. Report and Recommendations

Of the Recommendations made at the June meeting the Board noted that

1. The Board of Studies was examining the redraft of regulations.
2. Students should be allowed to retake major 3rd and 4th Units in September as well as in the Summer session.
3. No progress had been made in the evaluation of medical evidence to assist the Board in determining whether a first sit was merited by a student's medical condition or not.

Members of the Board engaged in discussion on the division of labour between the main Examination Board and the Subject Panels. The debate centred on the tension between (i) subject boards having a greater ability to consider students as individuals yet only dealing with a portion of a student's marks whilst (ii) the main Board treated students by mechanical rules. Hence the holistic view of any one student appeared to be treated mechanically. The Board noted that some subject external examiners had felt constrained by this mechanical approach.

It was agreed that this dilemma should be examined as part of the reexamination of the assessment regulations.

ref 1701cseb

CS mins
22/9/92.

B.A. Combined Studies
Second Year
Andrea, Vanessa
Brownlee, N.
Gladwin, D.
Lindsay, G.
Loneragan, Lisa
Palazzo-Coetzer, Beatrice
Rehman, A.
Smith, Mary
Velji, Salimsa

B.A. European Business
(French)
First Year
Bailey, Elizabeth J.
Martin, D. J.
Yousaf, Sajjad

B.A. Business Studies
(Full-time)
(First Year)
Cheema, S.
Girling, A.

B.A. Business Studies
(Part-time)
(Second Year)
Leach, Eileen J.

B.A. Combined Studies
Third Year
Aston, A.
Jeludin, Dayanku Z.

Combined Studies
(Part-time)
Bredin, Katherine
Stopps, Dorothy

B.A. European Business
(Italian)
First Year
Bellamy, D. W.
Morris, Lorraine

B.A. Business Studies
(Full-time)
(Second Year)
Dharwar, N.
Kalsheker, J.
Melton-Scott, Katherine I.
Shafi, Naila

- (iv) to allow the following student to repeat the indicated year of his course:

Voyle, R. L.

B.A. Business Studies 2

- (v) that the following students be deemed to have withdrawn:

Cunningham, J. F.
Durkin, K. P.
Gregson, Barbra V.
McKeown, Caroline S.
Rudnicki, R.
Venner, M. K.

B.A. Combined Studies 1
B.A. Combined Studies 2
B.A. Combined Studies 1
B.A. European Business 1
B.A. European Business 2
B.A. Combined Studies 1

- (c) The Board agreed to recommend the award of the Certificate in Management Science to:

Tracey Catherine Dodds

92/M43 MIDSUMMER EXAMINATIONS IN LAW: The attention of the Board was drawn to the proportionately large number of failures in the Midsummer 1992 examinations in Law Unit 1. The Board was pleased to note the College's response to this situation in analysing the causes of the problem and in taking appropriate remedial action including efforts to ensure that students were adequately prepared for the September resit examination. Nevertheless, it was decided to keep under review the situation in Law and other subject areas with experience of rapid expansion in student numbers.

/continued....

Moderators' Reports(1992): Report to Board of Collegiate Studies (30/9/92)

Following last year's practice, this summary is to bring out some of the activities undertaken by moderators in the 1991-92 session, any particular concerns they might have had and, where given, their comments on the standards achieved. Additionally, our understanding has been that any matters of particular significance should be brought to the attention of myself as Senior Tutor and, if necessary, to the attention of the College. This is the context of the report which follows.

Activities undertaken

Although moderators have continued to carry out much of the same sort of activity as in their old role as Chairmen of Boards of Studies, there has been an increasing involvement in validation and reviews. The universal activity has been in connection with examinations, but moderators have also taken part in the interviewing process for new staff and have continued to offer advice on such, and other, occasions.

Particular concerns

As last year, a number of moderators raised issues which may be regarded as subject-specific and so are probably best taken up between moderators and their subject colleagues at Nene. However, those issues which arose in more than one report fell, broadly speaking, into four categories: the examination process; resources; appointments panels; and validation events.

(a) Examiners' meetings

Moderators have brought forward suggestions to expedite the business of the examiners' meetings and on the format of the data available.

(b) Resources

Moderators again drew attention to the pressures on small groups of staff, in some cases dealing with very large classes. One worrying feature has been the comparatively high failure rates in some subjects with high recruitment viz. American Studies, Law, and Psychology. The particular difficulties of Law have been dealt with elsewhere, but the College must now monitor carefully the teaching in such subjects and be prepared to take remedial action as soon as possible in the event of difficulties arising. Equally, the attention of moderators should be brought to such cases and their advice sought at an early stage. It may be that staffing levels are part of the problem in these subjects although it is unlikely that this is the sole reason. However, concerns about resources, in the form of both staff and space, arise in a number of reports. Some moderators commented on the fact that their concerns from last year had been dealt with, whilst the absence of repetition of those concerns might be taken to mean that this reaction is reasonably widespread. For example, no mention was made of any difficulty arising from the split site although this figured fairly large last year.

Internal Memorandum

From: Mick Sumpter

To: Royston
cc Diane

30th September, 1992.

Having now received a copy of Diane's conclusions based on Mark Cook's report into the C.S. Law unit 1 results, I would like to correct one or two inaccuracies and to add some observations of my own.

Mark's Report

1. The statement that students could arrive at the examination stage in two subjects having only written one piece of coursework (results of investigation, point 4) is a little mis-leading; every student chooses two options, and in every option at least one piece of written work was required. Every student should therefore have completed at least two pieces of written work during the year.

2. Point 12, results of investigation, is also a mis-leading, stating as it does that "there were no official team meetings of the Unit 1 Law tutors. Problems would be attempted to be sorted out on an informal basis" (see also point 14). Full course team meetings were held termly, and minuted; these included all tutors responsible for the delivery of each unit of the course. A staff/student liaison committee was established specifically to enable students to initiate discussion of matters of concern to them; this committee met in both the first and second terms, and the meetings were minuted. Feedback exercises were held in accordance with Faculty/College requirements; the first feedback session for unit 1 was conducted towards the end of the first term under the supervision of the then year one tutor, and the response rate was very poor (approx. 25%). The exercise was therefore repeated at the beginning of term 2 under the auspices of the new year one tutor, and a much better response rate (approx. 55/60%) achieved. Neither the feedback exercise(s) nor the liaison committee gave any hint of the problems which were later to come to light.

I cannot therefore accept what I take to be an implication in Mark's report that monitoring took place only on an informal basis. I would also like to point out that the nature of many of the problems in question was not appropriate for open discussion at minuted meetings, as I am sure you will appreciate.

3. Point 13 states that ".....greater liaison is required between lecturer and seminar tutor." It is clear that there were occasions when there was insufficient communication between tutors; however, towards the end of term 1, I had an informal meeting with the year tutor at the time to discuss one or two problems which had arisen, and stressed, amongst other factors, the need for effective liaison between tutors. At this stage, we also clearly identified which tutors were to be regarded as "leading" particular options. Following this discussion, and based on information later received from other tutors, I have no doubt that there were a number of occasions when guidance given and information passed on was simply ignored and/or disregarded by one tutor in particular.

4. I take issue with point 27 (".....the chain of command within the Law Units was slow.....problems being faced with a tutor who was not doing the job properly in the Autumn term took until the Spring term to be resolved.") It would have been premature and potentially unfair to conclude in the Autumn term that the problems with the tutor in question were of such magnitude as to demand his removal as year tutor. At this stage, informal counselling was attempted, both by myself (as course leader) and Keith Owens (as subject head). Mike Cuthbert was informed of this. No-one within the Law Units had any authority to take any further action. From this point onwards, Mike was kept fully informed of developments, and Keith agreed to a change of year tutor early in the second term. It is unfair and inaccurate, therefore, to comment adversely on the slow chain of command within the Law units, when the problem was identified at course level by the end of term 1 and the appropriate Faculty authorities immediately informed.

Your Conclusions

1. "The delivery of the course has not changed with the growing numbers" (c); whilst it is true that the structure of the course did not change in 1991-92, it had been radically altered the previous year, which was the first year in which Law numbers had started to increase dramatically. It would not have been possible to continue to deliver the course in its previous fashion. The changes were designed to allow us to cope with larger numbers, and worked well for all units in 1990-91 and for units 2 and 3/4 last year. I therefore find it difficult to believe that the problems with unit 1 last year can be attributed in any significant way to the method of timetabling. I would also like to point out that physical constraints such as the Combined Studies "block" timetable, availability of rooms and staff and the number of hours available to teach the course all play a part in limiting timetabling alternatives.

General

1. For 1991-92, for the first time, C.S. Law had two new year tutors, on units one and two respectively; both received exactly the same briefings, instructions and level of support. Unit 2 did not experience the same problems as unit 1.

2. The year tutor of a particular unit is obviously a focal point for the students, and the person to whom students, at least in the first instance, will take any problems and/or queries; where that tutor also has a major responsibility for teaching on that unit, (s)he becomes very much the person around whom the unit revolves. Problems with that tutor will then inevitably lead to problems in the unit as a whole; the greater the problems with the tutor, the greater the problems with the unit.

3. Every course has to deal with problems every year, and C.S. law is no exception (large student numbers obviously present problems in themselves, and in the previous two annual reviews I have expressed concern about increasing numbers and their effect on academic standards); I do feel, however, that the problems experienced with the year one tutor were unique, certainly in my experience, and may fairly be regarded as a highly significant factor in the overall failure rate on unit 1.

4. Finally, I think that care should be taken to ensure that all members of the unit 1 teaching team are treated fairly. Many of the problems referred to in Mark's report and in Diane's note can be traced to a single point of origin, and it is unfair to tar everyone with the same brush. A tutor cannot be blamed for not monitoring seminar attendance, for example, when (s)he has not been provided with details of seminar groups by the year tutor. Many tutors, some with an unimpeachable track record as far as the delivery of unit 1 is concerned, did a very good job in exceptionally difficult circumstances (especially Julia, whose yeoman efforts during terms 2 and 3 prevented total disaster), and this point should not be overlooked. If "open season" is to be declared on the law section (which a number of tutors feel to be the case), then these tutors and others have reason to be upset.

Mike

MEMO

TO: DIANE HAYES
FROM: JULIA MYCAWKA
DATE: 30.9.92

cc: TIM, LUCY, SYBIL, KEITH, ROYSTON, MICK, MIKE

At the Combined Studies exam board the following 27 students were raised to a pass who had not been deemed to be a pass by the Law exam board. This raises various problems for the future and I feel it appropriate to draw these to your attention..

1. 12 of the students will have to be told that for the purposes of law society exemptions they failed both papers (all 12 took both criminal and contract). It is no great intellectual leap for them to realise that they should not have passed at all. Whilst they themselves may reluctantly accept this, their 'failed' friends may not.
If they are not told there is the danger that they will assume that having passed, they have obtained the requisite exemptions. This will affect their choices in the remainder of their degree programme and inevitably their whole career. The situation would otherwise emerge that they will not discover the truth until they graduate, and then discover they lack the necessary exemptions.
2. 15 students overall failed both papers and 11 students achieved 30% or less in at least one paper. This is despite the fact that they were re-sitting an exam paper broadly similar to the first-sit paper, and for which they received special coaching (including a hand-out giving outline answers to each question). For such students to progress to unit 2 law is below academic standards. Whilst these students will be carefully monitored and offered support throughout their second year, the danger is the knock on effect for the unit 2 law results at the end of that year. Furthermore offering this support may be construed as a tacit acknowledgment that they should not in fact, be there.
3. I believe that Mick has already raised this point but as it was the final adjusted mark of 38 that was raised we now find that some students who were not deemed passable did in fact achieve higher marks in the exams than some of the 27 listed. This is obviously difficult to justify. (9 of the '38's were 50 or more marks short of a pass yet at least 4 other students failed the exams by less than 50 marks).
4. The external examiners expressed no reservation in the way the first-sit examination papers were marked, commending us in some cases. The re-sits were marked to the same academic standard.

The names and marks are as follows overleaf. (Marks out of 400 for each paper, 160 being the pass mark).

TO: R. MAKEPEACE
FROM: J. MYCAWKA C.S. LAW COURSE LEADER, TIM BLAKEMORE C.S. LAW UNIT
ONE TUTOR
cc: D. HAYES, M. CUTHBERT, K. OWENS, A. CASTLEY (for info.)
DATE: 22 DEC 1992

As the current Course Leader and unit 1 tutor respectively of Combined studies Law, we wish to make the following points about the continuing matter of the unit 1 results last year and the investigation and subsequent Report by M. Cook.

With regard to M. Cook's report. This contains a few errors which it is only fair to point out so that these can be read in conjunction with the report. What particularly concerns us is that a copy of the Report has been made available to the Committee for Academic Standards from the Combined Studies Board without consulting the Law dept or giving us any right of reply.

During the Faculty Academic Standards meeting JM did raise the issue of the errors. We now feel that these errors should be pointed out in writing.

- 1 In point 1 it is said that the response of tutors was to double up seminar groups. This in fact was only done by one tutor after specifically being told not to do this by the then Course Leader.
- 2 In point 2 it is implied that the course team have not considered different methods of dealing with large numbers. This in fact is not true and different methods have been used, namely - from 1990 we introduced the 'mega' lecture together with smaller seminar groups, we placed more emphasis on seminars and provided more structured reading lists for the students in order to support the seminars.
- 3 In point 4 it is stated that students could arrive at the examination having completed only one piece of written work. Again this is wrong. All students had completed 2 pieces of written work and the majority 3 pieces. No student arrived at the examinations having only completed one written piece of work.
- 4 Point 6 mentions the fact that incoming seminar tutors were not given accurate knowledge of the students in their groups. This is certainly not the case for all tutors. Most were provided with photo-copies of the registers, lists of students who had completed presentations, lists of students who had signed up for the next presentations and lists of students who had failed to sign up at all. The implication that many of us simply dropped our groups is strongly resented.
- 5 Point 7 refers to the fact that attendance in seminars was poor. There is no evidence for this. It was certainly no poorer than in previous years when the pass rate was always above 80%.

Point 12 complains that there were no course team meetings of the unit one tutors. This is incorrect, informal team meetings took place although were not minuted.

- 7 Point 13. Criminal Process lecturers took Criminal Process seminars as did those lecturers teaching on Relationships. This criticism only applies to some Contract seminars and is not of general application.
- 8 Point 14. Incorrect, Tim, Brendan and Julia had taught on Combined Studies before and all lectures (except one per week) were taken by one of these three. Furthermore, other tutors were experienced tutors, also R.Mc. had been a student at Nene and thus was not unfamiliar with the system.
- 9 Point 17. There was only a large delay in students receiving work back from one particular tutor. To imply otherwise denies the efforts of others.
- 10 Point 26. The law team have considered setting an overall number for law unit one. Although this is still shrouded in confusion it appears that we cannot do this.
- 11 Point 27. The initial problems coming to light were detected within four weeks of the term starting. Increasingly formal counselling was given to the relevant tutor who was subsequently removed from the post of unit one tutor in January. The time scale involved was approximately 10 weeks.

CONCLUSION

We would like again to reiterate the requests that;

a) students who failed badly in law have their performance in other subjects reviewed.

b) students who failed all subjects have their 'history' investigated. For example what A level grades did they obtain?

With regard to Diane Hayes' summary note of M. Cook's Report.

- 1 Point b). R.Mc. was a new lecturer to Nene but was not an inexperienced lecturer. Furthermore he has a Masters degree and studied at Nene. See point 8 above.
The seminar programme was timetabled in full, it was staffing the time table that was causing the problems. Only 4 out of 18 groups per week were doubled up for a period of 8 weeks. This was done by one tutor only and against specific instructions.
Students were given guidance at every seminar on examination techniques by the majority of tutors, and in course outlines. Almost all seminars deal with problem type examination questions.
- 2 Point c). The delivery of the course was changed in 1990 with the growth in student numbers, as has the style of assessment. The problems mentioned here do not apply to Relationships yet this option also suffered from high fail rates.
- 3 Point d). The style of written assessment is no different than in previous years. Furthermore to say that there is "almost no formative assessment programme" is untrue.

- 4 The conclusion appears to suggest that the law team as a whole were overwhelmed by the numbers. The numbers were high but the majority of us worked extremely hard to provide every student with as much help as has been provided in previous years. In our opinion this was achieved by all tutors except one. In the Criminal Process and in Relationships students actually received more written material than ever before, including revision guides handed out in February (CP) and March (R).
- 5 There was no overall lack of control of the staff. Mick Sumpter did a tremendous job in the face of adversity (as did others). To suggest otherwise is unjust and unfair, nor is it established in the body of the full Report.
- 6 The 'lessons learned' suggests that these things have not been considered before. They were considered in 1990 when the pass rates had been over 80% each year, and changes were made. They will continue to be considered, regardless of fail rates. To suggest the contrary implies that we would sit back contentedly upon our laurels and never strive to improve.
- 7 All the suggestions made have already been put into place by the law team. This was done on our own initiative and not through the suggestions of others outside the law department.

SPECIFIC POINTS

Attention has not been focussed enough on the following:-

1. M. Cook's Conclusion noted certain weaknesses in his Report, namely;
"a combination of factors". Not enumerated
"student group interviewed". Not corrected.
"50% only failed law". Other subject areas have not been investigated. Did they over-mark? Were students given prior notice of the specific contents of the exam?
2. Diane Hayes' Summary notes the "very short period" involved in the investigation.
3. The Report ignores the fact that these were degree students who at the very least were given all the material on the syllabus to enable them to pass the exam. There is no evidence that their attendance was especially poor. The exam was set on the syllabus. This anomaly is not confronted.
4. There has been minimal support for the Law department by Faculty or College authority, despite the external problems noted in the Report (points 3, 16, 26, 28), the acknowledged shortcomings in the investigation and the vague nature of the Report's Conclusion.

Overall we are exceedingly unhappy with both the summary and the report. These, together with the comments of the Director at the general staff meeting have been a blow to the morale of the whole Law department. Both the summary and the report generalise far too much. They ignore the efforts of tutors and 'lump' us all together as somehow lacking in professionalism, responsibility and academic credibility.

File Copy

MEMO

TO: D. HAYES
M. CUTHBERT
R. MAKEPEACE
FROM: J. MYCAWKA ✓
DATE: 1 Feb 1993

Thankyou for the copy of the Report on Combined Studies Law which is to be discussed at the Faculty Academic Board. I wish to make the following points.

1. Under 1.1 - significant aspects of both the 'M. Cook' Report and Diana's summary have been disputed by the CS Law team. A response is available and should be circulated with both of the above. Please will you ensure that this is minuted and pointed out to the Faculty Academic Board.
2. With regard to 3.2, this is incorrect. CS Law had a separate staff/student committee which met at least twice a year. Student representatives have been invited to Board of Study meetings but did not attend. This is not therefore the first year students have been members. Please could this point also be brought to the attention of the Board.

Appendix 4

**Extracts from submission to HEQC for
taught degree awarding powers, May
1993**

Appendix 2

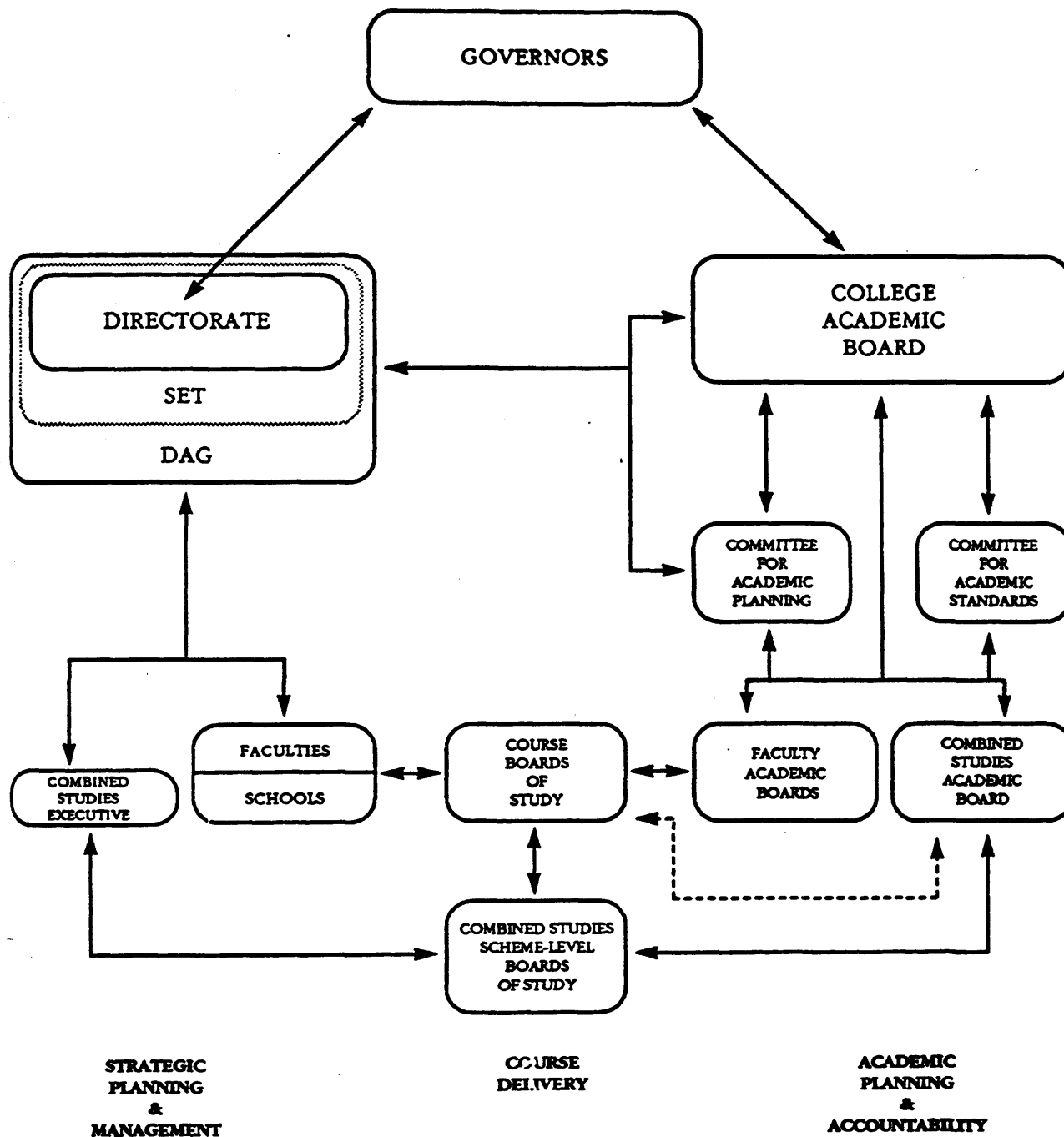
and size of its contribution to Psychology and Sociology on the Combined Studies degree programme has generated an academic critical mass which can support the development of a BSc Hons Behavioural Sciences scheduled for October 1993. The Faculty is also working on the development of a new BA Hons Performance Arts for Oct 1994. This Faculty has an active research culture, with a current responsibility for some eleven research degree students.

- 4.8 **The Combined Studies degree** is the largest academic programme in the institution, being the choice of 40% of Higher Education students at the College. The College has always been confident of the quality of particular Faculty contributions to the Combined Studies degree programme, but has recently taken measures to strengthen the management of the programme as a whole (Volume 3 section 6.9.4). To this end, it has established a **Combined Studies Academic Board**, chaired by the Assistant Director, with a membership comprising the Deans of Faculty, together with the Part I and Part II Combined Studies Programme Directors, and the Deputy Registrar. The Board is responsible to the College Academic Board for the effective and efficient delivery of the Combined Studies degree scheme. To deal with scheme-level issues, there is a Board of Study for Part I subjects and a second for Part II. As indicated in Annexe 5, these Boards also interact with Course Boards of Studies established for each subject within the Combined Studies scheme. Day-to-day management of Combined Studies lies with two Programme Directors at Head of School level (the Combined Studies Executive).
- 4.9 In summary, the Directorate, the Faculties, and the management arrangements for Combined Studies are responsible for the effective management of the institution and the delivery of academic programmes. The academic structure of the College is designed to encourage academic development and provide for effective allocation and management of resources, both human and financial. These objectives are realised through: a focused Directorate, and Faculties of a substantial size commanding significant resources. They provide the platform for a rich programme of taught courses offering both flexibility and specialisation, with sufficient adaptability to meet the developing needs of the student market. The quality assurance arrangements, which serve to guarantee quality and standards, are explained in Volume 2.

Appendix 5

Flow chart depicting planning management and accountability in relation to taught courses (taken from submission to HEQC for taught degree awarding powers, May 1993)

Flow chart of Planning, Management and Accountability in relation to taught courses



DIRECTORATE - DIRECTOR
 DEPUTY DIRECTOR
 ASSISTANT DIRECTOR
 ASSISTANT DIRECTOR (ACADEMIC QUALITY)

SENIOR EXECUTIVE TEAM (SET)
 DIRECTORATE PLUS
 DEANS OF FACULTY

DIRECTORS ADVISORY GROUP (DAG)
 SET PLUS
 COLLEGE REGISTRAR
 FINANCIAL CONTROLLER
 COLLEGE SECRETARY

Appendix 6

Nene's Mission Statement

COLLEGE MISSION STATEMENT

Nene College is committed to high quality Higher Education at the undergraduate and postgraduate levels through taught courses and research.

Nene College will be responsive to national education priorities and employers' needs.

Nene College will promote the values of a tolerant and democratic society, ideals of scholarship and the benefits of life-long education.

Nene College accepts its responsibilities to develop students' capabilities and to empower them to achieve their fullest potential as individuals and members of society.

The College will provide for all its students:

- Defined academic programmes with clear learning outcomes**
- committed and competent teaching**
- a caring and supportive academic culture**
- an attractive and facilitating physical environment**

Nene College has an international and national role, and recognises it has a particular contribution to make to the life of the County of Northamptonshire.

Appendix 7

Quinquennial Review meeting minutes of the 22.3.93 concerned with reporting the outcome of a review of the operation of Law, a four unit subject within the BA/BSC Combined Studies Programme

**NENE COLLEGE
ACADEMIC BOARD
COMMITTEE FOR ACADEMIC STANDARDS**

CONFIRMED

Report of a meeting held on 22 March 1993 to review the operation of Law, a four unit subject within the BA/BSc (Hons) Combined Studies programme.

1. Present

Validation Panel

Dr M Daniel	Assistant Director (Academic Quality), Nene College
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Mr G Hughes	Lecturer in Sociology, Nene College
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Dr W Brakes	Course Leader for Mathematics, Nene College
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Mr M Hermann	Staff Head of Accounting Division, Nene College
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Ms K Blank	Solicitor, Turner Coulston, Northampton
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Mr K Gibson	Head of Law, University of Derby
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Dr C Brennan	Subject Chair in Law, Oxford Brookes University
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Ms M Abbott	Current 3rd Year Student
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Course Moderator

Mr D Allen	University of Leicester
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Faculty Representatives

Ms D Hayes	Dean of Faculty of Management and Business
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Mr M Cuthbert	Head of School of Business
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Library Representative

Mr C Powis	Faculty Librarian
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Course Team

Ms J Mycawka	Course Leader
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Mr M Sumpter	Course Team
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Dr R Makepeace	Course Team
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Mr K Owens	Course Team
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Mr T Blakemore	Course Team
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Ms S Conlon-Spears	Course Team and Admissions Tutor
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Ms D Packer	Course Team
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Officer

Ms C Davies	Assistant Academic Registrar (Validation)
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Observer

Ms K Taylor	Faculty Academic Secretary
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2. Documentation

Panel members had received the following documents prior to the meeting:

1. Validation and Review at Nene College.
2. Report on first quinquennial review of December 1987.
3. Note on Assessment Regulations from the College Registrar.
4. Documentation including an updated course document, student study guides, annual course reviews, external examiners' reports, a critical appraisal of the present course and a statement of the proposed changes.

At the meeting members of the panel were given tabled copies of the staff development strategy and research strategy for the Law group and proposed changes to the course work regulations.

3. Procedure

The purpose of this exercise was to review the operation of Law, a four unit subject within the Combined Studies degree programme, under the terms of the College's accreditation agreement with the University of Leicester.

4. The Course in Context

The Law units had been part of the Combined Studies degree programme as a major subject since September 1982. The units had been reviewed in December 1987. Professional recognition had been received from the Law Society with effect from September 1989.

There had been a considerable increase in the number of students enrolling for the course since the last review. Law was one of the largest Combined Studies subjects in terms of student numbers.

Year	Level 1	Level 2	(Minor) Level 3	(Major) Level 4	Total
1988-89	70	38	3	29	140
1989-90	133	68	3	28	232
1990-91	181	119	9	45	354
1991-92	253	161	24	62	500
1992-93	238	251	18	74	581

5. Meeting with Dean, Head of School, Course Leader and Faculty Librarian

5.1 Operation of Unit 1 1991/92

The panel had noted from the documentation that there had been difficulties with the operation of unit 1 during the academic year 1991-92, with a high failure rate in the summer examinations. The subsequent investigation and actions initiated by the faculty were provided in detail in the documentation. The panel felt that the faculty and course team were to be commended for the detailed and open way it had investigated these problems, and the steps that had been taken to overcome them.

The Dean was asked to talk about these difficulties and the ways in which the faculty had dealt with them. She explained that the major factors at the heart of the problems had been an increase in student numbers together with the arrival of new staff. The solutions had centred on improving the management and monitoring of students to ensure that they were attending seminars and were given more pieces of formative assessment with prompt feedback on these. Better liaison between staff conducting lectures and seminars had been effected by regular and minuted course team meetings. The course leader explained that students were now given time-constrained assessments to ensure that they were better prepared for the examination.

5.2 Staffing Resources

The panel asked about the staff student ratios and the staffing resources for the course. The Dean explained that the faculty operated on a staff student ratio of 25:1. In the last three years the faculty had developed a resource model which meant that each course underwent an annual planning process. As a result of this process each course was allocated a number of staff hours and the course leader and course team would then decide how these hours were to be used. The faculty was confident that this resource model would ensure that each course was given adequate staffing resources. By way of example the Head of School explained to the panel that at the time of the last review there had been 8 members of staff teaching law and there were presently 19. The course leader explained that the course team had always aimed to have a maximum of 15 students in a seminar group and that they had been able to achieve this in the last academic year.

5.3 Staff Development

The panel asked about the faculty strategy for staff development. It was explained that the staff development plan had been designed to include faculty needs, course development needs and the personal aspirations of staff. One of the targets which the faculty had set was for staff

to gain postgraduate qualifications and two or three law staff were taking taught masters courses.

The faculty intended to increase scholarly activity in general and to increase the number of staff with PhD qualifications and with experience of supervising research.

The panel asked how the present staff development strategy had altered from that of previous years. The Dean explained that the faculty was coming to the end of an intense period of course development coupled with institution-led increases in student numbers. Given that the portfolios of courses and student numbers were likely to remain stable the staff and faculty management would be able to devote more time and effort to developing research. It was planned to alter the faculty structure so that there would be a greater number of schools, based on subject areas. It was intended that each discipline area would have a reader or professor who would be responsible for spear-heading the research effort.

Given the increased number of staff teaching law the panel asked how the faculty catered for the needs of new staff, particularly those who were new to teaching. The Dean explained that such staff would take the part-time Certificate in Education. For the last two years the faculty had organised an induction programme for new staff and it also had a mentoring system whereby more experienced staff looked after the newcomers.

The panel felt that the induction of new staff was of particular importance to Combined Studies law with its emphasis on teaching the law in context. It asked how the faculty ensured that new staff were fully introduced to this concept. The course team explained that staff were grouped together in teams to teach the different modules so that each module was taught by both new and old staff. This would enable staff to work closely together and to exchange ideas.

Members of the panel asked whether the faculty had performance related pay and what incentives were available to encourage staff to undertake research and to manage courses. It was explained that there was no performance related pay as such although staff could be given additional salary increments for additional work. Staff who managed courses would normally be promoted to Senior Lecturer. The Dean felt that supportive staff development, including remission for research projects, would encourage scholarly activity.

5.4 Library

The Panel asked what learning resources were available to the students apart from the usual books and journals. The Faculty Librarian explained that the library had a range of law videos both custom made and on topics of general

interest, and a range of CD-Roms. Students could also have access to LEXIS, the computer assisted legal research service. This facility was controlled by the Faculty Librarian, who could provide training as required. Students needed authorization from a tutor before using this service.

6. Course Design

6.1 Law in Context

The panel had noted from the general principles set out in the course submission (Section 5.6.7) that the course team had adopted a "law in context" approach. It was not clear to the panel how this related to the specific modules and they asked for examples of how this would be carried out in practice. The course team explained that previously they felt constrained by the requirements of the Law Society but this would not be the case in future. Taking the law of contract as an example the course team explained that this could be taught contextually since the students would be expected to apply the workings of the law in case studies and practical situations. The panel felt that the course team needed to reconsider how the content of the individual modules related to this general principle.

6.2 Removal of Exemptions

The panel asked how the course team had reached its decision that it would not seek to continue to obtain professional exemptions from the Law Society. The course team explained that since it had obtained recognition from the Law Society in 1989 there had been a tension between the need to fulfil the Society's requirements and the course team's desire to ensure that the units fitted-in with the ethos of the Combined Studies degree. The Course team had taken the opportunity of this review to rethink the principles on which it wanted the course to be based and had decided that the aims and philosophy of the Combined Studies degree should take precedence. The Law Society was itself carrying out a review of the academic stage of legal education and it was likely that their new requirements could not be satisfied by the teaching of law within a Combined Studies degree.

The panel asked whether the course team considered that the loss of exemptions would affect recruitment. The course team felt that this was difficult to judge but based on its experience of talking to applicants at open days it seemed that only about 15-20% of applicants were interested in obtaining exemptions. The development of a free-standing Law degree with exemptions within the faculty would meet the needs of such applicants.

In response to a query from the panel the course team explained that all applicants applying for entry from September 1993 onwards had been advised, via individual

Appendix 8

The Structured Interview Schedule and Schedule of Interviews

Letter to respondents and interview schedule

Dear

I am conducting a study, as part of my Doctor of Education degree, which seeks to evaluate the context, processes and outcomes in relation to the issue of the Unit 1 Law examination results which occurred in the summer of 1992. I have included some relevant documentation with this letter which may aid your recollection of this incident. Would it be possible to arrange an interview with you on this subject which should last no longer than an hour. I can assure you that any comments or responses you make to either the interview questions or documentation provided will be treated as strictly confidential. When you have had sufficient time to read the documentation, I will contact you to arrange a convenient time for the interview. Please do not hesitate to contact me if you want to ask any general questions about the research enquiry.

I hope that you can find the time to help me.

Yours sincerely

THEME 1	QUESTIONS	THEORETICAL MODELS OF EDUCATIONAL MANAGEMENT	SPECIFIC ISSUES ARISING FROM DOCUMENTARY ANALYSIS
VALIDATION OF, AND RESPONSE TO, DOCUMENTATION	<p>1 Can I first ask you about the documentation you have received? Were you the author?</p> <p>If yes, ask questions regarding</p> <ul style="list-style-type: none"> a) authenticity b) accuracy c) author's views as to appropriateness of form (probe until topic exhausted) d) author's view as to the constraints, if any, s/he was under (probe until topic exhausted) e) any other documentation relating to critical incident <p>If no, ask questions regarding</p> <ul style="list-style-type: none"> a) Were you a recipient of the document? (If no move on to next document or theme) b) If yes, what response do you have to the document's <ul style="list-style-type: none"> i) content ii) style iii) meaning <p>Are there any other documents relating to the critical incident which you have and are prepared to let me see?</p>	N/A	

	QUESTIONS	THEORETICAL MODELS OF EDUCATIONAL MANAGEMENT	SPECIFIC ISSUES ARISING FROM DOCUMENTARY ANALYSIS
THEME 2 CRITICAL INCIDENT CONTEXT	2. Were you clear about where formal responsibility and accountability lay for the Unit 1 Law course? When the examination results were known, did those persons in those positions act accordingly? What evidence is there for your views?	Formal Formal. Ambiguity.	Faculty Management - Differences of understanding of problem as expressed by Dean and investigator - Resource management/increase in student numbers - Slowness of response
	3 What impact did/could the failure rate in Unit 1 Law have had upon the College's goals (probe until topic exhausted)	Formal. Cultural. Ambiguity. Political	College Management - Concerns as to impact of issue on organisational goals - style of documents
THEME 3 ACTIONS RELATING TO CRITICAL INCIDENT	4. Did the College's and Faculty's academic committee structure process and monitor the incident appropriately? What was your evaluation of the committees' effectiveness in handling the issue of the law results?	Collegial. Ambiguity.	External Players - Response of University of Leicester moderators Key Faculty and College Committee Players - failure of early warning systems
	5. What evidence is there to suggest that those with formal line responsibility for dealing with the incident carried out their tasks as expected. In your view, did those persons with formal line responsibility act properly and with agreement in carrying out their duties?	Formal. Collegial.	

	QUESTIONS	THEORETICAL MODELS OF EDUCATIONAL MANAGEMENT	SPECIFIC ISSUES ARISING FROM DOCUMENTARY ANALYSIS
THEME 3 ACTIONS RELATING TO CRITICAL INCIDENT	<p>6. How did you react to the incident personally? Did informal groups emerge in response to the poor examination results that you were part of? What did these groups do? (probe until topic exhausted)</p> <p>7. Were you ever asked to use your professional expertise to resolve any part of the critical incident? Would you have wished to be more involved than you actually were in seeking solutions to the problems?</p> <p>8. Does the documentation reflect the outcome of any negotiations between different parties that occurred during the process of dealing with the law results?</p> <p>9. The documentary evidence suggests an open process and evaluation of the incident. Do you agree?</p>	<p>Political.</p> <p>Collegial.</p> <p>Political, possibly Collegial.</p> <p>Collegial.</p>	<p>Lecturers and Course Leaders</p> <ul style="list-style-type: none"> - Openness regarding problems - Lack of student concern regarding feedback return

	QUESTIONS	THEORETICAL MODELS OF EDUCATIONAL MANAGEMENT	SPECIFIC ISSUES ARISING FROM DOCUMENTARY ANALYSIS
THEME 4 RESPONSE TO CRITICAL INCIDENT	<p>10. Was the incident dealt with by those in responsibility as you expected? Were the documented responses to the problems and issues actually carried out?</p> <p>11. What evidence can you point to which indicates that all the participants to the incident acted according to agreed principles.</p> <p>12. Do you think that the incident was handled well in the light of the College's mission and culture at that time? (probe on influence of College culture)</p> <p>13. Thank you very much for helping me and giving up your time. Are there any other reflections you might have as to your part in this particular incident?</p>	<p>Formal. Ambiguity.</p> <p>Cultural.</p> <p>Formal. Cultural.</p> <p>N/A</p>	

Edd Interviews - Table of Action Taken

Name	Documentation	Date Sent 1997	Interview Date	Transcript Available
Dean	All	6 May	10 July, 09.00, DJH Office	✓
Director	All	6 May	2 June, 16.30, SMC	✓
Assistant Director	All	6 May	10 July, 14.00, Mobile 16	✓
Course Co-ordinator (Law)	1 and 6	6 May	10 July, 17.00, C115	✓
Head of School (Law)	1 and 6	6 May	11 July, 14.00, C321	✓
Head of School (Information Systems)	1 and 6	6 May	15 July, 12.30, DJH Office	✓
Head of Subject	1 and 6	6 May	29 May, 11.00, DJH Office	✓
Unit 1 Law Tutor (January 1992 onwards)	1 and 6	6 May	5 August, 10.00, DJH Office	✓
Unit 1 Law Tutor (to December 1991)	1 and 6	6 May	14 May, 17.00, DJH Office	✓
Lecturer 3	1 and 6	6 May	18 July, 10.00, DJH Office	✓
Lecturer 2	1 and 6	6 May	30 July, 14.00, DJH Office	✓
Lecturer 1	1 and 6	6 May	10 Jly, 11.30, DJH Office	✓
Investigator	1 and 6	6 May	29 May, 10.00, DJH Office	✓
Pro-Vice Chancellor	2 and 3	6 May	29 May, 14.00, DJH Office	✓
Governor	4	6 May	12 June, 15.30, DJH Office	✓
Registrar	Appendix 5	6 May	12 May, 16.30, DJH Office	✓
Head of Combined Studies	Appendix 5	6 May	30 May, 12.00, DJH Office	✓
Lecturer 4	1 and 6	7 May	Telephone Interview 30 July 1997	×
Moderator	1 and 6	7 May	Telephone Interview 30 July 1997	×

Ref: c:dme02mrc/intact/May 1997