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Office for Standards in Education
Alexandra House
33 Kingsway
London
WC2B 6SE

Telephone: 020 7421 6800

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The post-16 subject guidance series currently comprises: art and design; business education; classics; design and technology; drama and theatre studies; engineering and manufacturing; English; geography; government and politics; health and social care; history; information and communication technology; law; mathematics; media education; modern foreign languages; music; physical education; religious studies; science; sociology.

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Introduction

This booklet aims to help inspectors and staff in schools and colleges to evaluate standards and quality in law for students post-16. It complements the *Handbook for Inspecting Secondary Schools* (1999), the supplement *Inspecting School Sixth Forms* (2001) and the *Handbook for Inspecting Colleges* (2001).

This guidance concentrates on issues specific to law. General guidance is in the *Handbooks*. Use both to get a complete picture of the inspection or evaluation process.

This booklet is concerned with evaluating standards and achievement, teaching and learning, and other factors that affect what is achieved. It outlines how to use students' work and question them, the subject-specific points to look for in lessons, and how to draw evaluations together to form a coherent view of the subject.

Examples are provided of evidence and evaluations from college and school sixth-form inspections, with commentaries to give further explanation. These examples are included without any reference to context, and will not necessarily illustrate all of the features that inspectors will need to consider. The booklets in the series show different ways of recording and reporting evidence and findings; they do not prescribe or endorse any particular method or approach.

Inspectors and senior staff in schools and colleges may need to evaluate several subjects and refer to more than one booklet. You can download any of the subject guidance booklets from OFSTED's website www.ofsted.gov.uk.

Our Inspection Helpline team, on 020 7421 6680 for schools and 020 7421 6703 for colleges, will be pleased to respond to your questions. Alternatively, you can email schoolinspection@ofsted.gov.uk or collegeinspection@ofsted.gov.uk.

OFSTED's remit for this sector is the inspection of education for students aged 16–19, other than work-based education. In schools, this is the sixth-form provision. In colleges, the 16–19 age group will not be so clearly identifiable; classes are likely to include older students and, in some cases, they will have a majority of older students. In practice, inspectors and college staff will evaluate the standards and quality in these classes regardless of the age of the students.

This booklet concentrates on the most commonly found courses in law for students 16–19. These are General Certificate of Education (GCE) Advanced Subsidiary (AS) and Advanced Level (A-level) law. Other courses, such as those for the Institute of Legal Executives (ILEX), are not often taken by students in the 16–19 age-range. However, the principles illustrated in this guidance can be applied more widely.

It is not necessary to have passed AS/A-level law in order to study a degree in law, but students often choose the subject as it gives them a 'taste' of the topic and, taught well, provides a firm foundation for further studies, whether legal or otherwise.

Common requirements

All inspectors share the responsibility for determining whether a school or college is effective for all its students, whatever their educational needs or personal circumstances. As part of this responsibility, ensure that you have a good understanding of the key characteristics of the institution and its students. Evaluate the achievement of different groups of students and judge how effectively their needs and aspirations are met and any initiatives or courses aimed specifically at these groups of students. Take account of recruitment patterns, retention rates and attendance patterns for programmes and courses for different groups of students. Consider the individual goals and targets set for students within different groups and the progress they make towards achieving them.

You should be aware of the responsibilities and duties of schools and colleges regarding equal opportunities, in particular those defined in the Sex Discrimination Act 1957, the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000, and the Special Educational Needs and Disability Act 2001. These Acts and related codes of practice underpin national policies on inclusion, on raising achievement and on the important role schools and colleges have in fostering better personal, community and race relations, and in addressing and preventing racism.¹

As well as being thoroughly familiar with subject-specific requirements, be alert to the unique contribution that each subject makes to the wider educational development of students. Assess how well the curriculum and teaching in law enable all students to develop key skills, and how successfully the subject contributes to the students' personal, social, health and citizenship education, and to their spiritual, moral, social and cultural development. Judge how effectively the subject helps prepare students aged 16–19 for adult life in a culturally and ethnically diverse society.

¹ See Annex *Issues for Inspection arising from the Stephen Lawrence Inquiry (Macpherson Report)* in *Evaluating Educational Inclusion*, OFSTED, 2000, p13.

1 Standards and achievement

1.1 Evaluating standards and achievement

From the previous inspection report, find out what you can about standards and achievement at that time. This will give you a point of comparison with the latest position, but do not forget that there is a trail of performance data, year by year. Analyse and interpret the performance data available for students who have recently completed the course(s). Draw on the school's *Pre-Inspection Context and School Indicator* (PICS) report or, in the case of a college, the *College Performance Report*. Also analyse the most recent results provided by the school or college and any value-added information available. When numbers are small, exercise caution in making comparisons with national data or, for example, evaluating trends. For further guidance on interpreting performance data and analysing value added, refer to *Inspecting School Sixth Forms*, the *Handbook for Inspecting Colleges* and the *National Summary Data Report for Secondary Schools*.

Where you can, form a view about the standards achieved by different groups of students. For example, there may be data which enable you to compare how male and female students or different ethnic groups are doing, or how well 16–19-year-old students achieve in relation to older students.

Make full use of other information which has a bearing on standards and achievement, including success in completing courses, targets and their achievement, and other measures of success.

You should interpret, in particular:

- trends in results;
- comparisons with other subjects and courses;
- distributions of grades, particularly the occurrence of high grades;
- value-added information;
- the relative performance of male and female students;
- the performance of minorities and different ethnic groups;
- trends in the popularity of courses;
- drop-out or retention rates;
- students' destinations, where data are available.

On the basis of the performance data and other pre-inspection evidence, form hypotheses about the standards achieved, whether they are as high as they should be, and possible explanations. Follow up your hypotheses through observation and analysis of students' work and talking with them. Direct inspection evidence tells you about the standards at which the current students are working, and whether they are being sufficiently stretched. If the current standards are at odds with what the performance data suggest, you must find out why and explain the differences carefully.

As you observe lessons, look at students' work and talk with them, you should concentrate on the extent to which they:

- understand a range of major concepts such as values, principles and rules of the English legal system;
- are familiar with the legal institutions and procedures of this system;
- are familiar with and understand one or more substantive areas of the legal system;
- recall legal principles, derived both from legislation and from case law, in sufficient detail to undertake examinations with confidence;
- apply their knowledge to standard situations in order to provide answers to concrete problems (actual and hypothetical);
- are competent in identifying and retrieving legal information, using paper and electronic sources;
- make appropriate use of primary and secondary legal sources relevant to the topic under study.

1.2 Analysis of students' work

GCE AS/A-level law students are taught to describe, analyse, compare and evaluate. Use the analysis of students' written work to identify their knowledge and general intellectual skills. Also examine tutorial reports, students' files, and records of achievement or progress files to evaluate the students' writing skills. The analysis of work is important for judging the nature of the demands made on the students and their progress over time. Hence, it can give valuable insights into achievement. Check students' work to ensure that they are coping with the demands of their course and that they can manage the more independent approach to study that is required. Beware of the superficiality of some well-presented work. Ask for a representative sample of work, because your analysis should cover the full range of attainment demonstrated by students over the course.

Example 1: evidence from analysis of work of 8 Year 13 A-level law students in a school sixth form: 2 higher attaining, 2 average, 4 lower.

They have completed an essay on misrepresentation.

The two higher attainers show a good understanding of the difference between a statement which is a representation which induces a contract, but which remains outside it, and a statement which is sufficiently important that it must be regarded as a contract term. They have explained that the distinction primarily depends on the intention of the parties (providing it can be ascertained) and that the distinction is important because different remedies apply to representations which are untrue and contract terms which are broken. They give appropriate examples based on case law.

Students of both average and lower attainment recognise the common problem in consumer transactions – the evidence of what was actually said by the seller and whether it was material. They recognise that a representation must be a statement of fact (eg, 'the car has done 10,000 miles') rather than a statement of opinion, and that the statement must induce the contract. The buyer cannot, therefore, avoid the contract if he knew the statement was false or if he did not allow it to influence his decision to purchase. Higher attainers also point out that silence cannot amount to a misrepresentation. They write concisely and persuasively. The two students of average attainment move between the relevant and the irrelevant, failing to separate the two. The lower attainers produce work which is flawed in terms of knowledge and the use of standard English, but which reflects considerable effort and, in several cases, shows considerable gains in understanding when compared with their earlier writing.

All the students have made a reasonable attempt to define misrepresentation. The higher attainers distinguish accurately between fraudulent, negligent and innocent misrepresentation. They explain the different remedies applicable in each case. The average students are less precise in their explanation of definitions and remedies. Two of the lower-attaining students fail to distinguish between the three types of misrepresentation.

All but one of the students have consulted some wider references from within the school library and have used the Internet. Three of the students have visited the local library and made a quick reference to all reported cases and amendments through current law citators.

Attainment overall by the group is average, but since many of these students had started their A-level studies with below average attainment in GCSE, the standards reached suggest good achievement for most.

[Attainment average (4)]

Commentary

The best essays, those of the two higher-attaining students, show good knowledge and understanding of a range of concepts relevant to this area of the law. Most others are of a competent standard and represent a good level of progress, indicating good achievement. However, some work reveals a number of gaps in understanding or fails to cover the topic with sufficient rigour. For example, some of the weaker answers lack clarity of expression and some legal terms are used incorrectly. In the work of one lower attainer, there are examples of incorrect spelling, even of standard legal terms. Nonetheless, the majority of the students show interest and intellectual curiosity in their work and have moved ahead well during the course.

Example 2: evidence from analysis of the work of 8 first year AS-level law students in an FE college (November); most of the students had average overall attainment in GCSE.

They have completed an essay on judicial precedent.

All the students show a good awareness that judicial precedent refers to judges following the decisions of their predecessors. Several students write about the hierarchy of the courts; they understand that only the decisions of the superior courts are binding. There are clear explanations that, in magistrates' courts and county courts, decisions are less authoritative and are rarely reported, and that these courts do not, therefore, make binding precedents.

All the students are confused about other aspects of the doctrine of precedent. They fail to explain that, if a statement is to be binding, it must be a statement of law, based on the facts as found, which supports the decision given. One uses the term ratio decidendi but shows little understanding of its meaning. Similarly, there is little understanding of obiter dicta statements.

The students make few references to the advantages and disadvantages of the system of precedent. Only one student recognises that the main advantage is the degree of uniformity provided by the system. However, even she is not clear in explaining that this is essential if justice is to be achieved and, as a result, it outweighs any disadvantages.

Only two of the essays illustrate the operation of precedent by reference to case law. No-one makes the point that, through their interpretation of statutes, judges create precedents for the way in which the statutes must be interpreted in future cases.

Finally, only one student points out that, in some cases, judges make new law – in situations when there is no existing precedent and no provision in legislation.

[Attainment below average (5)]

Commentary

Some of the work demonstrates reasonable knowledge and understanding of aspects of the doctrine of judicial precedent, but most of the answers are too brief. They either omit reference to important aspects of the system of precedent or provide confused or incomplete accounts. Progress since GCSE is unsatisfactory. In general, the answers lack the detail needed to achieve a satisfactory grade at GCE A Level. Although the essays were undertaken at an early stage in the course, it is likely that the topic will only be re-visited briefly during a revision lesson in the spring. The students will have little opportunity to raise their level of attainment.

1.3 Talking with students

Talk with students to explore their level of understanding of the English legal system and test whether they can communicate orally and argue fluently, concisely and persuasively. Ask them to reflect on their understanding of the English legal system by discussing a point of law. Ask questions which stimulate thoughtful responses on points or issues raised. These must be fairly typical of the types of questions used in teaching groups to promote discussion about the law and its impact.

Example 3: evidence from a discussion (in May) with 4 first year A-level law students in an FE college.

Discussion centres on working and shopping in a supermarket. If a customer slips on a greasy floor and hurts her arm, what will be her position on complaining to the supermarket manager?

One student, who has a part-time job in a supermarket, recalls his manager arguing that another customer had spilled something or that the injured customer had a duty of care in a public place. Two other students explain clearly that shops have a duty of care to their customers and they must ensure that floors and entrances are kept clean, well lit and safe. The first student, more aware of his role as a member of staff in a supermarket than as a student of law, protests that in supermarkets customers drop things and make a mess. The two higher-attaining students are able to

list the actions that a shop has to undertake to avoid paying compensation, including a regular system for inspection and clearing up. They correctly argue that, if a customer can show that a greasy mess has been on the floor for some time, that customer will have a claim if injured as a result of that mess. The third student comes belatedly to a better awareness of how the law applies to this situation. He explains clearly and correctly that, if the shop could show that the customer slipped on the mess only seconds after it was spilt, and that it had adequate systems for checking and clearing up, then it would not be liable for compensation. It is evident that two of the students, and to some extent the third, have read around the relevant legislation. They use the English language proficiently in relation to legal matters. The fourth student, however, has little to say and, even when asked a direct question, can do little other than confirm what another student has already said.

[Attainment average (4)]

Commentary

A small sample of students with considerable variation in attainment gives limited information about the overall standards of the group. It will be necessary to judge – for example, by observing the whole class and by looking at the teacher’s records of assessments for different students – how representative these four students are. It is also possible that the student who has very little to say would show better understanding in a different situation.

Example 4: evidence from discussion with 12 second year A-level law students in a sixth-form college.

The discussion centres on common problems in tort.

Four higher-attaining students, all female, talk confidently about consumer law, and establish clearly the nature and features of the problem that if, for example, defective goods were a gift, there is no contractual relationship. These students are able to argue that the elements of negligence (ie, reasonably foreseeable loss and damage following a breach of a duty of care owed to a plaintiff) have to be proved.

However, six students of average attainment, mostly male, demonstrate a lack of confidence in the command of the language used in law. Their oral work is faltering and shows an ineffective and sometimes inappropriate use of terminology. While a few of the students adopt a legal tone and approach, only the four higher-attaining students do so fluently.

Two lower-attaining students, both male, give oral answers which are very brief and leave serious doubt about the provenance of the sources they have consulted to reach their solutions. For example, they are unclear about the difference between legal skills and legal knowledge. These students are not keeping up with their journal reading. They claim that the teacher, female, rarely checks their work. They are hesitant about the frequency with which they have discussed their understanding of the course with the teacher, as 'she is always talking with the top students'. The files of these lower-attaining students are superficial in quality. Their information is insufficient and much is irrelevant.

Most students are developing some understanding of the importance of subject language in expressing ideas. However, the average and the lower attainers are poor at expressing ideas like 'abatement', 'strict liability' and 'contributory negligence', because they do not know (or will not use) the subject language.

[Attainment below average (5)]

Commentary

Attainment is below average in this group overall, with several students not able to perform at the standard required for the course or at the levels predicted on the basis of GCSE attainment. Some questions arise here about the students’ achievement and its close relationship with gender. What the college does to develop students’ oral capabilities is also of relevance at this stage of the course. There is no indication that the teacher intervenes to support students or to move them on, especially average and lower-attaining students, where there might be a problem of rapport.

1.4 Lesson observation

Example 5: evidence from a Year 12 (May) A-level law lesson in a school sixth form; 10 students.

Basic legal concepts.

Students are researching the law relating to wills, in preparation for writing an essay. In this lesson, the teacher leads the students in a discussion about this aspect of the law, drawing out and developing what they have found.

The teacher successfully opens the discussion by observing that since William Shakespeare left Anne Hathaway his second-best bed, the English have gone in for somewhat unusual wills. Students have made very good use of libraries and current law citators; they are able to quote a number of significant examples of cases relating to unusual wills and show a good understanding of the judgements courts have made. They are able to give clear and informative explanations, based on reported cases, of the success or failure of family attempts to set aside wills on the grounds of testamentary incapacity. They have all come to a clear understanding that English courts continually proclaim that their paramount duty, when interpreting a will, is to try to discover the intention of the will-maker, and then to enforce it.

With the teacher's help, students think critically, argue fluently and concentrate, showing speed and stamina in a detailed discussion which moves forward at pace. Well above-average standards, with a third of the class at this stage on course for grade A passes. This indicates very good achievement for the 10 students, all of whom had several B and C grades at GCSE but no grade A passes.

[Attainment well above average (2)]

Commentary

High standards are being achieved in this lesson. The students all show an ability to learn and to use their learning effectively in debate. They reveal what they can do independently of their teacher rather than just demonstrate that they have learnt what they have been told. They have some support and the teacher provides a broad structure within which to operate, but all students show considerable initiative, which promotes their very good achievement and their high levels of knowledge and understanding.

2 Teaching and learning

2.1 Evaluating teaching and learning

Teachers of law at GCE AS/A level must demonstrate legal competence by being able to:

- state legal propositions clearly;
- demonstrate the tools of statutory interpretation;
- make appropriate use of new cases and legislation;
- identify the correct legal issues raised by the facts;
- identify the relevant facts and relevant law to reach a conclusion.

Effective law teachers appreciate that to pass externally examined law examinations students need to:

- understand the relevant legal principles;
- memorise sufficient legal facts, both legislation and case law;
- demonstrate skill in applying those facts in problems and essays.

It is easy to assume that students who demonstrate understanding can also recall sufficient facts to achieve high grades. This is not automatically the case, and teachers should check on a regular basis that the law has been remembered as well as understood.

To assist their learning, students should have a good set of notes or handouts for revision. Examination technique is also very important, particularly when answering problem questions. The students need to be given good advice on how to approach problems and plenty of opportunities to practise answers and have them marked by their teachers.

Interpret the *Handbook* criteria with specific reference to law, and keep in mind the characteristics of effective teaching and learning, in which:

- good subject knowledge and high expectations encourage the ability to analyse and critically evaluate material – for example, by resolving conflicting ideas, being aware of practical implications, and making connections with other subjects (*subject knowledge, expectations*);
- through good understanding and skill, the teacher shows students how to handle legal concepts and encourages the ability to apply legal principles to new or hypothetical cases (*subject knowledge, methodology, expectations*);
- through clear explanations and a logical structure for the course, the teacher enables the students to accumulate a good range of notes and materials to use for learning and revision (*subject knowledge, planning, methodology*);
- the teacher's understanding and skill show students how to develop an argument logically and how to assess the weight of opposing legal arguments and the value of conflicting precedents (*subject knowledge, methodology, expectations*);
- well-led class discussions encourage students to have a critical approach to the subject (*methodology, expectations*);
- where appropriate, learning is based on relevant newspaper articles, journals and videos, reflecting the constantly changing nature of the law, so that students' knowledge and understanding are up to date (*resources, subject knowledge, methodology*);
- advocacy, negotiation and fact finding are studied alongside the more traditional topics of statutory interpretation and precedent, so that students develop sufficiently broad knowledge and understanding of the subject (*subject knowledge*).

Be alert to teaching which may have superficially positive features but which lacks the rigour, depth, insights and the command of good subject teaching in law. An example might be teaching in which:

- students develop knowledge of the law in great detail but they do not develop the ability to analyse issues, to appreciate different viewpoints and to evaluate different courses of action (*subject knowledge, methodology, expectations*).

2.2 Lesson observation

Example 6: evidence from a (November) AS-level law lesson in a school sixth form.

Debtors and creditors.

The teacher explains the meaning of the words 'debtor' and 'creditor'. He asks the students what they think creditors should do when they cannot obtain payment from their debtors. They raise questions of their own in response – eg, asking how a creditor may obtain an order from the court, telling the debtor to pay the money owed. The teacher's answers are clear and the legal content is reliable. The teacher tackles complex issues with confidence and in some detail. The philosophical background to debt is treated in a practical way and with refreshing clarity. The teacher goes on to explain that a creditor may obtain an order of the court – a 'judgement' – telling the debtor to pay the money and, once it has been obtained, the debtor is known as a 'judgement debtor'. In this first part of the lesson, there is a lot of explanation from the teacher, but the students are interested and attentive. There are sufficient questions from the teacher to make it evident that they are grasping the new concepts and developing a good understanding. The details are not allowed to overwhelm the students, whose notes are admirably clear, concise and without excessive spelling mistakes.

The teacher then expects the students to apply the legal principles to a series of hypothetical cases. These are well chosen; they are effective in progressively extending the students' understanding and skills in combining relevant facts and law to reach conclusions. Students are encouraged to seek information for themselves and they use a range of sources of information effectively. The teacher shows good subject knowledge in identifying legal problems and discussing appropriate solutions. He uses the relevant authorities. The materials for the session, which the students received in advance, have a standardised format setting out the objectives, preparation and description of the teaching activities involved. The teacher's own writing reflects the characteristics of quality, style and syntax in English language legal writing. All these features contribute to the very good development of the students' knowledge and skills, enabling substantial gains in their understanding of debt and credit.

The lesson proceeds at a brisk and purposeful pace and students are provided with sharp challenges. At the end of the lesson, the teacher makes clear and helpful suggestions for reading beyond the material covered.

This lesson successfully consolidates knowledge and promotes more complex skills.

[Teaching and learning very good (2)]

Commentary

In this lesson, there is very good learning because students make rapid progress in their knowledge of new aspects of the law, in their understanding, in their skills of note-taking, and in identifying and combining the relevant facts and law. The lesson is very successful in developing knowledge and the comprehension of material. This is because of very good teaching, which has clear objectives. It focuses learning effectively on problem-solving, knowledge of procedural and substantive law, and relevant skills and attitudes. Resources are well planned and legal problems are correctly identified. The lesson is well organised and includes extensive citation and discussion of the material. The legal arguments are developed logically. Core knowledge is evident – a proper knowledge of the general principles, nature and development of law and of the analytical and conceptual skills required by lawyers.

Example 7: evidence from a second year (April) A-level law lesson in an FE college.**Witnesses.**

Satisfactory start, with teacher explaining that every case has to be proved unless it is admitted, that is to say, the prosecution has to prove the case – for example, a theft. Thereafter, the teacher's approach is less successful, with laboured teacher-student interaction, a failure to encourage less confident students to participate in the discussion, and limited dialogue between students, despite some keen initial questioning by several. It is evident from the nature of the few contributions and questions from students, as the lesson develops, that several have not been able to gain as firm a grasp of the concepts as they would have wished. They are not developing their understanding with sufficient confidence. Nonetheless, through their own efforts and reading the text in tandem with the teacher's presentation, the majority pick up the essentials.

The teacher does not convey enough information to help students understand. His application of legal concepts is poor and, because of the superficiality of the legal knowledge taught, students are not being stretched beyond the level of about a D grade. For example, the teacher is not clear on the meaning of the word 'proof': he fails to draw attention to the crucial point that proof, in English courts, is given by word of mouth in the witness box. Therefore, students are not clear that what people say in the witness box is known as 'evidence', and 'evidence' has to be given on oath or affirmation. Teacher does not discuss with students how much effect the oath or affirmation has on a witness, so opportunities for further development of their understanding are lost.

There are insufficient opportunities overall to promote participation by the students, their sharing of ideas, and knowledge to help solve problems. Planning of this lesson is weak and, despite students' attentiveness and clear interest, their progress is held in check unnecessarily, and for a few it is limited. Teacher does not establish that listeners have understood what he has said. However, those with more initiative check key points in the text as he talks, to salvage their learning.

[Teaching unsatisfactory (5); learning satisfactory (4)]

Commentary

Although the lesson conveys some important concepts relating to the law on witnesses, it does not cover the subject in sufficient depth. The teacher shows a lack of ability to deal with oral questions. There are few opportunities for students to participate and very little encouragement to share ideas and knowledge to help solve problems. There are no probing questions to help resolve misunderstandings and the teacher does not respond adequately to questions by explaining how ideas and suggestions are thought out. Students' contributions are limited but they are sufficient to show that learning is satisfactory, despite the teaching, and largely thanks to the students' own efforts in checking meaning.

Example 8: evidence from a Year 12 (February) A-level law lesson in a school sixth form; 12 students present.**Law and morality.**

This lesson on the relationship between law and morals follows on from last week's lesson on morality, an essential element of religion. The teacher analyses and debates the following with the class.

1. *Law and justice. Legalism and the critique of 'justice'.*
2. *Natural law: theories and practice.*
3. *The right to disobey laws.*
4. *Legislation which expresses or rejects a moral attitude.*
5. *Fundamental rights.*

With occasional contributions from students, the teacher summarises the situations where there is close affinity between law and morality and those where there is conflict. The teacher gives several examples and seeks to generate discussion by asking why people obey and disobey law. He explains well, for example, how some people

obey the law because they believe in its legitimacy and that they should, therefore, conform; others obey because they believe that they have no alternative (the 'power' of the law); and some obey because they believe it is to their advantage to do so ('interest'). The teacher's knowledge is a particular strength and the various concepts are put across clearly. As a result, students make clear gains in their own knowledge. The teacher generates some limited discussion on the complex relationships between law and morality, justice, force and authority. The students are attentive and interested and their contributions to brief snatches of discussion show that they are developing their understanding of these ideas.

Although there is a good coverage of the important concepts relating to law and morals, the teacher tends to dominate the lesson. Until quite late on, the students are not actively enough involved in the discussion to gain a greater depth of understanding, but then the teacher realises that he has talked too long and that several students have much to offer. These particularly able students are keen and enthusiastic about research, undertaken independently or collaboratively with their teacher. Here, they lack scope to investigate ideas for themselves. The first part of the lesson has taught them the basic ideas about the relationship between law and morality and this is a sufficient stimulus for them to apply these ideas themselves. As it is, they are limited to the one late chance to use their research skills. Two students probably do need a little more help. The teacher could have given this on an individual basis, while others were working independently.

[Teaching and learning satisfactory (4)]

Commentary

The students listened attentively and the good explanations and clear instructions given by their teacher deepened their knowledge. They understood the main concepts; for this reason the teaching and learning are satisfactory. Early on, there was a missed opportunity for students to research, on their own, the five challenging areas of the lesson. Most students were capable of composing their own written work independently and presenting their explanations clearly. The lesson was a skilful creation of a secure and purposeful learning environment, but until very late on it did not make as much use as it could of the intellectual effort possible from this class of able students.

2.3 Other evidence on teaching and learning

Lesson observation is usually the most important source of evidence on the quality of teaching and learning, but the analysis of work and discussions with students can also yield valuable information. This is particularly important when the work includes a coursework component undertaken over time. Under these circumstances, the observation of individual lessons may give a very partial picture of the students' learning experience and of the support provided by teachers.

The work analysis will give you a good feel for the overall rate of progress, and, therefore, the pace of the teaching and learning. It will show the range and depth of the work which the students are required to do. For example, it will indicate whether students are taught to develop essay writing skills in describing, analysing, comparing and evaluating legal procedures and cases.

Discussions with students will give you a sense of their motivation and the range of their experiences. You can ask questions to show whether they understand clearly how well they are doing and what they must do to improve.

3 Other factors affecting quality

Evaluate other factors, such as curriculum, staffing and resources, by the effect they have on standards achieved and the quality of teaching and learning. Resources are often a significant factor for courses in law.

Resources and curriculum

Consider the access that students have to primary and secondary sources, whether paper-based or electronic. Is their ability to research affected by the ease of access to a good library and current law citators? The law is constantly changing and the work should be informed by sufficiently up-to-date newspaper articles, journals and videos. There should be journals which provide comprehensive coverage of the latest legal developments, including case law, statutory requirements, details of new books and articles, and tabular material. Are there visits to magistrates' and the crown courts, which contribute to raising awareness of legal skills? Are there visiting speakers from the legal profession or opportunities for students to gain relevant work experience?

4 Writing the report

The following is an example of a post-16 subject section from a school inspection report. (It does not necessarily reflect the judgements in any or all of the examples given elsewhere in this booklet.) Where the subject is inspected in a college, it is likely that the evaluation will be given within a report on a broader range of humanities courses. The summative judgements in these reports use, for schools, the seven-point scale: *excellent*; *very good*; *good*; *satisfactory*; *unsatisfactory*; *poor*; *very poor*. For colleges, there is the five-point scale: *outstanding*; *good*; *satisfactory*; *unsatisfactory*; *very weak*. The summative judgements *excellent/very good* used in school reports correspond to *outstanding* in colleges; *poor/very poor* used in schools correspond to *very weak* in colleges.

Law

Overall, the quality of provision in law is **unsatisfactory**.

Strengths

- The teachers are well qualified and have good knowledge of their subject.
- The students have a mature attitude to their work and, when given the opportunity, are able to undertake useful research.
- An increasing number of students from minority ethnic backgrounds are being recruited onto the course.

Areas for improvement

- Teaching is unsatisfactory overall because it does not make sufficient demands on the highest-attaining students; as a consequence they do not achieve as well as they should.
- Teaching does not always meet the needs of female students.
- The students' ability to present reasoned arguments is not sufficiently well developed.
- The department has failed to identify the underachievement of the highest-attaining students and female students and has not developed strategies to make better provision for them.

In the most recent GCE A-level results in law, the proportion of students who achieved at least a pass (grade E) was average, but the proportion of students who achieved the higher grades A or B was below average. In the light of their previous overall attainment in GCSE this shows satisfactory achievement by average and lower attaining students but underachievement by some of the highest attaining students. This is similar to students' performance at the time of the last inspection. Female students tend to fare less well than males. An increasing number of students from minority ethnic backgrounds are being recruited onto the course.

The standards of work seen confirm this picture. Students have good knowledge and understanding of the basic issues relating to law and, when they are given the opportunity, are able to undertake research using a range of primary and secondary sources. They recognise and distil the relevance and importance of issues and can bring together and integrate information from a variety of different legal sources. They produce substantially accurate syntheses of relevant doctrinal and policy issues in relation to a topic and utilise abstract ideas in argument. They are weaker at making a personal and informed judgement about the importance and merits of particular legal solutions, and in offering reasoned arguments in favour of a chosen point of view. The highest-attaining students are not always sufficiently perceptive in applying legal principles to new or hypothetical cases or in assessing the value of conflicting precedents.

Overall, the teaching and learning are unsatisfactory, although there are some strengths. Teachers are well qualified and a strength of the teaching is their good subject knowledge. Lessons are well planned and resources are carefully selected to illustrate the topics of the lessons, including some chosen particularly to engage the interest of students from minority ethnic backgrounds. Students are given a broad and accurate introduction to the subject. However, the teaching is often too closely directed, with students being told conclusions or the balance of arguments before they have been given sufficient opportunity to debate the issues themselves. There are times when teachers allow insufficient time for questions, or deal only with queries raised by the most vociferous students. This often disadvantages some of the quieter, less demanding female students. This was apparent in a lesson on witnesses and also in work on common problems in tort, where new material was presented at a good pace but many students failed

to develop sufficient understanding of the issues. This style of teaching is supportive and helpful to many students. It leads to the acquisition of a good set of notes and materials for learning and revision, but it does not sufficiently stretch the highest-attaining students. The impact of the teaching does not always allow students to reach their full potential. Too often, closed questioning does not lead to further discussion and extended debate, and some assignments provide only limited challenge to spur students' learning on. The highest attainers are not, as a consequence, challenged to think beyond the superficial. Only rarely are they expected to research a topic outside the lesson.

The students show a good attitude to their work. They have a keen interest in the subject and a mature approach to their opportunities for independent research work. Students of all abilities work well together and their personal development is good. They contribute effectively to the limited group work. The highest-attaining students, however, have insufficient opportunities to carry out their own research. This limits the intellectual effort and independence required of them and constrains the standards they are able to reach in their work. The limitation was particularly noticeable in work on law and morality.

The leadership of the subject is unsatisfactory. The detailed scheme of work ensures that there is a good coverage of the subject. It identifies appropriate resources for each topic and there is an effective system for collecting newspaper articles and such like to ensure that the teaching remains up to date. However, the analysis of examination data and of students' results in relation to their attainment before they started the course or in relation to gender has not been sufficiently thorough, so that the underachievement of the highest-attaining students and of female students has not been recognised. Consequently, no strategies have been developed to make better provision for the highest-attaining students or for those who are less demanding in class.

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