

## ASSESSMENT METHODS

### Using the competence model for professional qualifications

J Randall

14 *J Prof Legal Ed* 1, 1996, pp 51–64

National Vocational Qualifications (NVQ) were established in the United Kingdom a decade ago. These are a system for vocational qualifications based on standards of competence and clear routes or progression to the higher levels of achievement. NVQs are now available for occupations representing nearly 90% of the workforce. Two main characteristics distinguish NVQs from traditional qualifications: first, they are defined by the outcome that must be achieved and not by any standard process of learning; second, the outcome to be achieved is expressed in terms of competence rather than knowledge alone. Competence is measured against occupational standards that reflect the needs of employment. Competence is not just knowledge but also being able to demonstrate the ability to perform to a standard that is fit for the purpose of the job.

A number of factors led the UK Law Society to make use of the model for redesigning legal qualifications. The existing qualifications for non-solicitor fee-earning staff are no longer relevant to many of those being recruited by firms. There are very real financial advantages: the direct development costs of a new qualification are met almost entirely by government. The combination of a pressing need to redesign paralegal qualifications so that they are relevant to the needs of firms and appropriate to the existing attainments of candidates, coupled with the availability of generous government funding, was likely to predispose any organisation

towards making use of the NVQ framework. However the overriding attraction is the production of qualifications based on robust standards that can be used not only to support qualifications but also more widely in human resource management.

The NVQ model is not without its critics. Much is still being learned from early experience. A recent government review of the operation of the 100 most frequently used NVQs has addressed some of the criticism of complexity of language and weight of paperwork involved in assessment. Further, as the NVQ system represents a radical shift away from qualifications defined by processes of teaching and assessment and structured around knowledge to one based on practical outcome, there is no shortage of critical voices from those whose comfortable teaching regimes were challenged. However, significantly there is no shortage of support from employers who are offered qualifications with a greater relevance to their needs.

Whether an occupation is professional or is one catered for by conventional vocational training, there is a common objective of ensuring that the learning processes are fit for purpose, that they do succeed in producing an individual who performs competently in the workplace. To different degrees, all occupations require a foundation of subject knowledge and a breadth and depth of understanding to provide a framework for solving problems and evaluating options. Know-how and practical skill to enable knowledge to be applied are of paramount importance.

As these common concerns are recognised, the competence-based NVQ model and the traditional professional model are thus moving closer together. From the NVQ model profes-

sional bodies are acknowledging the need to make competence in applying knowledge a specific outcome. At the same time, within the competence model there is an increasing recognition, not only that there is a body of knowledge that is likely to require assessment away from the workplace, but also that there is a need for a mastery of residual or foundation knowledge that may not be related to action but which provides context, the ability to identify problems and the capacity to deal with uncertain futures.

## CLINICAL LEGAL EDUCATION

### Teaching plumbing with Periclean ideals: Should it be done? Can it be done? Advocacy and courtroom scholarship

J Hunter

30 *Law Teacher* 3, 1996, pp 330–351

There is divergence in aspirational goals of clinical legal educators and academic educators. In clinical skills teaching, especially in subjects teaching skills associated with lawyer/client interactions, such as interviewing, or lawyer/lawyer interaction, such as negotiation, there is a focus on technique or performance with insufficient regard to the intellectual mission of the law school. Law schools should incorporate within that teaching a depth and breadth of legal inquiry that is consistent with the essence of the law school mission. Clinical educators promote legal skills training as practically relevant and as a necessary counter-weight to traditional law studies, which tend to focus on theoretical matters and give insufficient regard to practical relevance. In order for legal education to be relevant, it should aim to produce lawyers who are able to evalu-