**VCE Legal Studies (2018–2023)**

School-based assessment report

GENERAL COMMENTS

This report provides advice from the first year of implementation of the [VCE Legal Studies Study Design 2018–2023](https://www.vcaa.vic.edu.au/Documents/vce/legalstudies/LegalSD_2018.pdf). The [VCE Legal Studies Advice for teachers](https://www.vcaa.vic.edu.au/Pages/vce/adviceforteachers/legalstudies/introduction.aspx) provides teaching and learning advice for Units 1 to 4 and assessment advice for school-based assessment in Units 3 and 4. Other support materials for the study can be found on the [VCE Legal Studies study page](https://www.vcaa.vic.edu.au/Pages/vce/studies/legalstudies/legalindex.aspx) on the VCAA website.

Teachers are encouraged to plan School-assessed Coursework (SAC) concurrently with the teaching and learning for each outcome. This will ensure that SAC tasks relate directly to the specific learning and to the specific cohort of students. Teachers are encouraged to develop unique SAC tasks or adapt/modify commercially produced tasks to make them unique to the individual school in order to minimise authentication issues.

For Unit 4, most schools in the School-based Assessment Audit chose to use commercially produced tasks in a modified format. The modified tasks ensured that student work could be authenticated and that the tasks were unique to the school. Materials deemed by the Audit Panel to be of an exemplary standard were received from schools where teachers had designed original materials. These tasks had been mapped against the performance descriptors, demonstrated insight and required students to apply higher order skills.

It was noted by the Audit Panel that some schools with multiple classes of VCE Legal Studies delivered the same SAC task at different times of the day or on different days. This has potential to disadvantage students who sit for the assessment earlier and thereby potentially breaches the VCE assessment principle of *equity*. Sharing of information via social media may potentially advantage some students over others. Schools are advised to develop a policy regarding the delivery of school-based assessment to ensure student work can be authenticated.

Many schools limited the SAC task types used to structured questions and brief case studies. The use of alternative task types such as an essay, a report in written format or a folio of exercises, where appropriate, has potential to allow students to develop a deeper understanding and application of the key knowledge and key skills. The *Advice for teachers* suggests that teachers provide students with an opportunity to develop and use effective methods of legal inquiry and research through the study. This could be achieved by utilising the alternative task types. The VCAA encourages the use of a range of task types in order to address the VCE assessment principle of *balance*. Teachers are also advised that more than one SAC task may be used to assess satisfactory completion of each outcome in Units 3 and 4.

It is recommended that teachers become familiar with the performance descriptors provided in the *Advice for teachers* and incorporate these when planning assessments. This will help incorporate and assess key knowledge, key skills and the relevant outcome.

Cross-marking and interaction between colleagues when constructing and grading assessments is highly recommended as moderation of student work will promote validity of assessment.

Some schools were unable to provide all of the materials requested as further evidence in the School-based Assessment Audit. Materials that may be requested as further evidence are listed in the *VCE and VCAL Administrative Handbook.* Schools are advised that teachers should be prepared in case any of the listed documents are requested for submission as further evidence.

SPECIFIC INFORMATION

Unit 3: Rights and justice

Outcome 1

*Explain the rights of the accused and of victims in the criminal justice system, discuss the means used to determine criminal cases and evaluate the ability of the criminal justice system to achieve the principles of justice.*

**Task type options**

The student’s performance will be assessed using one or more of the following:

* a case study
* structured questions
* an essay
* a report in written format
* a report in multimedia format
* a folio of exercises.

Most schools used one SAC task to assess Outcome 1 and most used commercially produced tasks in some form. Task types were limited to structured questions. Almost half of the schools audited did not adapt/modify commercially produced tasks and presented them to students in a form that was not unique to the school. Consequently, these schools may have experienced difficulties authenticating student work. Using unmodified SAC tasks gives students the opportunity to share details of the assessment in the public domain. The Audit Panel strongly recommends that commercially produced tasks are significantly modified and be unique to individual schools.

Most schools audited assessed the key knowledge, key skills and outcomes appropriately. The principles of justice: equality and access were appropriately integrated and assessed, as were the following key knowledge areas:

* the purposes and appropriateness of plea negotiations and sentence indications in determining criminal cases
* factors considered in sentencing, including aggravating factors, mitigating factors, guilty pleas and victim impact statements.

Some schools incorporated and assessed the key skill of synthesising and applying legal principles and information to actual or hypothetical scenarios within the SAC tasks submitted.

Assessment

Many of the SAC tasks used in the assessment of Outcome 1 included marking schemes provided by commercial publishers. Some schools correctly mapped these against the performance descriptors provided in the Advice for teachers.Most schools that had adapted or created SAC tasks were able to provide marking schemes correctly reflecting the weightings suggested within the Advice for teachers.

Outcome 2

*Analyse the factors to consider when initiating a civil claim, discuss the institutions and methods used to resolve civil disputes and evaluate the ability of the civil justice system to achieve the principles of justice*.

**Task type options**

The student’s performance will be assessed using one or more of the following:

* a case study
* structured questions
* an essay
* a report in written format
* a report in multimedia format
* a folio of exercises.

Many of the SAC tasks used in assessment of Outcome 2 included marking schemes provided by commercial publishers. Some schools correctly mapped these against the performance descriptors provided in the Advice for teachers.Most schools that had adapted or created SAC tasks were able to provide marking schemes correctly reflecting the weightings suggested within the Advice for teachers.

Some schools chose to assess Outcome 2 using two tasks whilst others relied on one task to assess the students’ achievement on the outcome, key knowledge and key skills.

Most schools integrated the principles of justice into this assessment. The majority of schools were able to cover all of the key knowledge relating to resolving a civil dispute.

Assessment

Many schools chose to assess Outcome 2 through structured questions which were mapped correctly against the performance descriptors*.*

It was apparent that many teachers had not planned the assessment for Outcome 2 either prior to or concurrently with teaching key knowledge and key skills. This was evident as some schools chose to not answer questions about Outcome 2, explaining that they had not yet made a decision about assessment. Teachers are encouraged to plan for school-based assessment simultaneously with the planning of the teaching and learning for the outcome.

SPECIFIC INFORMATION

Unit 4: The people and the law

Outcome 1

*Discuss the significance of High Court cases involving the interpretation of the Australian Constitution and evaluate the ways in which the Australian Constitution acts as a check on parliament in law-making.*

**Task type options**

The student’s performance will be assessed using one or more of the following:

* a case study
* structured questions
* an essay
* a report in written format
* a report in multimedia format
* a folio of exercises.

Assessment of outcomes within the *2018–2023 VCE Legal Studies Study Design* requires that there be less emphasis on rote learning and lower order skills and a greater focus on assessment of higher order skills. Students should be required to apply and use knowledge rather than simply demonstrate the knowledge itself. SAC tasks provided by schools demonstrated that there was generally less requirement that students rote learn information and a greater requirement for them to apply and integrate key knowledge.

The audit panel noted that some tasks submitted did not add up to 40 marks as outlined in the requirements for Outcome 1. Evidence of conversion demonstrating that the final scores provided to the VCAA were marked out of a maximum of 40 marks was required in these cases.

The study design clearly states as key knowledge for Outcome 1 that “*the significance of one High Court case interpreting sections 7 and 24 of the Australian Constitution.”* Teachers should note that this needs to be taught and assessed accordingly. Some schools submitted assessment materials that referred to ‘rights’, which is not relevant to the study design.

Some SAC tasks did not cover the international declarations and treaties component of the external affairs power of the Commonwealth of Australia Constitution Act 1901. Schools should look closely at the key knowledge of the outcome and ensure it is covered in their teaching and assessing. Mapping of assessment materials to the performance descriptors is vital to ensure that the assessment item is valid.

Assessment

Most schools utilised structured questions and case studies as assessment tasks. Case study materials submitted tended to be brief and featured questions with lower to medium order task words. It is recommended that some questions be incorporated including higher order task words to engage and test students’ higher order thinking skills thus facilitating a more accurate ranking of the student cohort. Task words often used in questions requiring higher order thinking such as ‘interpret’ and ‘analyse’ are listed in key skills for Outcome 1.

Outcome 2

*Discuss the factors that affect the ability of parliament and courts to make law, evaluate the ability of these law-makers to respond to the need for law reform, and analyse how individuals, the media and law reform bodies can influence a change in the law.*

**Task type option**

The student’s performance will be assessed using one or more of the following:

* a case study
* structured questions
* an essay
* a report in written format
* a report in multimedia format
* a folio of exercises.

Most schools audited utilised two SAC tasks for assessment of Outcome 2. As with Outcome 1, students should be required to apply and use knowledge rather than simply demonstrating the knowledge itself. The tasks submitted demonstrated that there was generally less requirement that students rote learn information and a greater requirement that they apply and integrate key knowledge.

Several of the SAC tasks submitted by schools incorporated questions based on the role of a parliamentary committee or a royal commission and the ability of these to influence law reform. All schools audited incorporated recent examples from within the past four years as specified in the study design.

Overall, schools incorporated key knowledge areas including judicial conservatism, judicial activism and the requirement for standing. Evidence provided by schools demonstrated that assessment materials reflected the key knowledge and key skills from the study design.

Assessment

While most schools used structured questions in the assessment of Outcome 2, one school devised a report in a written format. The school devised an assessment management program that allowed students to log in and create reports in real class time. Written report and essay formats allow students to develop skills in analysis, discussion and evaluation.

The audit panel saw examples of schools failing to map SAC tasks to the performance descriptors. Teachers should refer to performance descriptors when designing SAC tasks to ensure that relevant key knowledge and key skills are being accurately assessed.

Schools should note that incorporation of higher order skills within SAC tasks is important to achieving an accurate mark distribution within a student cohort. The key skill of synthesis is particularly useful in distinguishing high performing students.Synthesis is an application-based skill where students are required to utilise and apply information from several different sources before drawing a conclusion.