

Patent Examination Board

Foundation Certificate

External Examiner's Report

Name of External Examiner	Professor David Musker
External Examiner's institution	Queen Mary University of London
Programme(s) being examined	Foundation Certificate
Award meeting(s) attended	Award Meeting 8 February 2023

1. Programme Structure

Please comment upon:

- any particular strengths and weaknesses of the Foundation Certificate programme;
- the balance and content of the programme(s) followed by candidates;
- the coherence of programmes, and the appropriateness of syllabus content in relation to the Foundation Certificate aims;
- the suitability of methods and the adequacy of training as reflected by the standards achieved by the candidates.

I note that the Certificate program has been accredited by IPReg and assessed externally by the QAA in 2020. The examinations and syllabus are generally appropriate to the Certificate aims (though these aims could usefully be reviewed at some future point). As PEB is an examination-only body, training issues are not within the scope of this Report.

2. Standard of candidate performance

- 2.1 Is the standard of candidate achievement at Pass level and above comparable with that of equivalent Level 6 programmes and/or qualifications in similar subject areas in UK higher education institutions with which you are familiar?

YES/NO (If 'no', please state the reasons they fall short.)

Yes.

- 2.2 Are there any other points on candidate performance that you wish to raise?

Candidates overall performed well this year.

3. Assessment Process

- 3.1 In your view, are the processes for assessment, examination and the determination of results sound and fairly conducted?

YES/NO (If 'no', please state the reasons they fall short.)

Yes.

3.2 Please also comment for PEB on:

- strengths and weaknesses in the assessment process;
- the appropriateness of the assessment method (i.e. examinations) to the learning outcomes for the programme;
- the mark schemes;
- the quality and achievements of the candidates.

The assessment process involves several levels of scrutiny in setting and in marking papers, which appears to provide a commendably robust mechanism for dealing with large exam teams and supporting less experienced Examiners. The examination papers are generally suitable and the mark scheme is suitable for the Part A questions. As noted last year, in marking the Part B questions, it is important to ensure that there is enough flexibility in the scheme to assess Level 6 competencies in analysis, application to facts and writing, rather than just possession of legal knowledge.

3.3 Was the standard of assessment for the Foundation Certificate consistent with that of UK higher education establishments, where applicable, at QAA Level 6?

YES/NO (If 'no', please state the reasons it falls short.)

Please note the comment at 3.2 above. The papers themselves are fit for purpose, but the mark scheme (of Part B of each paper) should provide more scope for assessment of Level 6 (Honours Degree) characteristics such as:

- demonstrating conceptual understanding that enables the student: to devise and sustain arguments, and/or to solve problems, using ideas and techniques, some of which are at the forefront of a discipline,
- demonstrating an appreciation of the uncertainty, ambiguity and limits of knowledge,
- being able to critically evaluate arguments, assumptions, abstract concepts and data (that may be incomplete), to make judgements, and to frame appropriate questions to achieve a solution - or identify a range of solutions - to a problem,
- communicate information, ideas, problems and solutions to both specialist and non-specialist audiences.

4. Other Quality Issues

If the answer is 'no' for any of the following questions, please give details in the comment box at the end of this section.

Examination papers		Delete as applicable
4.1	Were you satisfied with the arrangements for consulting you on the structure and content of the question paper(s)?	Yes
4.2	Were your comments on the question paper(s) properly taken into account?	Yes
Marking and Standardisation		
4.3	Were you satisfied with the arrangements for your moderation of question papers?	Yes

4.4	Did you have sufficient information on the mark scheme(s)?	Yes
4.5	Did you feel that you could fairly assess the quality and consistency of the marking?	Yes
4.6	Was the quality of the marking satisfactory?	Yes
4.7	Were you satisfied with the arrangements for standardisation of examiner marking (where required)?	Yes
The Awarding Meeting		
4.8	Were you satisfied with the arrangements for, and conduct of, the Award meeting?	Yes
4.9	Were you satisfied with the decisions and recommendations of the Award meeting?	Yes
Assessment		
4.10	Was the assessment consistent with the requirements of the IPReg Accreditation Handbook, so far as you could tell?	Yes
Please detail any concerns regarding 4.1 – 4.10. One area requiring thought however is the need for re-review of the exam papers if late changes to the exam papers are made. This year, well-intentioned changes in gender in questions led to a few typos (though these should not have adversely affected candidates).		

5. Issues of Procedure

If applicable, how did procedures/arrangements compare this year with previous years? Were suggestions that you made last year acted upon? (If not applicable, please go to question 7.)

Comparable to previous years. More could have been done to review the marking criteria for part B.

6. General Comments

6.1 In your view, are the standards set at unit level for the Foundation Certificate appropriate for qualifications at this level in this subject?

YES/NO (If 'no', please state the reasons they fall short.)

Yes, in general.

6.2 Are there any other points that you wish to raise? In particular, PEB would welcome your comments on any aspects of exemplary practice in the area for which you act as external examiner.

PEB has dealt well with the change of Chief Examiner.

6.3 If appropriate, please provide a short statement or bullet points of any particular strengths or distinctive or innovative features in relation to standards and assessment.

PEB currently has a sound set of general principles and procedures which allow it to deal with inevitable changes in personnel, and a robust process for review and standardisation of examination marks.

Signed: Professor David Musker

Date: 29 April 2023