

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 12 February 2026

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 was 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 periodically). 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/ (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?

NO

3. Assessment Process

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

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

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 in previous years, 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 Foundation Minimum Pass Descriptor applied when marginal scripts were considered at Awarding?

YES.

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

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

However it is important to continually ensure that the mark scheme provides scope for assessment of Level 6 criteria such as critical evaluation, problem solving, using judgment, communication and so on.

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.

Question 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.		

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.)

Generally comparable to previous years. One particular problem arose: a question asked for information which was not, but should have been, on the syllabus. The issue was appropriately compensated in the marking process. However, it appears to me that Examiners should be encouraged to make a more thorough review of the syllabus each year – at present, the process concentrates on looking at what has changed in the past 12 months, so that any errors which avoid detection initially will propagate indefinitely. I note also that the learning resources referred to in some of the syllabi are out of date – it would be desirable for these to be reviewed as a separate exercise, perhaps in conjunction with CIPA's Education Committee.

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 If 'no', please state the reasons they fall short.)

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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.

8 Unfortunately for personal reasons I was unable to attend the Awarding Meeting this year. However I read all the meeting papers, and had no grounds for concern.

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:



Date: 24 April 2026