Formative Peer Review: Promoting Interactive, Reflective Learning, or the Blind Leading the Blind?

ANDREW NOBLE

Table Of Contents

I. INTRODUCTION ........................................................................................................ 440
II. WHY USE PEER REVIEW? .......................................................................................... 443
III. METHOD OF THE STUDY ....................................................................................... 445
IV. INITIAL STAGE – FINDINGS AND DISCUSSION ..................................................... 448
V. SECOND STAGE – INTERVENTION, FINDINGS, AND DISCUSSION ....................... 452
VI. CONCLUSION ......................................................................................................... 454

ABSTRACT:

The need for effective and timely feedback on learners’ formative work is widely recognised as crucial to students’ learning and development. And yet, universities across the board consistently receive adverse comments in student surveys about the quality and effectiveness of feedback, including those institutions which score highly in other aspects of the student experience. The implementation and practice of peer review as a means of formative assessment has become increasingly popular in recent years, particularly in view of expanding class sizes, leading to a number of

*Senior Lecturer in Employment Law, Anglia Ruskin University, Cambridge, United Kingdom (“UK”). At the time of writing, the author was Course Leader in Law and Practice, CU Coventry, Coventry, UK. Previously a lawyer in private practice, the author was awarded a PhD (Law) by the University of Birmingham, UK and has taught a range of subjects to undergraduate law students.

**The Editorial Board preserved the original United Kingdom spelling of certain words and phrases.

***The author would like to thank colleagues Zair Akram and Tanvi Arora for their help and support in the operational parts of the research, and John Hendy and Tracy Bradford for their ideas and comments on early versions of the paper. The author is deeply indebted to the students who participated in the project but, by the conventions of research, must remain anonymous. Their cooperation and patience throughout the process is nonetheless appreciated. Thanks go to all the delegates at the Detroit Mercy School of Law Symposium on The Impact of Formative Assessment: Emphasizing Outcome Measures in Legal Education, for their critical and constructive views which have helped to shape this final version. Final thanks go to the organising committee of the Symposium for their outstanding hospitality, and to the Editorial Board of the Law Review for preparing the paper for publication.
studies on this activity. The existing studies have revealed positive benefits of peer review, including improved interactivity, enhanced critical and analytical skills, and encouraging a reflective approach to one’s own work. The studies have also exposed negative perceptions of peer-review processes, predominantly in terms of the validity, reliability, bias, and fairness of being assessed by one’s peers. In this paper, I analyse the use of peer review for the assessment of formative work amongst a group of undergraduate law students. The study uses an empirical qualitative approach in seeking to measure both the perceived and actual effectiveness of formative peer review amongst a subject specific but academically diverse group of learners. The results of the study support some of the theoretical models and findings of previous studies regarding both benefits and detriments of peer review, but also showed a divergence from previous research in a number of important respects. The study considers the implications of these divergent traits for the students’ learning experience.

INTRODUCTION

Anyone who has been involved in the teaching of learners on any subject at any level appreciates the crucial importance of feedback to students’ learning and development. Previous studies in the use of feedback in a higher education context have clearly demonstrated that efficient and timely feedback is regarded as essential for effective learning.\footnote{Paul Ramsden, Learning to Teach in Higher Education 194 (1992); Paul Black & Dylan Wiliam, Assessment and Classroom Learning, 5 Assessment Educ. 7, 47–52 (1998) (citations omitted); John Hattie & Helen Timperley, The Power of Feedback, 77 Rev. Educ. Res. 81, 102–04 (2007) (citations omitted); Maddalena Taras, Summative and Formative Assessment: Perceptions and Realities, 9 Active Learning Higher Educ. 172, 173 (2008).} And yet, despite its significance to students’ learning and achieving successful outcomes of that learning, feedback is one area of the student experience which regularly receives negative or adverse comments from students themselves.\footnote{Alf Lizzio & Keithia Wilson, Feedback on Assessment: Students’ Perceptions of Quality and Effectiveness, 33 Assessment & Evaluation Higher Educ. 263, 266–73 (2008); Anastasiya A. Lipnevich & Jeffrey K. Smith, “I Really Need Feedback to Learn:” Students’ Perspectives on the Effectiveness of Differential Feedback Messages, 21 Educ. Assessment Evaluation & Accountability 347, 348 (2009) (citations omitted); David Nicol, From Monologue to Dialogue: Improving Written Feedback Processes in Mass Higher Education, 35 Assessment & Evaluation Higher Educ. 501, 501 (2010).} This is the case for all universities, even those who otherwise score very highly in other aspects of the student experience, in surveys and other means of capturing students’ perceptions of their learning.\footnote{Carly Minsky, Student Experience Survey 2016: University Reviews, TIMES Higher Education (March 17, 2016), https://www.timeshighereducation.com/student/news/student-experience-survey-2016-results.} With ever-growing pressure on universities to deliver higher quality standards in education,
FORMATIVE PEER REVIEW

Summer 2017]

universities are naturally concerned to improve all aspects of the student experience, including the quality of feedback which students receive. Feedback, in this context, is taken to mean “anything that might strengthen the students’ capacity to self-regulate their own performance,” and consequently the focus of universities and those who teach in them is on “formative” feedback.

One form of formative assessment growing in popularity across many higher education institutions is peer review. Put at its simplest, this is “the evaluation of work by one or more people of similar competence to the producers of the work.” The idea of peer review is, of course, not a new one. As Mulder et al. point out, this is a process which is very familiar to scholars in connection with publication of their own work or that of colleagues but, until recently, was not commonly used as a means of assessing students’ work. Despite its relative novelty in mainstream student teaching and learning, there is a substantial and growing body of literature which suggests that peer review may have benefits to higher education students as part of the feedback process. One of the objectives of this study is to explore some of those perceived benefits in a particular educational setting.

The increasing use and popularity of peer review amongst students enrolled in undergraduate degree courses can be attributed to two main reasons. First, there is apparently a widespread, generally negative, view of traditional tutor

feedback taken by students across faculties at all universities. Reference has already been made to the fact that satisfaction with feedback often scores very low on student surveys even amongst universities which normally boast high satisfaction rates on other aspects of the student experience. This has led, according to one, possibly apocryphal, anecdote to some universities resorting to the desperate measure of displaying a visual cue whenever formative feedback is about to be provided, so that students are in no doubt that whatever activity is about to take place constitutes feedback. The second reason for the growing use of peer review is said to be the increasing numbers of students per teaching group creating pressure on universities to accommodate the varied needs of both traditional and non-traditional students, and to increase revenue. Giving good quality feedback is made more difficult by ever increasing numbers of students, so that it becomes progressively more difficult to give the high levels of quality individualised feedback that students require and come to expect in an ever more demanding world. The introduction of peer review amongst students is seen as a way of addressing those growing demands.

The study which forms the subject of this article was carried out in an attempt to evaluate the efficiency and effectiveness of peer review as a means of formative assessment in a higher education institution faced with the pressures already identified. The account of the outcome of the study is divided into five sections. In Part I, after this introduction, I consider the theoretical underpinnings of peer review as a means of formative assessment. This includes a consideration of the relative advantages and disadvantages of peer review as outlined and identified in the existing literature. Part II outlines the method employed to carry out the study, which was mainly qualitative with a small measure of quantitative analysis included. Part III considers the findings of the initial stage of the study. It was something of a surprise that the study developed into a two-stage process, as this was certainly not envisaged at the outset. The first phase of the study led into a second part of the study, which included a particular intervention. In Part IV I analyse the findings of the study which were generated as a result of this intervention. The number of unexpected findings and change of directions during the course of the study led me to consider sub-titling the study “formative assessment with a twist.” No doubt to the relief of all, I have resisted that temptation. Nevertheless, the study produced a number of surprising and unexpected outcomes, which I dis-


11. Conversation between the author and a fellow delegate at the Association of Law Teachers’ Annual Conference, Northumbria University Law School, Newcastle upon Tyne, March 21, 2016. The fellow delegate, who would prefer to remain anonymous, was a lecturer in law in a Law School at a University situated in the North of England.

12. Gibbs & Taylor, supra note 4, at 111.
cuss during the course of the paper. In the Conclusion, I draw together the themes
of the study, reach some conclusions, and suggest some further areas for research.
I will commence with a consideration of the existing literature in this
growing field of educational study.

I. WHY USE PEER REVIEW?

Although there is a substantial body of literature now established in this
area, most of the previous studies are either of a general nature or focus on a spe-
cific discipline, such as statistics. A notable exception was the work of Mulder et
al., which looked at students from four diverse disciplines at three different lev-
els. However, there do not appear to be any previous studies which focus on or
involve law students at any level in the United Kingdom, although there have been
some recent studies in the United States involving some use of peer review
amongst law students. It was anticipated that this study would provide some ad-
ditional insight into whether peer review would provide an efficient and effective
means of formative assessment and feedback, and whether the educational models
of formative peer feedback would apply to law undergraduate students in the same
way as they do to students of other disciplines.

In general terms, Sadler’s theory explaining the relationship between
feedback and student learning suggests there are three necessary conditions for
feedback on formative assessments to benefit learners. These conditions are: 1)
students must have knowledge of the standard or goal to be achieved by the as-
essment; 2) students must assess their own work against that standard or goal of
good performance; and 3) students must take action to improve their work to meet
that standard or goal, and thereby close the gap between their present work and
what is expected. This is, of course, a model of format

ive assessments generally and is not specifically about peer review. However, a study of peer review as a
means of formative assessment will need to have this long-standing model in mind
when designing and measuring the outcomes of that study. The whole idea of
formative assessment is to benefit the learner, and so an intervention which does
not meet these criteria is unlikely to benefit the learners in any way. Gibbs and
Taylor make the point, which Sadler himself recognised, that this theoretical model
is more readily applicable to qualitative work rather than assignments with simple

13. E.g., David S. Kreiner, A Mastery-Based Approach to Teaching Statistics Online,
14. Mulder et al., supra note 8, at 159–60. The disciplines were Environments, Infor-
mation Systems, Zoology, and Engineering. The students whose work was reviewed were
studying at first year, final year, final year, and postgraduate level, respectively. Id.
15. Andrea A. Curcio, Gregory Todd Jones & Tanya M. Washington, Does Practice
Make Perfect?: An Empirical Examination of the Impact of Practice Essays on Essay Exam
A. Curcio, Empirical Evidence that Formative Assessment Improves Final Exams, 61 J.
LEGAL EDUC. 379, 387 (2012).
16. D. Royce Sadler, Formative Assessment and the Design of Instructional Systems,
18 INSTRUCTIONAL SCI. 119, 121 (1989).
“correct/incorrect” responses. This is, however, a positive factor for studying the discipline of law, as this is well known as a field where there are very few “right” or “wrong” answers. Often responses are matters of opinion or interpretation, upon which it is possible to disagree and still be “right.” Jonsson, building on Sadler’s theory, makes the point that in order to be productive, feedback should not only come exclusively from a tutor, but could and should be facilitated by students. This extends the field of investigation into formative assessment into the realms of peer review.

From the literature that focuses specifically on peer review, it is possible to draw out a number of perceived advantages of this activity as a means of formative assessment. Peer review is seen as an opportunity for students to comment upon, critique, and suggest amendments to other students’ work. As such an exercise it has the advantage of promoting interactive learning within the group of students involved by allowing them to consider and evaluate each other’s work and provide their own feedback to each other. This should not be seen as a substitute for tutor feedback, but an opportunity to receive more detailed constructive feedback from one’s own peers. Peer review of students’ work also has the advantage of developing the critical analytical skills of all the students involved in the activity. Another perceived advantage of peer review is that, not only does it promote critical thinking and evaluation of the work of others, but also promotes reflective learning in one’s own work. By identifying errors and problems in the writing of other students, peer reviewers can become more adept at practicing evaluation of and justifications for their own work. On a more pragmatic level, Nicol considers that peer review is one of the ways in which the quality and the nature of feedback dialogue can be enhanced when student numbers are large without necessarily increasing demands on academic staff.

The idea of peer review as a means of formative assessment is not without its critics. An obvious disadvantage is that such a method of assessment is difficult to manage with larger groups of students. This is largely due to the organisation involved in ensuring that all students’ work is reviewed by at least one peer, and

17. Gibbs & Taylor, supra note 4, at 112 (citing Sadler, supra note 16, at 121).
19. Liu & Carless, supra note 9, at 280.
22. Nicol & Macfarlane-Dick, supra note 5, at 199–200 (citations omitted); Liu & Carless, supra note 9, at 281, 289 (citations omitted).
24. Nicol, supra note 2, at 509. Peer review was not the only method suggested by Nicol by which this dialogue could be enhanced.
also so that all students are aware of what is required of them in peer review. Although technology is available to make the task of peer review easier to manage, this is by no means a guarantee that it will do so, and this too relies on the students being familiar with the use of the technology. Other scholars’ studies have suggested that the evidence on peer review as formative assessment is inconclusive on the question of whether it improves students’ performance in subsequent assessments.

By far the biggest perceived disadvantage is that students are reluctant to evaluate, comment upon, or critique the work of a fellow student due to concerns about validity, reliability, bias, and fairness. Students, on the whole, have little or no faith in their own ability or that of their peers to provide feedback that is of sufficient quality to be of value to the receiver of that feedback. Students do not see what gives them the skills, qualification, or experience to comment on fellow students’ work. In addition, students will often perceive that the provision of feedback is “the tutor’s job,” and so feel frustrated at what they see as having to teach themselves. In contrast to this point, however, Price et al. argue that it is learners themselves who are in the best position to judge the effectiveness of feedback, although they may not always recognise the benefits peer review provides. On this view, it is the pedagogic literacy of the students that is key to the evaluation of feedback and the feedback processes.

It was against this theoretical framework, with its perceived advantages and disadvantages, that the study was carried out. The objective was to measure the data against the theories in order to assess how the model stood up to testing when applied specifically to law students. It was anticipated that the data would either support or undermine the suggested advantages and disadvantages, in order that a judgment could be made about the validity of those views. An analysis of the data follows in subsequent sections, but first I turn to how the data was collected.

II. METHOD OF THE STUDY

With the background of previous studies in mind as a framework, the study was launched at a small higher education establishment based in the Mid-
lands of England. The institution where the study was conducted forms part of a larger higher education organisation but operates as the “widening participation” arm of that larger organisation. This means that the student body at the establishment where the study took place presents a wider diversity of academic ability than may be the case at other institutions. As the study was to involve the active participation of the students at the institution, ethical approval for the study was sought and granted prior to data collection being undertaken. I am grateful to the ethics committee of the institution involved, as well as to all the students who participated in the study for their cooperation and assistance throughout.

I decided to take a mainly qualitative approach to the research as I was interested in the thoughts, opinions, and beliefs of those directly involved in the peer-review and feedback process, and the adoption of a qualitative approach is more conducive to that sort of inquiry. In the initial stage of the study, students from all four years of the law and practice programme operated by the institution where the study was based were involved. Students from four years of study were included because the establishment’s programme also includes a foundation year of study in addition to the standard three-year law and practice degree. The foundation year is a pre-degree, one-year course designed to raise weaker students to the same academic level as a first-year degree student. The hope is that after completion of the course, the foundation-year student will go on to enrol in the first year of the full Law Degree course. The group sizes for the initial stage of the study were determined by the number of students enrolled into each of the four years of the programme. These groups varied in size from twenty-five to thirty-five. The groups were all mixed groups with a mix of gender, ages, and ethnic minority backgrounds, which was representative of the general student population across the institution as a whole.

The first task set for all four-year groups was for every student to undertake a short, formal piece of writing on any topic that was connected to the law. The piece could be on something that was controversial or topical at the time, something connected with their course, or simply some topic of general interest to the student. The objective was for each student to produce some written piece that was not going to be assessed formally or count towards his or her final grade for the module he or she was studying. This way the students would not feel inhibited in the contents of their piece and the aim was simply to get the student to write something that would then form the basis of the peer review. The initial piece of

32. “Widening Participation” (WP) is one of the strategic objectives of the Higher Education Funding Council for England (HEFCE) and is an attempt to increase the numbers of young people from under-represented groups, such as low-income families, people with disabilities, and ethnic minorities, entering higher education. The students attending the institution where the study took place are predominantly from one or more of such under-represented groups. See Tackling Inequality, HIGHER EDUC. FUNDING COUNCIL FOR ENG., http://www.hefce.ac.uk/sas/inequality/effect/ (last updated June 1, 2017).


Summer 2017] FORMATIVE PEER REVIEW 447

writing was to be relatively short, with a word count of up to 500 words. This work, when completed, was to be uploaded to the commonly available pages of the institution’s virtual learning environment (“VLE”). This meant each student’s work was visible for all other students in that cohort to see. Only students in the same group as the submitting student could see the work. Students from other years could not see the work of the submitting student.

Peers within the student’s group were then invited to leave feedback and comments on the submitted work, through the VLE either by way of a shared forum or through the “grademark” system on the turn-it-in link through which the work had originally been submitted. Students could comment, critique, or amend as many pieces of submitted work as they liked, so long as every piece of work was reviewed and commented on at least once, and every student commented on at least one piece of work. This was monitored by the module tutors for each year and by the researcher. All students were required to read the feedback left on their work and provide either additional comments in response or, at least, some acknowledgement that they had received and seen the feedback. This had to be taken on trust to some extent, as this could not be properly monitored. However, in practice, all students received some feedback and acknowledged having done so. The aim of this exercise was to accustom the students to receiving feedback in an environment where no marks were being allocated and nothing hinged on the content of either the work or the feedback.

The next stage of the study came within two weeks of the initial exercise. This involved the next piece of summative coursework, which all students were required to hand in. This piece of coursework was to be subjected to mandatory peer review. Bearing in mind one of the main criticisms of peer review was the questionable ability of the students to judge other students’ work, there were measures put in place to ensure the students were not left feeling “high and dry” on this occasion with no tutor input. There was an option for tutor review of the work, in addition to the peer review, prior to submission.

Consideration was given to the amount of guidance which ought to be provided to the students when carrying out the peer review. Much of the literature suggests that students undertaking peer review of other students’ work ought to be provided with some sort of exemplar, model answer, marking rubric, or answer key. 35 Although this was considered as a course of action, it was ultimately rejected for two main reasons. First, the peer reviewers were also required to undertake the same piece of coursework as those students whose work they were reviewing. To provide the students with a model answer or marking guide would defeat the object of the assessment and would lead to skewed grades when it came to awarding a formal mark for the summative assessment by the tutor. Second, in keeping with some of the concerns expressed in the literature, 36 one of the difficulties with sup-

plying model answers is one of integrity. There would always be the temptation, particularly for the less able students, to regurgitate the model answer as his or her “answer” and thus gain an unfair advantage over other students. Instead, all peer-reviewing students were simply offered advice on providing formative feedback, not to be unduly or unnecessarily critical, and to concentrate more on elements such as structure and grammar, punctuation, referencing, and so on, rather than on substantive content, although comment could be made on this too.

After the work was marked, semi-structured interviews were carried out with a sample number of students from each group. Following the advice of Hoinville and Jowell that a decision on sample size had to be based on experience and good judgment rather than a mathematical formula, a sample of three students from each group, making a total of twelve participants, was chosen. The participants were chosen based on those who volunteered. The participants comprised of six females and six males and were representative of a range of backgrounds and academic abilities. All participants were advised that the reporting of the interviews would be anonymous and of their right to withdraw from the interview before it commenced or at any time during the interview. All provided their written consent to participate in the interview. The interviews lasted between twelve and eighteen minutes and were digitally recorded, with the consent of each participant. All twelve participants were asked the same five questions, namely, how they felt about the process of peer review; what, if anything, did they gain from the experience; did they feel competent to provide feedback on other students’ work; did they feel that their work had improved as a result of the formative assessment in this way; and whether feedback through peer review should supplement or displace tutor feedback. The answers to the questions were recorded and transcribed shortly after the interviews took place and manually content coded. The data were then subjected to thematic analysis in respect of their relevance to the theoretical framework of the study.

As a result of the unexpected path that the research took, the interviews were repeated approximately three weeks later, but only with the six participants representing the foundation and first-year students, for reasons that will be explained in the next sections. The second series of interviews were also digitally recorded and transcribed in the same manner as the first. That data too was analysed in the same way as the first set and the findings discussed in the following two sections.

III. INITIAL STAGE – FINDINGS AND DISCUSSION

In this section, I will discuss the findings of the initial stage of the research. The research took a number of unforeseen turns from the initial vision. Some of these unexpected turns of events proved more of a nuisance, whereas others resulted in some interesting findings.

The first difficulty that was encountered was one of technology. There were problems with the VLE which frustrated the objectives of the initial part of the study. The issue that was encountered was that when one student posted his or her work onto the VLE, this work then overrode and removed all other work posted onto the relevant page. This meant that the work from that student could be peer reviewed and feedback given by all other students in that group, but no other student’s work could. Subsequent postings had the same effect and overrode the previously submitted work. This meant comments posted on the previously submitted work disappeared, replaced by another student’s work, giving the original author no opportunity to take on board or respond to the feedback. It also meant that only one student’s work at a time could be reviewed and feedback given. This somewhat undermined and inhibited the giving of the swift and timely feedback the peer-reviewed formative feedback was designed to achieve. On further investigation by those with far superior technical knowledge to my own, it transpired that this “should not have happened,” and was due to a fault in the system. This experience, however, caused me to consider the use of alternative means of posting the feedback, such as Wiki or Facebook, which other researchers have discovered can be used to good effect with appropriate training.

Although the technical problems were something of an annoyance, they were not the thing which caused the most interest from the study. When the tasks for participation in the study were first explained to the students, a considerable number of students asked questions along the lines of “how am I qualified to comment on another student’s work?” or “how is s/he qualified to comment on my work?” This response was especially noticeable amongst the students lower down in the institution, particularly those in the foundation year and first year degree students. These comments were made even before the short piece of informal writing exercise had been undertaken. However, similar sentiments were expressed in subsequent participant interviews. The following comments were not untypical of some of the responses to the interview questions:

I have to admit, when I first heard the idea, I was a bit sceptical. I thought, ‘How can other students judge my work and give me constructive feedback in the way [the tutor] can?’ It seemed a bit of a mad idea to me.

Participant 6, First-year student

I was a bit worried about it all. I did not feel confident in giving my colleagues feedback on their work. [X] is much cleverer than I am and . . . knows a lot more than I do, so I could not give him any feedback that would help – I’d feel embarrassed. And then I thought ‘Is that not your job?’

Participant 2, First-year student

Whilst this appeared to be the prevalent view of the foundation and first-year students, this was not the case for those students higher up the institution in the second and third-year. These students generally seemed to appreciate and take on board the feedback of their peers and also had more confidence in their own ability

to comment on the work of others. Even here, there were some detractors, as the following interview extract shows:

I was not convinced this was a good idea or a good way to give feedback. Why should I take any notice of what [X] thinks of my work? No offence, but isn’t that what you get paid for, to give us feedback on our work?

Participant 7, Second-year student

However, this was not the view of the majority, who were generally supportive of the idea and thought that it would be beneficial. The following two extracts from the interviews illustrate the point:

I think it is a great idea. It is good to get the feedback of the other students. I always get friends in the group to proof-read my work before I submit it anyway, so what is the difference? . . . I suppose the difference is that the feedback is more formal and more detailed, but I think it should be encouraged.

Participant 9, Third-year student

I have no problem making comments on other students’ work. Mind you, I am pretty critical anyway, both of my own work and other people’s; so I suppose it’s all the same to me. But it is good to know what other people think of our work as well.

Participant 10, Third-year student

This general discontent and lack of confidence in the students’ own ability to accept the feedback of peers or give feedback to peers in the lower years of the institution was reflected in the take-up of the option to seek tutor feedback on summative work before submission. With some exceptions, very few of the second and third-year students took up the option of receiving tutor feedback on their work before submission. There were fewer students from the third year than the second who took up this option, in keeping with the general pattern that the higher up in the organisation the less likely a student would rely on tutor feedback. For the years lower down the programme, the first and foundation years, almost all students took up the option of tutor feedback in addition to peer feedback. This additional reliance on tutor feedback, even where peer feedback has been provided, is in keeping with the findings of previous studies. \(^40\) The findings of previous studies also confirm that this lack of belief in one’s own ability and that of one’s peers to give feedback in a suitable and responsible manner is much more noticeable in first year students. \(^41\) It was no real surprise that lower level students were more reliant on the tutor.

What was something of a surprise was that some of the students valued peer review and thought that it had improved their work. All of interviewees who

\(^{40}\) Gibbs & Taylor, supra note 4, at 114.

\(^{41}\) Duncan D. Nulty, Peer and Self-Assessment in the First Year of University, 36 ASSESSMENT & EVALUATION HIGHER EDUC. 493, 497 (2011); Markus Mostert & Jen D. Snowball, Where Angels Fear to Tread: Online Peer-Assessment in a Large First-Year Class, 38 ASSESSMENT & EVALUATION HIGHER EDUC. 674, 681 (2012). By implication, this should also apply to foundation year students, but the studies cited only looked at first year groups of students.
said they thought the peer-review and feedback exercise was worthwhile also believed that it had improved the quality of their work in terms of both content and style, and they had been able to learn from the views of others. Two of the interview participants said:

Yeah, it was really helpful getting feedback from someone else. I guess we all like think our work is great but we don’t always see it as other people see it. So, it was useful to get another perspective and that helped me to make changes to my work that would have boosted my grades.

Participant 10, Third-year student

I think it helped, definitely. There were a couple of things that [X] picked up on that added something to my work, or I had not explained something very clearly or even just silly typos. It gave me the chance to change things before I submitted and the work was marked.

Participant 11, Third-year student

The higher-level students as a whole, and certainly those who participated in the interviews, generally accepted the views of others, and had the confidence to critique the work of others themselves. Some received fairly unhelpful feedback comments, as the following extract illustrates:

I read my feedback on the work and all it said was ‘it was alright.’ That was it. That is not very helpful. I don’t want ‘alright,’ I want ‘great’ or ‘amazing.’ But seriously I felt a bit let down by that, as I had put a real effort into the feedback I gave to other people.

Participant 5, Second-year student

The extract from the interview above also identifies a concern of some students in this study, echoed from previous studies, which found that not all students made the same effort as others, as a result of which they produced feedback which was unhelpful and devoid of any real content. However, in this study, this was a criticism made by only two of the interview participants.

Although the majority of students who expressed a view felt that the feedback helped them to improve their marks, it was not possible to make a causal connection between the peer-review feedback and an actual increase in marks. Purely on a very crude and unreliable indicator of comparison with marks from previous coursework of a similar type, it was possible to identify students who had taken on board and used the peer reviewer’s feedback and who had seen an improvement in their marks. However, caution should be exercised in claiming too much at this stage for the formative feedback, as there could be any number of other reasons for the increased mark achieved by the student.

Nevertheless, these initial findings were quite encouraging and gave my colleagues and I food for thought on how we could harness the positive findings from this study to address some of the more negative aspects. Particularly striking was the disparity between the students higher up the institution, who were largely positive about their experience, and those lower down, who were generally less positive. This led us onto the unexpected “twist” that arose from this study – the

42. Mulder et al., supra note 8, at 164–65.
introduction of student interns to the position of “peer” reviewer for the students lower down in the organisation. The intervention of the student interns and the impact that it had on formative assessment are discussed in the next section.

IV. SECOND STAGE – INTERVENTION, FINDINGS, AND DISCUSSION

The institution had already been using student interns to assist lecturers with teaching and learning activities long before this study commenced. Four second and third-year students were in post to help in the teaching sessions with student learning activities such as moots, group projects, debates, and so on, with students in the foundation and first years. Given the apparent general confidence with formative peer review of the third-year students, and to a lesser extent the second-year students, and the general lack of any faith in the process by the foundation and first-year students, it seemed to be logical to bring the two together. So, the interns, with their express agreement, were nominated to act as “peers” to the students in the lower levels of the institution for the purposes of giving formative feedback. Strictly speaking, of course, the interns are not the “peers” of the foundation and first-year students as they are not of “similar competence,”43 but the interns are still students rather than tutors. What is more, the interns are students with experience of the legal writing process, are aware of what might be expected of students in terms of quality, content, and style, and, most importantly, are students who are comfortable with providing formative feedback on another students’ work. For the second stage of the study, therefore, the student interns acted as peer reviewers for the foundation and first-year students. As the interns were themselves second and third-year students, it was not deemed appropriate to set them apart from the rest of their peer groups, although the formative peer-review exercises continued.

The impact of the student interns on the peer-review process was noticeable almost immediately. The lower-level students became as confident in review by the intern as they were with tutor, if not more so in some cases. When asked if they could explain this in the second round of interviews, two of the participants said the following:

I don’t know, I suppose I have just got more used to the whole thing but having [X] there to review the work and give me feedback is a great help. [X] has given me advice about the content, how to structure it, how to reference properly; it has been really useful.

Participant 3, Foundation-year student

[X] was really great . . . so helpful and helped me to understand a lot more. [X] can explain things from a student’s perspective, not the tutor’s, so I can understand a lot more than if a tutor explains it.

Participant 1, Foundation-year student.

This new-found belief and confidence in the peer-review process now that the interns were acting as peers, translated also into fewer students at lower levels seeking tutor review and feedback on their work. Prior to the intervention of the interns, almost all the first and foundation-years’ students sought tutor review. After

43. Double Blind Peer Review, supra note 7; see Sims, supra note 7, at 105.
the intervention, tutor reviews were reduced to just over fifty percent, with only twenty-six out of a potential fifty-three students seeking review by a tutor before submission. In the interests of balance, it should be pointed out that the number of reviews overall also reduced slightly, with only twenty-three students from across the foundation and first-year seeking a formative assessment of their work from an intern. However, these results tend to show that after the intervention of the interns, lower-level students were almost as comfortable with peer review by an intern as they were with review by a tutor. This seems to contradict the findings of some earlier studies, where students retained a clear preference for tutor review, although in those studies there was no intern intervention.\footnote{Carless, supra note 10, at 225–26.}

There was also some evidence of improved outcomes after the intern intervention. Certainly, there was a marked increase, by up to ten percent in some cases, in the students’ marks compared with similar pieces of coursework in modules where there had been no intervention. As before, however, a note of caution should be sounded. The evidence establishing a direct link between the introduction of the intern and the improvement in student’s marks is, as yet, purely circumstantial. Whilst any increase in the marks of a student is always welcome, this may have come about as a result of natural improvement and development of the student through the learning process, more of an aptitude for certain subjects, or any one of a number of reasons. It is true to say that the students who took part in the interviews felt the formative review had contributed to their improved marks. Two of the participants said:

Yeah, I feel that I am getting better all the time. It has certainly helped having [X] come in and give us feedback on our work. That has really worked for me. I feel that I now have a much better idea what I am doing.

\textit{Participant 4, Foundation-year student.}

The peer review has been really useful for me. I feel that I have got better but I would not be able to do it without having someone there to look over my work. I am never confident that I have got it right, but my marks have gone up a lot since we started to get feedback before we submit.

\textit{Participant 8, First-year student}

This “feeling” of improvement reflects some of the findings of earlier studies. Mulder \textit{et al.} reported that in their study the “majority of students felt that their written work had improved.”\footnote{Mulder et al., supra note 8, at 166.} This view is supported by an earlier study which found a similar result.\footnote{Mei Ting & Yuan Qian, \textit{A Case Study of Peer Feedback in a Chinese EFL Writing Classroom}, 33 Chinese J. Applied Linguistics 87, 93 (2010).} However, both of these studies, like this one, report only that students “feel” their work is improving. Confidence can go a long way, and if students feel they are improving, they may well do so. However, on the basis of this study, it is a leap too far on this evidence to be able claim that formative peer review has actually increased the marks of students. The best that can be said is there is a correlation between introducing formative peer review, and especially the
later introduction of the student interns, and a general increase in the students’ marks and a common feeling that students are improving. Even this diverges from the result of some studies, however, which found only an inconclusive link between peer review and improvement in students’ work and grades.\(^{47}\)

Overall, as a result of the second stage of the formative peer-review process, the higher level of students showed themselves to be much more receptive to the idea of formative peer review than the previous studies might have suggested was the case. The higher-level students have generally been very open and receptive to the idea, with some exceptions. Whilst, as might have been expected from previous studies, the lower-level students were against the idea, they too have generally come to accept the concept, so long as their “peer” is higher-level student. This was probably the most surprising outcome of the whole study.

V. CONCLUSION

There are a number of lessons that can be taken from this study. The first is that for a successful formative peer-review and feedback process to operate, it is necessary to ensure that one’s technology system is “up to the job.” In this case it was not, although this was a system fault and was nothing that was caused by the students, who did their best to manage as best they could. Consideration should be given to either running pilot schemes before launching the peer review to make sure the system can cope with the demands placed upon it, or changing the form of technology media used to Wiki or Facebook or an equivalent. As previous studies have shown, such a choice of media may require further training on the part of the students and the tutor.\(^{48}\)

Creating a process of formative assessment by peer review, on the face of it, appears to fit within Sadler’s criteria for efficient and effective formative assessment.\(^{49}\) The point where this breaks down is in its implementation into the classroom. The idea appears, on the findings of this study, to work well for some students, who see and embrace the benefits of such an approach, but not so for others, who have a more negative view, largely based on their lack of confidence in taking or giving feedback, whether positive or negative. On the findings of this study, this division appears to show itself along the lines of age and experience. The higher-level learners appear mostly to welcome the idea of formative peer review, but those students lower down in the institution still labour under the burden of the belief that formative assessment is entirely the tutor’s responsibility. This particular difficulty may be overcome if the idea of formative peer review can be “sold” to new students soon after they commence their course. It becomes much more difficult to remove negative perceptions of feedback once they become entrenched. This may be possible by improved training for all students, but further research would be necessary to discover what form that training may take and how it is possible to “sell” the idea to students.

47. Gibbs & Taylor, supra note 4, at 117–18.
49. Sadler, supra note 16, at 121.
One surprising outcome of this study was not only how receptive the higher-level students were, but also what a difference it made to the lower-level students once the higher-level students were introduced in the form of student interns. Whilst lower-level students are likely to be able to relate to another student, albeit a higher level one, easier than to a much older tutor, this seems too simple an answer to explain this finding adequately. Further research should be undertaken to try to establish the effect of student interns and the role they can play in formative assessment.

There were a number of limitations to the study, and so further study may be required to develop the findings of this study or apply the findings in a different context. The students involved comprised only small groups in one small institution with relatively low student numbers. Part of the study was premised on the fact that student numbers are increasing, and so more research is necessary to see if these ideas can be transferred to larger groups of students. The study was confined to students studying law, albeit different modules of law at different levels of study. Nonetheless, the students studied in this research were confined to one discipline, much like many other studies in the field of formative peer review. It may be that some findings are discipline-specific, but it is beyond the scope of this study to seek to establish whether that is the case. The students who formed part of the study come from a very divergent population in terms of academic ability. It has not been possible to establish a link between the findings of this study and the nature of the students, but if such a link exists, this will have crucial implications for how formative peer review is operated in the future, at least on this course. Finally, the fact the peer review is taking place under the supervision of the tutor who is marking the work may lead to the possibility of bias in how the feedback and results of the study are viewed. I would recommend that further studies be undertaken in this field with larger and more disciplined diverse groups of students using tutors who are not involved in delivery and assessment.