LLM Dispute Resolution

PgCert Dispute Resolution

Programme Specification

Primary Purpose

Course management and quality assurance.

Secondary Purpose

Detailed information for students, staff and employers. Current students should refer to the related Course Handbook for further detail.

Disclaimer

The University of Portsmouth has checked the information given in this Programme Specification. We will endeavour to deliver the course in keeping with this Programme Specification; however, changes may sometimes be required arising from annual monitoring, student feedback, review and update of units and courses. Where this activity leads to significant changes to units and courses, there will be prior consultation of students and others, wherever possible, and the University will take all reasonable steps to minimize disruption to students. It is also possible that the University may not be able to offer a unit or course for reasons outside of its control, for example; the absence of a member of staff or low student registration numbers. Where this is the case, the University will endeavour to inform applicants and students as soon as possible. Where appropriate, the University will facilitate the transfer of affected students to another suitable course.

Copyright

Contents

Course Details

1. Named Awards

LLM Dispute Resolution

PgCert Dispute Resolution

2. Course Code (and UCAS Code if applicable)

C2635F (LLM full time)
C2635P (LLM part time)
C2636P (PgCert)

3. Awarding Body

University of Portsmouth

4. Teaching Institution

University of Portsmouth

5. Accrediting Body

Chartered Institute of Arbitrators (CIArb)

6. QAA Benchmark Groups

Law Benchmark Statement

7. Document Control Information

July 2018

8. Effective Session

2018/19

9. Author

Joanne Atkinson

10. Faculty

 Business and Law

11. Department

Portsmouth Law School

Curriculum

12. Educational Aims

- To provide an innovative and stimulating programme of study for law and non-law graduates, practising lawyers and business professionals who wish to develop their knowledge and understanding of methods and theories of dispute resolution to an advanced level.

- To enable students on this programme who hold a qualifying Law degree (LLB) to obtain a dual qualification: a Masters in Law and Membership of the Chartered Institute of Arbitrators (CIArb), subject to satisfying the CIArb's criteria and registering with the CIArb.
- To enhance the scholarship of students by developing their range of conceptual and analytical skills to enable them to understand the importance of alternatives to traditional litigation in resolving business and other disputes.
- To provide students with the relevant skills and knowledge to undertake research into dispute resolution and/or an area of law of particular interest to them.
- To ensure that research and professional expertise of staff informs the curriculum.
- To provide a challenging and stimulating study environment which will expose students to a range of legal subjects and learning tools.
- To assist in the personal development of students, maintaining close links with the CIArb and other professional bodies such as the Civil Mediation Council in order to ensure the currency of material taught and awareness of career opportunities in the field of alternative dispute resolution.

13. Reference Points

The following reference points have been consulted in the development of this programme:
- University of Portsmouth Curricula Framework Document
- Chartered Institute of Arbitrators (CIArb)
- The scholarship and research expertise of academic members of staff
- QAA Code of Practice for the Assurance of Academic Quality and Standards in Higher Education
- Framework for Higher Education Qualifications (FHEQ) National Qualifications Framework
- The Subject benchmark Statement for Law (SBS) – although this is only available for undergraduate programmes the course team is aware of the level and coverage of this statement
- The recommendations and feedback from external examiners of the University's existing postgraduate law programmes through annual reports, unit reports and scrutiny of samples of work, assessments and procedures

14. General Learning Outcomes

Level 7

Master's degrees/Postgraduate Certificates/Postgraduate Diplomas are awarded to students who have demonstrated:
- a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of their academic discipline, field of study or area of professional practice
- a comprehensive understanding of techniques applicable to their own research or advanced scholarship
- originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline
- conceptual understanding that enables the student:
  - to evaluate critically current research and advanced scholarship in the discipline
  - to evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses

Typically, holders of the qualification will be able to:

- deal with complex issues both systematically and creatively, make sound judgements in the absence of complete data, and communicate their conclusions clearly to specialist and non-specialist audiences
- demonstrate self-direction and originality in tackling and solving problems, and act autonomously in planning and implementing tasks at a professional or equivalent level
- continue to advance their knowledge and understanding, and to develop new skills to a high level

And holders will have:

- the qualities and transferable skills necessary for employment requiring:
  - the exercise of initiative and personal responsibility
  - decision-making in complex and unpredictable situations
- the independent learning ability required for continuing professional development

15. Learning Outcomes

A. Knowledge and Understanding of:

A.1   The principal features and concepts of orthodox methods of dispute resolution via litigation and the remedies achievable via orthodox litigation.
A.2   The key features of the main forms of alternative dispute resolution (ADR) including negotiation, mediation and arbitration, and their initiation and conduct.
A.3   The relationship between domestic and international legal proceedings and ADR.
A.4   The relationship between business and consumer law and ADR.
A.5   The skills and knowledge required to plan an effective dispute resolution strategy and deliver it appropriately.
A.6   The substantive aspects of particular areas of law including EU and international business law.
A.7   The range of research methods and resources available and the research process attached to undertaking extended research in the form of a dissertation.

B. Cognitive (Intellectual or Thinking) Skills, able to:

B.1   Identify and critically evaluate the nature and significance of key developments in subjects across the programme.
B.2   Identify the relevant law and apply it to problem situations in order to provide arguable conclusions.
B.3   Synthesise, analyse and interpret information from a variety of sources.
B.4   Locate, extract and analyse legal, quantitative and other appropriate data from multiple sources, including the acknowledgement and referencing of sources.
B.5   Act independently in planning and undertaking learning tasks across the programme.
B.6   Demonstrate research and information retrieval skills in areas across the programme.
B.7   Reflect on own learning and seek and make use of feedback.
B.8   Make a critical judgement of the merits of doctrinal and policy arguments.

C. Practical (Professional or Subject) Skills, able to:

C.1   Identify and retrieve up to date legal and other information using paper and electronic sources.
C.2   Use primary and secondary sources of a legal and a non-legal nature relevant to the topic under study.
C.3   Understand and use the English language proficiently in relation to programme subjects.
C.4   Read and discuss legal and other appropriate materials which are written in technical and complex language.
C.5   Present knowledge, proposal or argument, both in writing and orally, in a way that is appropriate and comprehensible to others and which is directed at their concerns.
C.6   Use a range of IT skills to process and progress professional tasks, including where appropriate, accessing electronic databases for the manipulation and interpretation of primary

and secondary legal resources, as well as accessing spreadsheets for the manipulation and interpretation of numerical data.

C.7   Update professional knowledge using appropriate resources on the internet.

C.8   Work in groups as a participant who contributes effectively to the group's tasks.

D. Transferable (Graduate and Employability) Skills, able to:

D.1   Deal with complex issues both systematically and creatively.

D.2   Make sound judgements in the absence of complete data and communicate conclusions clearly to specialist and non-specialist audiences.

D.3   Use IT as a research, investigative and communication tool.

D.4   Read, understand and be critically aware of complex documents from own and related fields of practice.

D.5   Identify problems and use problem–solving methods in own professional practice and developing areas.

D.6   Work effectively in teams

16. Learning and Teaching Strategies and Methods

Knowledge and understanding of the legal background, orthodox dispute resolution strategies and ADR will be conveyed via a combination of lectures, seminars, group work and individual study (A.1-A.6). Where the objective is to convey to students the key principles of a given area then more structured lectures will be employed to achieve this (A.1-A.6). However, even here seminar discussion and group work – including simulation – will be used to reinforce learning.

In relation to the more discursive elements of the course, students will be given every opportunity to explore aspects of topics of particular interest to them through research and independent study (A.1-A.7). In preparation for the dissertation students will be offered a programme of structured lectures covering key aspects of research to bolster the learning they will complete via independent research (A.7).

Cognitive skills will be developed through participation in lectures, seminars, group work and individual research (B.1-B.8). The dissertation and its associated proposal will develop skills (B.1-B.8).

The students will have full access to the range of Library and other skills workshops including presentations by Lexis and Westlaw run within the School of Law. They will be provided at induction with an introduction to the Library and how its resources can be used to achieve the programme aims and individual unit learning outcomes. The development of skills C.1-C.8 is integrated into the taught units. In particular, the use of simulation and reflection on feedback across the programme will develop skills C.3, C.4, C.5 and C.8. The dissertation with its emphasis on research and independent study will also help to strengthen skills C.1-C.7.

The development of transferable skills is a core part of the learning and teaching strategy. Skills D.1-D.6 will be developed via interactive classroom discussions, problem solving activities and case studies. Simulation and reflection on performance will be used to develop D.1, D.2, D.5 and D.6. Contextual and situational presentations and independent research will help develop D.1-D.6.

17. Assessment Strategy

Knowledge and understanding of each of the units offered will be assessed through coursework, examination, simulation, presentations or portfolios. Many units combine these strategies. The interdisciplinary nature of the programme means that a number of approaches are taken within the assessment strategies including use of essay questions, problem based learning, and portfolios based on case studies (A.1–A.6).

The dissertation will allow the assessment of the students' ability to analyse and develop coherent arguments and their ability to undertake research in areas of particular interest to them from across the programme (A.6–A.7).

In terms of cognitive skills, the coursework and/or examination for each unit will facilitate the assessment of the students' ability to identify, summarise and accurately convey crucial areas of knowledge across the programme (B.1-B-3). In some units, coursework includes live simulation. The dissertation will facilitate the assessment of the students' ability to interpret, analyse and critique material and display research skills (B.4-B.8).

Unit based assessments will be used to assess skills C.1-C.8. The dissertation will assess skills C.1-C.7.

Coursework including reports, independent contextual and situational presentations plus case based group work and the dissertation will be used to assess D.1-D.6.

18. Course Structure, Progression and Award Requirements

The LLM consists of 120 credits of taught units followed by a 60 credit dissertation.

The 120 taught LLM credits comprise 3 x 30 credit core units plus one 30 credit optional unit.

On both programmes students who do not hold a qualifying Law degree (LLB) will be required to select the 30 credit unit called Legal Approach to Business.

The PgCert consists of 60 credits comprising 2 x 30 credit taught units. One of these units must be Theory of Alternative Dispute Resolution. For those without a LLB degree, the other must be Legal Approach to Business. Law graduates may select any other 30 credit optional unit from the range offered.

Each credit represents 100 hours of study time (300 for a 30 credit unit).

Recognition of prior learning is possible on both programmes.

The LLM is offered as a full time course over 12 months or a part time course over 2 ½ years. The PgCert is part time over 1 year.

Graduates of the PgCert will be offered the opportunity to top up their qualification to a LLM via the accumulation of an additional 120 credit points. These to be gained via the study of two further 30 credit taught units plus a 60 credit dissertation.

Successful accumulation of 120 credits entitles the student to an exit award of Postgraduate Diploma in Dispute Resolution.

Students who hold a qualifying Law degree (LLB) will be eligible for MCIArb status on (1) successful completion of the LLM, (2) achievement of a grade of 55% or more overall in the International Commercial Arbitration unit including 55% in the examination and (3) registration with the CIARb.

19. Employability Statement

Success on the LLM programme may lead to a professional accreditation with students who meet the qualifying criteria eligible for Chartered Institute of Arbitrators Membership status (MCIArb).

The development of the curriculum is supported by links with employers and professional bodies including the CIArb.

All postgraduate students will be invited to apply for the School of Law's mentoring programme. The mentoring panel comprises some 50 professionals (solicitors, barristers, CILEx lawyers and company secretaries) – including many of our own alumni – who have undertaken to offer one to one mentoring over the academic year.

Students will also be invited to participate in the School of Law's pro bono activities such as the General Legal Advice clinic. Students who volunteer to be involved will be given training and have the opportunity to interview and advise clients under the supervision of a practising solicitor.

Students will have access to the thriving careers programme run by the School of Law. This includes an annual Law Careers Fair, a workshop programme and a series of guest speakers. In addition, students are encouraged to take advantage of all the facilities and events offered by Purple Door.

The School of Law has built up a range of less formal relationships with relevant employers and agencies. In recent years these have provided a number of students with work placements, traineeships and permanent positions. The School of Law will continue to develop these relationships.

All students on the LLM will have a personal tutor. Personal tuition will be based around timetabled tutorial sessions and individually arranged appointments. Tutorial sessions will cover such areas as CV writing, interview skills and assessment centres as well as creating a professional identity and researching opportunities. Individual appointments will deal with personal development planning and pastoral care.

The School supports an active Student Law Society which both runs and enters many skills competitions each year (including mooting, negotiation and client conferences). Competitions are often sponsored by solicitors or barristers who act as judges, as well as coaching, writing appropriate legal problems, and provide administrative support. The School itself also organises and participates in competitions and skills exercises including internal mooting competitions sponsored by barristers chambers, and mock trials.

Course Management

20. Support for Student Learning

- The Course is managed by a Course Leader

- Extensive induction programme introduces the student to the University and their course

- Each student has a personal tutor, responsible for pastoral support and guidance

- University support services include careers, financial advice, housing and counselling

- The Academic Skills Unit (ASK) and PBS Study Support tutors

- The Additional Support and Disability Advice Centre (ASDAC)

- Excellent library facilities

- Student course and unit handbooks provide information about the course structure and University regulations

- Feedback is provided for all assessments

- Personal Development Planning (PDP) for all awards

21. Admissions Criteria

A. Academic Admissions Criteria

Applicants seeking entry to the course must satisfy the University that there is a good expectation that they will be able to fulfil the defined objectives and to achieve the standard required for the award. Applicants will be expected to have a relevant first degree or relevant experience and will be expected to possess basic numeracy skills. This will normally be the case if the applicant has one of the following:

1. An undergraduate degree with a classification of at least 2.2 in a subject area compatible with this course

2. Qualifications of national and overseas examination bodies and professional institution which are recognised as being equivalent to the above.

3. A BTEC or EdExcel Higher National Diploma of a good standard, or equivalent professional qualification, in a relevant discipline and at least three years relevant experience in employment.

Applicants who do not hold any of the above qualifications will be considered for entry on the basis of other academic, professional and/or vocational qualifications awarded by any institution or examination body recognised as equivalent to any of the above qualifications. Accreditation of prior

certificated or experiential learning (APEL) may be granted as all or part of the admission qualification.

For students whose first language is not English, IELTS average 6.5 and no lower than 6 in each category or equivalent is required

*Currently Academic Regulations: Admission to the University, AR 1.15 Release 2.4

B. Disability

The University makes no distinction in its admissions policy with regard to disability and will endeavour to make all reasonable adjustments in order to make it possible for students to study at Portsmouth on a course of their choice.

22. Evaluation and Enhancement of Standards and Quality in Learning and Teaching

A. Mechanisms for Review and Evaluation

- Course Leader's Annual Standards and Quality Evaluative Review
- Head of Department's Annual Standards and Quality Evaluative Review
- Unit and Course Level student feedback considered at Board of Studies
- Unit Assessment Board consideration of student performance for each programme
- Annual Standards and Quality Reports to Board of Studies, including consideration of Subject and Award External Examiner Reports
- Periodic Programme Review
- Student Representatives and Student/Staff Consultative Committees
- Staff Performance and Development Review
- Peer Review and Development Framework
- Faculty Learning and Teaching Committee

B. Responsibilities for Monitoring and Evaluation

- Unit Co-ordinators for unit content and delivery
- Course Leader for day-to-day running of course
- Deputy Course Leader for day-to-day running of Combined Honours route
- University Academic Contact for day-to-day running of course
- Partner Institution Academic Contact
- Board of Studies with overall responsibilities for operation and content of course
- Combined Honours Management Board
- Head of Department
- Associate Dean (Academic)
- Associate Dean (Students)
- Quality Assurance Committee
- Unit, Award and Progression Board of Examiners

C. Mechanisms for Gaining Student Feedback

- Student Representation on Board of Studies
- Student Staff Consultative Committees
- Unit and Course level student feedback questionnaires

D. Staff Development Priorities

- Academic staff undertake activities related to research, scholarship, teaching and learning and student support and guidance

- Annual staff performance and development reviews match development to needs
- Managers undertake a variety of management development programmes
- New academic staff required to undertake appropriate University of Portsmouth learning and teaching programmes
- All academic staff encouraged to seek Higher Education Academy membership
- Academic staff undertake initial and continuing professional development within the Academic Professional Excellence Framework (APEX) programme which is aligned with the Higher Education Academy (HEA)'s UK Professional Standards Framework (UKPSF)
- Support staff are encouraged to attend short courses in areas such as minute taking, and specific IT packages

23. Assessment Regulations

The current University of Portsmouth academic regulations will apply to this programme (*see Assessment and Regulations*[1]).

24. Role of Externals

Subject External Examiners who will:
- Oversee unit assessment and usually attend Unit Assessment Boards
- Review unit assessment strategy
- Sample assessment artefacts
- Present report to Unit Assessment Boards

Award External Examiners (usually also a Subject External Examiner) who will:
- Oversee and attend Award/Progression Boards
- Scrutinise and endorse the outcomes of assessment
- Ensure that the standard of the award is maintained at a level comparable with that of similar awards elsewhere in the United Kingdom

25. Indicators of Standards and Quality

A. Professional Accreditation/Recognition

Chartered Institute of Arbitrators: Recognised Course Provider January 2016-January 2019

B. Periodic Programme Review (or equivalent)

C. Quality Assurance Agency

QAA Higher Education Review, March 2015, judgements about standards and quality meet UK expectations (*for full report see Higher Education Review of the University of Portsmouth, March 2015*[2]).

D. Others

None.

26. Further Information

Further information may be found in:

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[1] www.port.ac.uk/departments/services/academicregistry/qualitymanagementdivision/assessmentandregulations/

[2] www.qaa.ac.uk/en/ReviewsAndReports/Documents/University%20of%20Portsmouth/University-of-Portsmouth-HER-15.pdf

Student Handbook

University of Portsmouth Curriculum Framework Document

University of Portsmouth Prospectus

[University of Portsmouth](#)[3] and [School of Law](#)[4] websites

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[3] www.port.ac.uk/

[4] www.port.ac.uk/aboutus/