Course Handbook

MSc Construction Law and Dispute Resolution

2019/20

Dr Francine Baker

School of Law & Social Sciences

Please read this Handbook in conjunction with the University’s Student Handbook.

All course materials, including lecture notes and other additional materials related to your course and provided to you, whether electronically or in hard copy, as part of your study, are the property of (or licensed to) UCLan and MUST not be distributed, sold, published, made available to others or copied other than for your personal study use unless you have gained written permission to do so from the Dean of School. This applies to the materials in their entirety and to any part of the materials.
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8.1 Programme Specification(s)
1. **Welcome to the course**

Welcome to the MSc in Construction Law and Dispute Resolution! The course follows the UCLan academic year starting in September of each year.

This programme uses face to face contact (where possible, at workshops and also online via tutorials on each module) combined with the efficiency and flexibility of electronic distance learning teaching and learning technology known as 'Blackboard' which is the product utilized by the University for its virtual learning environment (otherwise known as “VLE” or “elearn”).

This student course handbook is therefore intended to provide information for continuing students, new students and those who are returning for more! It should, however, be read in conjunction with School of Law & Social Sciences’s Student Handbook & also the University Regulations via [http://www.uclan.ac.uk/aqasu/academic_regulations.php](http://www.uclan.ac.uk/aqasu/academic_regulations.php)

It is important that you make yourself familiar with the course and university regulations, particularly in relation to the overall time limits for completing the course and the procedures for dealing with problems that you may encounter in completion (e.g. the availability of an application for extenuating circumstances and for suspension) although if there is any conflict in any aspect of the regulations referred to in this Handbook or any other source, then the University regulations, as published on the University website, take precedence.

It is very important that you find an opportunity to read this handbook as soon as possible. Please note that the modules on this course are not shared with other courses, as per the CI Arb accreditation.

Should you require to talk to any member of the course team, please don't hesitate to contact us by telephone, email or through the e-learn or university (@uclan.ac.uk) mailing system. For any general queries regarding Blackboard, queries regarding inability to access online materials or other technical queries regarding access to the course (including passwords etc.), please contact LIS Customer Support – telephone 01772 895355 or email:

Don’t forget that further support is available through the University eLearn Support Site (once on this page click on “Blackboard Help Guides”. The full URL for our eLearn Support Site is: [https://www.uclan.ac.uk/students/study/elearn/index.php](https://www.uclan.ac.uk/students/study/elearn/index.php)

Finally, may we wish you a successful programme of study on the MSc in Construction Law and Dispute Resolution. The final award of a Masters degree is a considerable achievement and one that you should feel rightly proud of.

Dr Francine Baker BA. LLB (Hons) MA (1st cl.) PhD Solicitor of the Supreme Court of England and Wales, Barrister & Solicitor of the High Court of Australia
01772 894228 FBaker1@uclan.ac.uk M.07482464957
on behalf of the course team.

**1.1 Rationale, aims and learning outcomes of the course**
**Rationale**
The continued national and indeed global demand for construction and legal professionals, skilled in the medium of construction law and dispute resolution remains undiminished. This fact, together with an ever increasing demand for blended e-learning provision in this subject area, given the difficulties busy professionals (sometimes based in positions overseas) have in attending traditional courses, justifies the delivery of this Postgraduate MSc.

This programme is designed for engineering, architecture and construction and legal professionals. The Course webpage is: [http://www.uclan.ac.uk/courses/msc_pgdip_pgcert_construction_law_dispute_resolution.php](http://www.uclan.ac.uk/courses/msc_pgdip_pgcert_construction_law_dispute_resolution.php) (subject to updates)

Successful completion of the course will result in a Master of Science degree in Construction Law and Dispute Resolution awarded by the University of Central Lancashire. The degree course is accredited on the adjudication route by the Chartered Institute of Arbitrators and on the domestic and international arbitration routes.

We recognise that students would usually wish to complete their studies in the shortest period of time possible, but that this is very much affected by individual students' commitments in their working and personal lives. We have therefore developed a flexible approach towards how many modules may be completed within one year.

**Aims and Learning Outcomes for the Course**

The aims of the programme are to establish and develop:

- A critical awareness of contemporary issues in construction law and dispute resolution informed by the framework of the construction, engineering and built environment sector and by leading edge research and practice
- A detailed understanding of the nature and application of construction law and dispute resolution in a wider context and to enhance negotiation, communication and problem solving skills within complex dispute resolution and interrelated scenarios
- Effective use of IT, elearning and other innovative tools, techniques and methodologies as applied to construction law, dispute resolution and the research process
- The capacity to undertake and reflect upon strategic and complex decision-making in the project management process
- Personal and interpersonal skills which can be applied to the construction law and dispute resolution process
- Relevant skills in order to pursue life-long learning and continuous development in the context of workplace practice within the subject specialism and international construction law
- The ability to identify, retrieve and assess the rigour and value of published research as the source of alternative perspectives that inform and underpin the construction law and dispute resolution decision making process and investigative research
- Creative and innovative approaches to investigative research including the review, evaluation and selection with justification of appropriate research methodologies and the communication of findings in an objective, coherent and professional manner
- Develop the student’s research methods and applications
The themes of sustainability, enterprise, employability and internationalisation are central to the course.

The following learning outcomes are intended to be met by those students who successfully complete the course programme:

**Knowledge and Understanding**

A1 Critically evaluate approaches the principles, interpretation and application of construction contract law in the context of common law, International, European Community and Environmental Law and sustainability.

A2 Comprehensively appraise the current knowledge base of subject matter viewed from relevant industrial/commercial perspectives and at a level consistent with complex and unpredictable situations.

A3 Critically evaluate a range of complex dispute resolution techniques/methodologies.

A4 Conceptually appreciate current research and advanced scholarship in the field of construction law and dispute resolution.

A5 Critically evaluate a knowledge base of appropriate research methodologies.

A6 Develop a sound understanding of the need to evaluate and adopt a considered theoretical perspective or conceptual framework within which legal research can be undertaken.

**Subject-specific skills**

B1 Identify, retrieve, interpret and evaluate relevant legal material.

B2 Compare alternative legal systems and authorities.

B3 Critically appraise the impact of legislation and government policy, international and EU law, environmental law and policy on the construction industry in terms of obligations, liability and contractual claims.

B4 Evaluate the impact of multi-delay and disruption events to construction programmes and assessment of outcome scenarios in terms of obligations, liability, enforcement and cost.

B5 Identify and analyse legally based issues relevant to the construction industry and construction dispute resolution at large and selection of appropriate qualitative and quantitative methodologies to address them.

B6 Independently produce a major piece of written work using an appropriate and justified research methodology, which employs evidenced based argument, as part of managing an effective research project relating to professional practice.

**Thinking Skills**

C1 Contribute to debate relating to concepts, principles, interpretation, conflicts and opinions.

C2 Develop creative and innovative approaches to problem identification and resolution.
C3 Reflect upon and critically review knowledge base and dispute resolution methodologies

C4 Evaluate and justify selection of research methodologies appropriate to the theoretical perspective or conceptual framework employed in the research

C5 Develop and effectively employ techniques of evaluation and critical analysis in investigating solutions and the presentation of findings in an unbiased and objective form

C6 Reflect upon and evaluate judicial decision and legislative documents in order to construct logical and lucid legal argument in an original piece of work

Other Skills relevant to Employability and Personal Development

D1 Communicate effectively in writing and orally and prepare clear, fully evidenced and referenced reports, essays and case studies

D2 Apply skills of team work, planning and time management necessary for undertaking a major project which can be applied to a workplace situation

D3 Develop use of IT and e-learning skills acquired throughout the programme to sustain currency of knowledge and the use of on line learning to develop and enhance personal career aims and life long learning

D4 Resolve conflict through the demonstration of a systematic and original approach to complex problems in order to make sound and confident judgements

D5 Acquire and develop research skills applicable to the production of a dissertation at Master’s level, to personal continuing professional development and to workplace scenarios

D6 Develop and apply IT skills to the identification and retrieval of relevant data, the collection, processing and analysis of qualitative and quantitative data

The Programme Specification document included at appendix 1 details the learning outcomes which are attributable to each individual module on the course.

1.2 Course Team

Although many people contribute to the course’s success, there is a central core team of tutors, a course administrator and an elearning support team charged with providing invaluable technical support to both tutors and students.

The course leadership function is fulfilled by Dr Francine Baker.

Core Team
The core team are supplemented by high profile guest speakers and participants such as Barristers and Solicitors and industry professionals such as Ben Worthington of CMS McKenna Olswang Nabarro LLP and Robert Read of Kingsley Napley LLP

Dr Francine Baker BA/LLB (Hons), MA (1st cl. hons) PhD, FHEA, FCInst.CES, MCIArb., Solicitor of the Supreme Court of England and Wales (practising), Barrister & Solicitor of the High Court of Australia. (Course Leader, Personal Tutor Year 1 and 2 (PGDip), Tel. 01772 894228 fbaker1@uclan.ac.uk

Chris Pye B.Sc. (Hons.) Building Surveying 1st cl. Hons, M.Sc. Architectural Conservation
MCABE, MIET, cjpye1@uclan.ac.uk

Dr. Stanley Njuangang PhD. Facilities Management, M.Sc. Environmental Protection
SNjuangang1@uclan.ac.uk

Dr Godfaurd John BEng (Hons), MSc, PhD, PGCert (Research), FHEA, MISruct.E.

Dr Ade Olapado BSc (Hons, Building Technology/Quantity surveying), MSc Construction Management, PhD, PG Cert.

Dr. Renuka Thakore M.Sc. and PhD Sustainability in Built Environment
RThakore@uclan.ac.uk

ELearn Support
(There are many guides available via the following eLearn support link:)
https://www.uclan.ac.uk/students/study/elearn/index.php
or, contact: LIS Customer Support 01772 895355 liscustomersupport@uclan.ac.uk

1.3 Expertise of staff

Dr. Francine Baker has been a practicing lawyer since 1991 in Property and Construction She is dual qualified- as a Barrister & Solicitor of the High Court in Australia and as a Solicitor of the Supreme Court of England and Wales. She has also been involved in education since 1985, and as a Senior Lecturer since 2008 in Property and Construction Law as well as Dispute Resolution teaching and Environmental and Planning Law, and also as a Course Director of B.Sc (Hons) Quantity Surveying, and a published researcher. Some of her publications are listed at
http://www.uclan.ac.uk/staff_profiles/francine_baker.php

1.4 Academic Advisor

You will be assigned an Academic Advisor who will provide additional academic support during the year. They will be the first point of call for many of the questions that you might have during the year. Your Academic Advisor will be able to help you with personal development, including developing skills in self-awareness, reflection and action planning.

1.5 Administration details

Course Administration Service provides academic administration support for students and staff and are located in the following hub which is open from 8.45am until 5.15pm Monday to Thursday and until 4.00pm on Fridays. The hub can provide general assistance and advice regarding specific processes such as extenuating circumstances, extensions and appeals.

Computing and Technology Building
Art, Design and Fashion
Computing
Physical Sciences and Computing
Film, Media and Performance
Engineering
1.6 Communication

The University expects you to use your UCLan email address and check regularly for messages from staff. If you send us email messages from other addresses they risk being filtered out as potential spam and discarded unread.

How does the School and course team normally communicate with students? We will communicate with you by emails and by Announcements on Blackboard, and webinars, and phone calls if in the UK. Other communication means for overseas students such as via WhatsApp and Viber may be used, but you will need to first check with the lecturer by email.

When can students expect to receive a reply to their emails? You should receive a reply within a week, unless the member is on university business or on annual leave. If you haven’t received a reply, and the matter is urgent, please contact the Course Leader Dr. Francine Baker. Staff should only be contacted Monday to Friday.

1.7 External Examiner

The current external examiner is Mr. Wayne Lord, BSc Hons PGDip. Law CEng MICE MIStructE FRICS FHEA Barrister, Senior lecturer at Loughborough University, Loughborough University, Leicestershire, UK LE11 3TU.

2. Structure of the course

2.1 Overall structure

The M.Sc. Course follows the UCLAN academic year, which is available from the Academic Calendar. There is an overall maximum limit of three years within which to complete the MSc degree. In total 180 credits must be achieved.

Table 1. Standard Structure of the MSc Degree with Exit Awards

<table>
<thead>
<tr>
<th>13. Programme Structures*</th>
<th>14. Awards and Credits*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Level</strong></td>
<td><strong>Module Code</strong></td>
</tr>
<tr>
<td>Level 7</td>
<td>BN4509</td>
</tr>
<tr>
<td>Level 7</td>
<td>BN4507</td>
</tr>
<tr>
<td>Level 7</td>
<td>BN4515</td>
</tr>
</tbody>
</table>
Options: select one of the following Environmental Law or Arbitration Award Writing

<table>
<thead>
<tr>
<th>Module</th>
<th>Description</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>BN4506</td>
<td>Options: select one of the following Environmental Law or Arbitration Award Writing</td>
<td>20</td>
</tr>
</tbody>
</table>
| BN4516   | **Exit Award**  
Requires 120 credits at level 7 or above |

<table>
<thead>
<tr>
<th>Level 7</th>
<th>Module</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>BN4501</td>
<td>Balancing module – select: Construction Skills for Lawyers or Legal Skills</td>
<td>20</td>
</tr>
<tr>
<td>BN4502</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Exit Award**  
Postgraduate Certificate in Construction Management  
Requires 60 credits at level 7 or above |
| BN4503   | Contractual Issues                               | 40      |
| BN4505   | Tortious and Statutory Issues                     | 20      |

2.2 Modules available
Each module is a self-contained block of learning with defined aims, learning outcomes and assessment. Each module in the course has a number of credits allocated to it. A standard module is worth 20 credits. It equates to the learning activity expected from one sixth of a full-time undergraduate year. Modules may be developed as half or double modules with credit allocated up to a maximum of 120 credits per module. In the Construction Law and Dispute Resolution programme all of the modules are Level 7 modules. This level is associated with study on a master's degree. BN4503 Contractual Issues and BN4509 Dissertation are double (40 credit) modules.

Each module is a full year module but is set to be studied on a part time basis. The module assessment is marked and moderated at relevant times throughout the year, depending on submission dates and marks are usually approved at a Board meeting by Sept/October of each academic year (dependent on staff availability). (Some award board meetings may not occur until October of the following academic year.)

2.3 Course requirements
Modules are compulsory, except for a choice between BN4506 and BN4516- one of these modules must be taken. BN4516 is an Arbitration Award writing module and if the student wishes to apply for a Fellowship status with the CIArb, the standard required to satisfy the CIArb in this module is at least 75% (this is subject to checking current CIArb requirements). Students should not enrol on this module without first discussing it with the Course Leader.

On a part time basis (3 years for the course) the first three modules BN4501/2, BN4503, BN4505 are usually taken in the first year. The second year requires BN4507, BN4515, and BN4506 or BN4516 to be taken. However there is some flexibility as to how many modules are taken in one year. However, the dissertation BN4509 is not to be taken until the final year of the course. It should not normally be attempted until all other modules are completed.
2.4 Module Registration Options

Discussions about your progression through the course normally take place in February each year. It is an opportunity for you to make plans for your study over the next academic year. The course team will tell you about the various modules / combinations available and you will both agree on the most appropriate (and legal) course of study for you.

2.5 Study Time

2.5.1 Weekly timetable

You may work out your study timetable once you have enrolled on the programme, through the student portal.

2.5.2 Expected hours of study

The normal amount of work involved in achieving a successful outcome to your studies is to study for 10 hours per each credit you need to achieve. Therefore, each 20 credit module involves 200 hours of study.

2.5.3 Attendance Requirements

You are required to attend all timetabled learning activities for each module.

The only timetabled attendance is the Residential which occurs for 3-4 days in first year and again in second year. This is where some of your assessment are conducted. The CIArb requires the completion of exams for certain modules. You will need to complete exams at these residential for compulsory modules (Yr. 1), BN4502, BN4503, BN4505, BN4507, and (Yr. 2), BN4515 and BN4516 (optional module against BN4506).

The residential will take place in summer- of each year at a venue to be advised. Your fee for each residential in included in the cost of all the modules for the relevant year. It includes your accommodation from the start of the residential, and any preparation, lectures and assessment conducted at the venue. (It may also include meals, depending on the venue.) The residential for each year's modules will usually only involve three to four days of your time, and it is likely to occur during some weekdays as well as weekends.

You are required to arrange for your visas well in advance of the residential, and to pay for your travel arrangements, and make sensible arrangements for your transport to and from the venue for the residential, well in advance of the residential date. The university will not be held responsible in any way for the payment of your visa, or your travel, or for its arrangements or for any related expenses involved.

Suspension and Extenuating circumstances (EC)

If you wish to request leave of absence from the residential because of ‘extenuating’ circumstances and are successful, you will be responsible for making alternative examination and presentation venue arrangements for your assessment with the approval of your Course Leader and Head of School.

‘Extenuating circumstances’ are regarded as very serious circumstances beyond your control which have recently arisen and could not have been reasonably foreseen at the time you enrolled on the relevant module, and which absolutely prevent your attendance at the residential despite your reasonable efforts, for example, despite your judicious efforts to obtain a visa well in advance of the residential. Simply failing to take adequate steps to obtain a visa, or attempting to do so without allowing a sufficient period of time within which to obtain a visa will not be considered exceptional circumstances- nor will the claim that your employer requires you to work during the residential. You need to plan well in advance of the residential and obtain the necessary approvals, and leave of absence.
A request for leave of absence must be given to the Head of School, Mr Rob Wallace, through your Course Leader, Dr. Francine Baker. FBaker1@uclan.ac.uk It must also be made within a reasonable time prior to the residential.

Applications for Extenuating Circumstances
You can apply in an extenuating circumstances form online via Blackboard but you may contact the School Office CandT Hub for advice at CandTEC@uclan.ac.uk Campus Administration Service C & T Hub C & T Building Room 235 Telephone:- 01772 893130 0177289 6429.

International students have responsibilities under the Visas and Immigration (UKVI) UK Border Agency (UKBA), Points Based System (PBS). Under PBS, UCLan may be obliged to tell UKBA UKVI if you withdraw from a course, defer or suspend your studies, or if you fail to attend to the course residential requirements.

3. Approaches to teaching and learning
3.1 Learning and teaching methods
The method of programme delivery makes the use of blended e-learning and face to face interaction and has been designed to achieve the following:

- a realistic balance of electronic learning and face to face interaction between students, the course team and other contributors to the course
- regular on-line tutorials to provide supplementary support in subject areas by academic staff
- the selection of texts, journal articles and case law for their relevance and rigour in terms of writing quality and critical analysis consistent with the programme.
- the constant reviewing and updating of learning materials in order to maintain currency

The MSc in Construction Law and Dispute Resolution is delivered via the University of Central Lancashire's virtual learning platform called e-learn, the third party software product used is Blackboard - which is specifically designed for the electronic delivery of courses. Most of the learning materials are therefore web based and your studying will be directed by following the instructions, guidance and help referred to above and in the Module Materials. You can access the programme material by simply logging on to your PC at home, work or even while you are travelling!

Much of the material you will need to access, read, analyse and evaluate will be available electronically. The modules themselves, of course, are accessed via elearn and contain links (see the left hand side menu of each module space on Blackboard) to other web based materials such as:

The Society of Construction Law articles- you may join the Society as a student member
The Adjudication Society- you may join the Society as a student member

Electronic Journals
Electronic databases such as Emerald, EBSCO, Ingenta
UK government departments
UK government documents
EC documents and reports
UK and EC case law
Newspaper articles
UK and EC legislation in force and draft legislation
3.2 Study skills
There are a variety of services to support students and these include WISER http://www.uclan.ac.uk/students/study/wiser/index.php
The essence of study for both undergraduate and particularly, at Masters level, is that it is largely self-directed: rather than "spoon-fed" - you must use your own initiative to read up on the topic under consideration. Reading lists are contained within Module Information documents and also in a separate link available on the left hand menu of each Blackboard Module space.

It is essential that you consult, as often as possible, the leading academic journals. This will help you to keep abreast of current developments within the subject area and to appreciate the finer points of debate among the experts.

In addition, you are strongly advised to read regularly a daily broadsheet (The Independent, The Guardian, The Times, The Financial Times, The Daily Telegraph). They will contain useful details of recent business and management related developments and helpful commentaries. In particular, matters of environment, economics and finance are at the moment very frequently debated within their pages.

3.3 Learning resources
3.3.1 Learning Information Services (LIS)
Generic information is included in the Student Handbook. Do note that as a Distance and Learning student you are able to access extra services from our Library and Information Support team. This is available via this link. See also http://www.uclan.ac.uk/students/study/library/index.php.

The Learning and Information Support (LIS) team
If you wish to email then do please contact them via: LISCustomerSupport@uclan.ac.uk
Telephone queries are available through LIS also. Please telephone +44 (0)1772 895355 or internal extension 5355 between the following hours:
Monday to Thursday 8:00 a.m. - 6:00 p.m.
Friday 8:00 a.m. - 5:00 p.m.

3.3.2 Electronic Resources
Not all of the material you will need for the programme can be obtained electronically. Sometimes essential text books are required for specific modules (please see the module reading lists on Blackboard for each module but also the online reading lists available at this link may assist) and these may be available in hard copy only. Other sources may be accessible via the full range of services, including book and journal loans, available via the LIS team. You can also gain direct access to E-Databases (and reading lists online) from this website.

Material Not Available on Blackboard
As noted above, there may be some material which you might need for this stage of the programme which is not immediately available in an electronic format. However, the Document Delivery Team can produce electronic texts comprising, for example, journal articles and book chapters available for you. You will be able to view, print or download approved materials from any computer with access to the web, through the university's computing network.
Where non electronic sources are identified as necessary reading within the modules, LIS will digitize the lecturer identified page(s) and make these available to you in the same manner. In this way, you don't need to worry about copyright as this is researched, checked, cleared and paid for by us - as a last resort where even this task is not possible for whatever reason, LIS will photocopy the material you need and post it to you!

In order to make full use of this service, you must have a PC capable of reading PDF files, which requires Acrobat Reader or equivalent.

3.4 Personal development planning
Your tutor can advise about your development plan. You may need to improve your written English expression or grammar or organising your material. It may be that you need a break from the course due to unexpected personal or work events. You should consult with your tutor as soon as possible, or if unavailable, your course leader Dr Francine Baker by UCLan email, FBaker1@uclan.ac.uk, telephone or work mobile +44 7482464957

3.5 Preparing for your career
This course will be a useful adjunct for those who aspire to apply for supervisory or management construction roles. It will assist them and those already in management to have the knowledge and understanding to know if a dispute has arisen, and how to resolve a dispute. It should reduce your dependence on lawyers for advice and broaden your understanding of the legal profession and when it is appropriate to engage a legal professional.

4. Student Support
Your module tutors, and your course leader are available to advise you. Also see http://www.uclan.ac.uk/students/health/index.php

The School of Law & Social Sciences: The School Office opening times are as follows:
Monday to Thursday 8.45 am – 5.15 pm
Friday 8.45 am – 4.00 pm

The staff are there to help you whilst you are at the University. They will try to answer most queries of a general nature, but they are not Personal Tutors or Student Counsellors. If you have a specific problem of an academic or personal nature, you should make contact with your Personal Tutor in the first instance.

The Programme Administrator in the CandT Hub 01772896429 is your link between you and the computer and deals with all aspects of your Student Record. You should check with the Programme Administrator if you have any queries regarding your programme of study. If you wish to make any changes to your programme you should fill in a Profile Change Form which must be signed by you and your Personal Tutor. If the form is not filled in correctly, changes cannot be made.

Any changes to home or term addresses should also be reported here. If we do not have your correct address on the computer, important documentation may not reach you.
4.1 Academic Advisors
The course leader will contact you during the year if you are progressing as well as expected.

4.2 Students with disabilities
It is unlikely that you will need to visit the Preston Campus as you are distance learning students, however, if you do, then, please contact CAS Senior Assistant Academic Registry - Campus Administrative Service (C & T Hub) Phone: 01772 893208, Office: CM235 for information regarding your needs.

4.3 Students’ Union One Stop Shop
As one of the thousands of students who are not studying on the main UCLan campus in Preston, the Students Union is still your union, please check http://www.uclansu.co.uk/ for full details on what we may be running.

5. Assessment
5.1 Assessment Strategy
Please note that all modules must be assessed. You are expected to attempt all required assessments for each module for which you are registered, and at the times scheduled, unless authorised extensions, special arrangements for disability, or extenuating circumstances allow you to defer your assessment.

Assessment details are contained within each module (see each modules Module Information Guide).

All assessable work, except for exams must be submitted through the Blackboard turnitin submission box set up for each assessment.

You will be provided with generic feedback for assessment within 20 working days of the scheduled final submission date, unless otherwise advised. Feedback may be oral, written, posted on a website or other.

In order to gain the degree award of MSc in Construction Law and Dispute Resolution, you must pass each module (including the dissertation) (with a minimum of 50%):

Assessment may be by means of exams, essays, and/or other section assessment questions (SAQs), presentations, reports, case studies or other written exercises presented either individually or in a group. Note also that the results of your performance at the workshop conferences are fed into a module at each of the PGCert and PGDip stages.

You must also pass, with a minimum of 55%, each element of the assessment of each module for the CIArb eligibility for membership. The BN4516 requires a minimum of 75% pass if you wish to apply to the CIArb for Fellowship as well as the completion of other CIArb requirements.

However to pass the modules and the degree itself you only need 50% to meet university requirements.

The date for each submission of work is stated on Blackboard under the relevant heading e.g., ‘Assignment’ or ‘Assignment Submission’.
Section Assessment Questions (SAQs) are assessable for BN4506. Overall, you must achieve a mark of 50% or above when the SAQs are aggregated. Your answer to each SAQ is expected to produce an answer with a guideline length of approximately 300 words. Answers substantially less than 300 words may well be lacking in detail or failing to include all aspects required by the question.

You must submit your SAQs through the Blackboard turnitin system submission box set up on each module.

Written Assignments - Essays/Reports/Case Studies/Decisions etc.
The fundamental purpose of the assignments is to assess your ability to articulate and evaluate arguments, to find and use primary and secondary resources, and to compose a well structured, accurate, coherent, carefully presented and properly referenced piece of work.

Written assignments may be up to between 2,000-2,500 words (excluding references and footnotes) - although see individual module requirements. You are expected to submit written assignments in typed or word-processed format.

You should read widely before starting to write, but your written assignments must be written using your own words. You can quote from published sources, including textbooks and other various sources, but you must give full references using the Harvard system of referencing, both in the narrative section of your written work and in a References section at the end of your work.

You should submit your assignments through the Blackboard turnitin system submission box set up on each module.

Please keep your tutor’s details available at all times as it may be that you cannot access the system for whatever reason.

The quality of the assessment procedure and methods together with the standard of marking and student work is evaluated by the course's external examiner on an annual basis as part of the University's ongoing quality assurance mechanism.

Exams
The exams are mandatory as required by the CIArb. They are held at the mandatory residential venue held each year approximately in June/July. There is an exam for the following modules: BN4502, BN4503, BN4505 and BN4507, BN4515 and BN4516 (if you choose it over BN4506). Each exam except for BN4516 is two hours long and may consist of between three to four questions to answer. However you will be well prepared. The BN4516 exam is 4 hours long. The exams are closed book exams, so you cannot bring in anything to the exam except pens and your passport and student card. Electronic devices, coats and hats and shawls must be placed at the back of the exam room, well away from a desk.

The exam may require you to address essay questions, multiple choice or problem scenarios. Your preparation for the exams starts when you start the modules each year, however, a tutor will assist you with exam technique and queries at the residential prior to the exam, and during the academic year you will be prepared for your exam with mock exam questions and suggested answers.

Unable to attend Residential
If you can provide evidence that, due to circumstances beyond your control, you are unable to attend a required residential in the United Kingdom, but wish to complete the assessment for the module in that academic year, you must arrange an appropriate alternative exam venue.
through contact with the course leader which will enable the conduct of the exam in accordance with university regulations and accreditation bodies’ requirements.

Failure to apply for the relevant visa/s in plenty of time for a favourable decision will not be considered to be circumstances beyond your control.

Presentations
Sometimes ‘presentations’ e.g., a Moot, are used to assess competence in a particular topic area. This is usually conducted at the residential where the presentation is part of your mandatory assessment for BN4501/2. We need to judge how well you are able to present an argument orally, and how you respond to questions posed at the end of your presentation. This will enable you to develop invaluable skills for communication and negotiation.

(If, however, you can prove that ‘exceptional circumstances’ (see section 2.3 of the handbook) have arisen to the satisfaction of the Head of School through your Course Leader – and at a reasonable time prior to the start of the residential - you may produce a DVD presentation and submit that for the presentation assessment. There will be a subsequent questioning session which can then be undertaken by telephone or skype or its equivalent.)

Student Café Forum Posts
The expectation is that students will interact with each other in forming views on issues raised by their module material. The site may be monitored by the Module leader as well as the Course Leader.

Dealing with difficulties in meeting assessment deadlines
Assignments must be submitted no later than the date on your assignment instructions / brief. Authorisation of the late submission of work requires written permission. If you anticipate that you will have difficulty in meeting assessment deadlines or you have missed or are likely to miss in-semester tests you must report this to your module leader at least 24 hours BEFORE the submission date.

If, however, you have not arranged assessment deadlines with the Course Leader, and are unable to submit work within 10 working days after the original submission date due to verifiable extenuating circumstances, you may submit a case for consideration in accordance with the University’s Policies and Procedures on Extenuating Circumstances (Academic Regulations: and Assessment Handbook)

Extenuating circumstances
If, for whatever reason, you are unable to access the extenuating circumstances forms and guidance via the School Office Blackboard pages (see above) then you should contact the CandT Hub.

You can apply for extenuating circumstances online via the School Office CandT Hub CandTEC@uclan.ac.uk Campus Administration Service C & T Hub C & T Building Room 235 Telephone: - 01772 893130 for guidance as to where to obtain the necessary forms and the various regulations and procedures.

Normally extenuating circumstances will relate to a change in your circumstances since you commenced your course, which have had a significant, adverse effect on your studies. Everyday occurrences such as colds or known conditions such as hay-fever will not qualify unless the effects are unusually severe and this is corroborated by a medical note. The University does not look sympathetically on absences or delays caused by holiday commitments or by work commitments in the case of full-time students. The normal work commitments of part-time students would not constitute an extenuating circumstance. A
disability or learning difficulty does not constitute an extenuating circumstance (see Academic Regulations and assessment Handbook)

Applications for Extenuating Circumstances
You can apply for extenuating circumstances online via the School Office CandT Hub CandTEC@uclan.ac.uk Campus Administration Service C & T Hub C & T Building Room 235 Telephone: - 01772 893130.

You must submit claims within specified deadlines and submit corroborating evidence.

The basic rule for distance learning courses is that extenuating circumstances must be submitted no later than one week before each of the MSc Construction Law and Dispute Resolution module boards, if the circumstances are to be taken into account for that board, so you will need to check when the board meetings will be held.

You will be expected to re-submit claims for extenuating circumstances for each assessment period. In determining assessment recommendations, Assessment Boards will consider properly submitted claims from students who believe their performance has been adversely affected by extenuating circumstances. N.B. Assessment Boards are not permitted to alter individual assessment marks to take account of extenuating circumstances (Academic Regulations: G9.5)

5.1.2 Late Submission
If you submit work late and unauthorised, a universal penalty will be applied in relation to your work:
• If you submit work within 5 working days following the published submission date you will obtain the minimum pass mark.
• Work submitted later than 5 working days after the published submission date will be awarded a mark of 0% for that element of assessment.

5.1.3 Feedback Following Assessments
UCLan is committed to giving you clear, legible and informative feedback for all your assessments (Academic Regulations: G2.4). You are expected to review and reflect on your feedback and learn from each experience to improve your performance as you progress through the course.

For distance learning courses:
You will be usually be provided with generic feedback for in-module formative and summative elements of assessment which contribute to a module within 20 working days of the scheduled submission or examination date unless otherwise stated. Generic feedback on end of module assessment and dissertations will usually be made available within 20 days of publication of results, unless otherwise notified, and excluding public holidays and other notified holidays. Feedback may be oral, written, posted on a website or other.

5.2 Notification of assignments and examination arrangements
You will be informed of the assignments to be taken through blackboard, and they are usually stated on blackboard each academic year via Announcements and/or by emails. You will be informed on the exam dates and venues at least two months in advance, unless otherwise informed.

5.3 Referencing
You are expected to use the Harvard referencing style in your work- which is provided on the UCLan library website. Examples are provided in your modules in the module materials.
5.4 Confidential material
If you are completing an assignment or particularly, preparing research for your Dissertation, you may encounter information that the recipient of the interview or survey wishes to remain confidential. You have an ethical and legal responsibility to respect confidentiality and maintain the anonymity of individuals and organisations within their assignments.

5.5 Cheating, plagiarism, collusion or re-presentation
Please refer to the information included in section 6.6 of the University Student Handbook for full definitions. The University uses an online Assessment Tool called Turnitin. A pseudo-Turnitin assignment will be set up using the School space on Blackboard to allow students to check as many drafts as the system allows before their final submission to the ‘official’ Turnitin assignment. Students are required to self-submit their own assignment on Turnitin and will be given access to the Originality Reports arising from each submission. In operating Turnitin, Schools must take steps to ensure that the University’s requirement for all summative assessment to be marked anonymously is not undermined and therefore Turnitin reports should either be anonymised or considered separately from marking. Turnitin may also be used to assist with plagiarism detection and collusion, where there is suspicion about individual piece(s) of work.

This is covered in the Student Handbook, however you may avoid plagiarism by writing others ideas in your own words and include a reference to their work, cross referencing to guidelines on referencing assignments effectively—in the University materials. The Librarian Robert Frost can assist with information about how to avoid plagiarism.

All assessed work apart from exams must be submitted through Turnitin, that is, the submission box on Blackboard.

6. Classification of Awards
The University publishes the principles underpinning the way in which awards and results are decided in Academic Regulations. Decisions about the overall classification of awards are made by Assessment Boards through the application of the academic and relevant course regulations.

7. Student Feedback
You may give your opinion about your course through telephone discussion with the Course Leader, on-line discussion with other distance learners and Module Feedback Questionnaires (MFQs).

The course team encourages student feedback in all areas and recognise that additional items for discussion may also be raised at online meetings or telephone discussions such as:

- Updates on actions completed since the last meeting
- Feedback about the previous year – discussion of external examiner’s report; outcomes of National /UCLan student surveys.
- Review of enrolment / induction experience;
- Course organisation and management (from each individual year group, and the course overall);
- Experience of modules - teaching, assessment, feedback;
- Experience of academic support which may include e.g. Personal Development Planning, academic advisor arrangements;
- Other aspects of University life relevant to student experience e.g. learning resources, IT, library;
• Any other issues raised by students or staff

7.1 Student Staff Liaison Committee meetings (SSLCs)
Details of the Protocol for the operation of SSLCs is included in section 8.2 of the University Student Handbook. The SSLCs for the course meet the above requirements but are held in an ‘equivalent’ format e.g. on-line meeting for distance learners; timetabled whole group meeting for small cohorts of students; or course managements committee, which are then emailed to students.

8. Appendices

8.1 Programme Specification(s)

UNIVERSITY OF CENTRAL LANCASHIRE

Programme Specification

This Programme Specification provides a concise summary of the main features of the programme and the learning outcomes that a typical student might reasonably be expected to achieve and demonstrate if he/she takes full advantage of the learning opportunities that are provided.

Sources of information on the programme can be found in Section 17

<table>
<thead>
<tr>
<th>1. Awarding Institution / Body</th>
<th>UNIVERSITY OF CENTRAL LANCASHIRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Teaching Institution and Location of Delivery</td>
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<tr>
<td></td>
<td>School of Built and Natural Environment</td>
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<tr>
<td></td>
<td>Preston PR1 2HE</td>
</tr>
<tr>
<td>3. University School/Centre</td>
<td>School of Built &amp; Natural Environment</td>
</tr>
<tr>
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<td></td>
<td>CIarb Membership</td>
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</table>
5. Title of Final Award
MSc Construction Law & Dispute Resolution

6. Modes of Attendance offered
Blended e-learning

7. UCAS Code
N/A

8. Relevant Subject Benchmarking Group(s)
N/A

9. Other external influences
RICS Professional Competencies
CIArb
ICE
QAA HE Framework

10. Date of production/revision of this form
May 2017

11. Aims of the Programme
The aims of the programme are to establish and develop:

- A critical awareness of contemporary issues in construction law and dispute resolution informed by the framework of the construction, engineering and built environment sector and by leading edge research and practice
- A detailed understanding of the nature and application of construction law and dispute resolution in a wider context and to enhance negotiation, communication and problem solving skills within complex dispute resolution and interrelated scenarios
- Effective use of IT, elearning and other innovative tools, techniques and methodologies as applied to construction law, dispute resolution and the research process
- The capacity to undertake and reflect upon strategic and complex decision-making in the project management process
- Personal and interpersonal skills which can be applied to the construction law and dispute resolution process
- Relevant skills in order to pursue life-long learning and continuous development in the context of workplace practice within the subject specialism and international construction law
- The ability to identify, retrieve and assess the rigour and value of published research as the source of alternative perspectives that inform and underpin the construction law and dispute resolution decision making process and investigative research
- Creative and innovative approaches to investigative research including the review, evaluation and selection with justification of appropriate research methodologies and the communication of findings in an objective, coherent and professional manner
- Develop the student’s research methods and applications

12. Learning Outcomes, Teaching, Learning and Assessment Methods

A. Knowledge and Understanding
A1 Critically evaluate approaches the principles, interpretation and application of construction contract law in the context of common law, International, European Community and Environmental Law and sustainability.

A2 Comprehensively appraise the current knowledge base of subject matter viewed from relevant industrial/commercial perspectives and at a level consistent with complex and unpredictable situations. A3 Critically evaluate a range of complex dispute resolution techniques/methodologies.

A4 Conceptually appreciate current research and advanced scholarship in the field of construction law and dispute resolution.

A5 Critically evaluate a knowledge base of appropriate research methodologies.

A6 Develop a sound understanding of the need to evaluate and adopt a considered theoretical perspective or conceptual framework within which legal research can be undertaken.

Teaching and Learning Methods

- Integration of effective use of electronic distance learning and face to face interaction between the students, the course team and other contributors to the course.
- Electronic learning materials which offer directed study through a series of subject sections and section-assessment questions (SAQs).
- Use of case study material to raise and analyse issues.
- Residential workshop will require students to expound theories and make judgements based on sound planning of complex task resolution.
- An introduction to planned approaches to research problem identification and alternative research methodologies available.
- Individual meetings with research supervisors via Breeze or on campus.

Assessment methods

Assessment by closed book exams, SAQs, essays, reports, case studies, research papers, presentations, group exercises and dissertation.

B. Subject-specific skills

B1 Identify, retrieve, interpret and evaluate relevant legal material.

B2 Compare alternative legal systems and authorities.

B3 Critically appraise the impact of legislation and government policy, international and EU law, environmental law and policy on the construction industry in terms of obligations, liability and contractual claims.
B4 Evaluate the impact of multi-delay and disruption events to construction programmes and assessment of outcome scenarios in terms of obligations, liability, enforcement and cost.

B5 Identify and analyse legally based issues relevant to the construction industry and construction dispute resolution at large and selection of appropriate qualitative and quantitative methodologies to address them.

B6 Independently produce a major piece of written work using an appropriate and justified research methodology, which employs evidenced based argument, as part of managing an effective research project relating to professional practice.

### Teaching and Learning Methods

- Integration of effective use of electronic distance learning and face to face interaction between the students, the course team and other contributors to the course.
- Electronic learning materials which offer directed study through a series of subject sections and section-assessment questions (SAQs)
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### Assessment methods

Assessment by closed book exams, SAQs, essays, reports, case studies, research papers, presentations, group exercises and dissertation.

### C. Thinking Skills

C1 Contribute to debate relating to concepts, principles, interpretation, conflicts and opinions

C2 Develop creative and innovative approaches to problem identification and resolution

C3 Reflect upon and critically review knowledge base and dispute resolution methodologies

C4 Evaluate and justify selection of research methodologies appropriate to the theoretical perspective or conceptual framework employed in the research

C5 Develop and effectively employ techniques of evaluation and critical analysis in investigating solutions and the presentation of findings in an unbiased and objective form

C6 Reflect upon and evaluate judicial decision and legislative documents in order to construct logical and lucid legal argument in an original piece of work
### Teaching and Learning Methods

- Integration of effective use of electronic distance learning and face to face interaction between the students, the course team and other contributors to the course.
- Electronic learning materials which offer directed study through a series of subject sections and section-assessment questions (SAQs)
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### Assessment methods

Assessment by closed book exams, SAQs, essays, reports, case studies, research papers, presentations, group exercises and dissertation

### D. Other skills relevant to employability and personal development

D1 Communicate effectively in writing and orally and prepare clear, fully evidenced and referenced reports, essays and case studies

D2 Apply skills of teamwork, planning and time management necessary for undertaking a major project which can be applied to a workplace situation

D3 Develop use of IT and e-learning skills acquired throughout the programme to sustain currency of knowledge and the use of online learning to develop and enhance personal career aims and life long learning

D4 Resolve conflict through the demonstration of a systematic and original approach to complex problems in order to make sound and confident judgements

D5 Acquire and develop research skills applicable to the production of a dissertation at Master’s level, to personal continuing professional development and to workplace scenarios

D6 Develop and apply IT skills to the identification and retrieval of relevant data, the collection, processing and analysis of qualitative and quantitative data

### Teaching and Learning Methods

- Integration of effective use of electronic distance learning and face to face interaction between the students, the course team and other contributors to the course.
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### Assessment methods

Assessment by closed book exams, SAQs, essays, reports, case studies, research papers, presentations, group exercises and dissertation

#### 13. Programme Structures*

<table>
<thead>
<tr>
<th>Level</th>
<th>Module Code</th>
<th>Module Title</th>
<th>Credit rating</th>
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</thead>
<tbody>
<tr>
<td>Level 7</td>
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#### 14. Awards and Credits*

<table>
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<th>Level</th>
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<tr>
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<td>BN4515</td>
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<tr>
<td></td>
<td></td>
<td>Arbitration Award Writing</td>
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</table>

**Master of Science in Construction Law and Dispute Resolution with pass/merit/distinction**

**Target Final award**

The MSc comprises nine level 4 (level 7) modules which includes the Year 1 and Year 2 modules.

In total 180 credits must be achieved.

<table>
<thead>
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<th>Level</th>
<th>Module Code</th>
<th>Module Title</th>
<th>Credit rating</th>
</tr>
</thead>
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<td>for Lawyers</td>
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</table>

**Postgraduate Diploma in Construction Law and Dispute Resolution with pass/merit/distinction (Exit Award)**

The Postgraduate Diploma comprises six level four (level 7) modules which includes the Year 1 modules.

In total, 140 credits must be achieved.

<table>
<thead>
<tr>
<th>Level</th>
<th>Module Code</th>
<th>Module Title</th>
<th>Credit rating</th>
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</thead>
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</tr>
<tr>
<td></td>
<td></td>
<td>for Lawyers</td>
<td></td>
</tr>
</tbody>
</table>

**Postgraduate Certificate in Construction Management**
with pass/merit/distinction (Exit Award)

The Postgraduate Certificate comprises three level four (level 7) modules. (Year 1
In total, 80 credits must be achieved.

15. Personal Development Planning

The course includes access to an individual electronic portfolio which allows the student to plan and record their achievements. This is available on elearn. The student will be able to complete a reflective analysis of the skills obtained on completion of each module.

16. Admissions criteria

General
The requirements for admissions shall be in accordance with the Regulations set out in the University’s Admissions Policy.

Minimum Academic Entry Requirements
Applicants must be able to provide evidence of English Language competence and an IELTS score of 6.5 (or equivalent) and comply with one of the following three entry criteria

- A good University Honours degree in a property, civil engineering, construction, law or equivalent subject
- Professional qualification deemed to be equivalent to RICS, CIOB, MICE, RIBA, Solicitor, Barrister or any other equivalent qualification relating to property, law or construction disciplines.
- Hold a relevant position within a construction, construction law, dispute resolution or construction related organisation and possess extensive industrial/professional experience at an appropriate level. In addition two written references will be required and the applicant will be interviewed with a view to assessing suitability for the course.

Entry to the Programme of Study with Accreditation of Prior Learning and / or Experience

Applicants with suitable previous qualifications and/or experience may be exempt from a maximum of two modules of the Postgraduate Certificate stage. The policy of APL and Accreditation of Prior Experiential Learning (APEL) is based on current University procedures and published guidelines. Applications for accreditation of prior learning,
whether based on previous experience or certification of previous studies, will be considered on an individual basis.

17. **Key sources of information about the programme**

| • School of Law & Social Sciences Website: | [https://www.uclan.ac.uk/courses/msc_pgdip_pgcert_construction_law_dispute_resolution.php](https://www.uclan.ac.uk/courses/msc_pgdip_pgcert_construction_law_dispute_resolution.php) |
| • Fact sheet | |
| • Course handbook | |
### Curriculum Skills Map

**Please tick in the relevant boxes where individual Programme Learning Outcomes are being assessed**

<table>
<thead>
<tr>
<th>Level</th>
<th>Module Code</th>
<th>Module Title</th>
<th>Core (C), Compulsory (COMP) or Option (O)</th>
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<td></td>
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<td>Knowledge and understanding</td>
<td>Subject-specific Skills</td>
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<td>A2</td>
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<tr>
<td>Level 7</td>
<td>BN4507</td>
<td>Dispute Resolution</td>
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<tr>
<td>Level 7</td>
<td>BN4515</td>
<td>Arbitration (Practice and Procedure)</td>
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27
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Please tick in the relevant boxes where individual Programme Learning Outcomes are being assessed.