Exploring the notion of quality in quality higher education assessment in a collaborative future

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Abstract

The purpose of this paper is to contribute to the debate on the notion of quality in higher education with particular focus on 'objectifying through articulation' the assessment of quality by professional experts. The paper gives an overview of the differentiations of quality as used in higher education. It explores a substantial piece of evaluation research which was carried out between 2009 and 2011 by the authors at the Institute for Work Based Learning at Middlesex University.

Higher education context

What is the essence of quality, how can we judge the extent of it and how can experts account for the basis on which they make such judgements. These are fundamental questions which have not been readily addressed in the literature on quality of higher education. For instance in the seminal paper by Harvey and Green (1993) they suggested that quality is used in five ways in higher education debate: excellence, perfection, fitness for purpose, value for money and transformation and how quality as such can contribute to some of the various functions that education can claim to influence. These terms do not move much beyond a dictionary definition and are clearly instrumentalising terms – even the dictionary goes further with defining quality as also being about characteristics and attributes - the inner quality of quality. This inner quality may be avoided in use precisely because as Harvey and Green stated quality is a value-laden term: it is subjectively associated with that which is good and worthwhile but fails to define these subsequent terms so a differentiation of quality itself is avoided. This work, important though it is and much of the work that follows it (Van Kemenade *et al.* 2008), (although in latter works Harvey and Newton,2004 and Harvey 2006 this has been addressed) does not address the question as to what quality might be but rather how what is being measured: teaching effectiveness, institutional controls or the usefulness of research, can be said to be quality. Filippakou (2011) illustrated this process and argued that the dominant discourses of quality can be identified: the discourse of quality assurance and the discourse of quality enhancement and beneath them the secondary discourse of assessment and accountability all of which serve the ideology of power and control. This position has resonance with Barnett who argued that '[the] debate over quality in higher education should be seen for what it is: a power struggle where the use of terms reflects a jockeying for position in the attempt to impose definitions of higher education' (Barnett, 1992, p. 6). Iacovidou *et al.* (2009) indicated that the literature also suggests that quality is not a unitary concept and as a result it must be defined as criteria or dimensions of quality as referred to in various studies, such as support services, university reputation and programmes of study. Moreover it is differently defined by the various stakeholders to higher education. In this paper we set out to try to clarify some notion of quality so that we might be able to use the term in ways that ensure that the attributing and possession of it can be determined.

The task of clarifying the meaning of quality is important in all senses of education but as higher education seeks to find useful partnerships and enter into closer knowledge exchange with organizations outside of higher education, the criteria of assessing quality of work, of people, of fitness for purpose, fitness to be a member of a profession or be promoted become increasingly essential to both explore and articulate. Assessment of quality can be culture/context bound, discriminatory, subjective, based on prejudice as much and as often as it can be seen to be objective and ethical. No appeals can be made on the basis of academic judgements in academia (regulations) and few are brave enough to challenge the expert examiners or the professional experts who are

guardians of the professional gates. However with students and trainees becoming consumers and employment law becoming more accessible through the employment tribunal system, experts have to be accountable for their judgements of quality. As will be seen in the research below, higher education has a role to play in assisting professional bodies to assist in the articulation of expert judgement of quality to meet standards of accountability as well as challenging the assumption in higher education that experts deliver quality judgements by reason of being an expert.

A lens for looking at quality

This paper uses the analogy of 'truth' as a lens through which to look at the notion of quality.

Various theories and views of truth have been discussed, mainly in philosophy literature, where the basis for deciding what can be taken as truth has been generally dealt with under five substantive theories: correspondence, coherence, constructivism, consensus and pragmatism.

- The correspondence theory of truth is dependent upon the relationship of the beliefs to other things that are taken to be an actual state of affairs or an objective reality. Importantly, truth in this sense is not based upon any internal quality of the beliefs only on correspondence with the facts. The problem with this is the implication that if there is correspondence with the facts, the rationale is not necessary as the association is dissolved as both statement predicated and fact are the same.

- The coherence theory of truth has internal consistency and logical standards as central, and completeness and comprehensiveness are critical to the whole system. That is, any subset of the whole is implied by all of the others taken as premises and is valuable as the convictions assumed above tend to be very difficult to exclusively establish

- The pragmatic theory argues that the utility of a belief is a good measure of truth value; it is an expedient theory of truth

- The constructive theory of truth recognises that truth is derived from the meaning that is made out of the interaction with things rather than the observation of them

- The consensus theory of truth implies that the more people agree with something the more true it becomes

  For the purposes of using theories of truth as a lens through which to look at the notion of quality in higher education we considered the first three to have more relevance to the case study we are presenting. In respect to truth, correspondence, coherence and pragmatism are borrowed to build a structure; a family of meanings for quality in higher education (constructivism is briefly mentioned in the context of social construction of reality). Such an approach owes much to Wittgenstein's clear and simple language-games which are set up as 'objects of comparison' to throw light on the facts of our language by way not only of similarities, but also of dissimilarities' (Wittgenstein, 1999, §130: 50e

Pragmatism is the most recent of the three main theories of truth and attempts to deal with some of the limitations in the correspondence and coherence views. These limitations include the possibility of a coherent set of beliefs that do not correspond with reality and the difficulty in selecting and identifying facts for correspondence.

All three of these forms of truth reveal what is meant in different ways but with a clear, common, overarching resemblance and relevance for the way in which they make claims as to what can be

considered as truth which can be appropriate to higher education discourse on quality particularly in relation to Filippakou's concerns. 'Quality regimes in higher education, one might say, influence the ways in which the meaning of higher education is interpreted, and perhaps defined, by limiting other interested parties' power to influence the debate' Filippakou (2011, p. 17). What then would each of the above theories look like when defining quality in higher education?

Correspondence theory requires that the beliefs of what higher education ought to be are matched by what it is. This perhaps is the critical issue in the often-muted 'crisis in higher education' as the purpose of higher education is not clear to all its stakeholders. Clarity in this definition allows for correspondence to be asserted through monitoring, reflection and metrics. Quality higher education is that which matches with the requirement of higher education regardless of the virtues of that belief. Moreover if higher education is a diverse sector then the meaning of quality can retain a root in correspondence theory and differ for each of the main institutions. Quality is not contingent upon clear beliefs as to what education is and confers no special status in and of itself. It is a way of judging what education is. It can be measured in a wide range of ways that may be referred to as quality assurance. Support for this way of conceiving quality over the correspondence theory is offered by Wittgenstein, who argues that what we believe is not 'single axioms that strike me as obvious, it is a system in which consequences and premises give one another *mutual* support (italics in original, 1975, §142, page21e Moreover, he argues our 'knowledge forms an enormous system. And only within this system has a partial bit the value we give it' (1975, §420:, page 52e)

Coherence theory of quality requires a more constructivist approachto quality. Quality is about the coherence and consistency of how higher education is addressed. This definition extends beyond the needs of the institutions and includes societal, economic and political dimensions of what can be taken as higher education. It would set higher education in a community context and make judgement not just on the delivery of teaching or research but on the funding, social purpose and societal contributions of the members of higher education institutions. Quality here might be measured by value for money only if this concept was part of the complex network in which higher education itself was defined. To privilege one way of evaluating quality whilst pressurising the whole context of higher education that creates tensions in the network can be inappropriate. Quality in this context would be that which supports the system of higher education and which, if it were based on a notion of markets, would allow the market to determine what a relevant return on personal and social capital would be without the intervention of the state.

. Here the quality of higher education is pragmatic in that it achieves what is required; that it is a useful contribution to the outcome of higher education. Clearly this is dependent on an agreed notion of the purpose of higher education, which to 'justify our beliefs and desires to ourselves and to our fellow-agents subjects *us* to these norms and obedience to these norms produces a behavioural pattern that we must detect in others before confidently attributing beliefs to them' (Rorty, 1998, p. 26). Quality has no intrinsic link with what higher education is; it is simply a measure of how well, effective or efficient an institution is in providing the benefits it claims for itself and its stakeholders. James (1907, p. 46) stated that true ideas 'are those that we can assimilate, validate, corroborate and verify. False ideas are those that we cannot'. Indeed, the ancient practice of Oxford and Cambridge of providing degrees with examinations could be considered of higher quality provided that the holders of these unlearnt and perhaps un-merited degrees were able to achieve the intended goal. Failure to practise as a successful doctor regardless of the certificate that assented to your profession would, sooner or later, be revealed.

Given three definitive forms of quality, what is required to establish that the phenomenon of quality exists in each of the three cases above? To do this will require investigating what can be taken as evidence-of the three forms of quality. The method for securing evidence is not evidence itself and this is of critical importance to the notion of quality in any context. How can 'evidence-of' be established which provides reliability whilst not falling foul of rigour? Perhaps, a beginning is to ask

the right question, 'What act or agency signifies that evidence is "evidence-of"'?' This question may be modified when the next question concerns what level of confidence is required in the evidence that is claimed when used to reveal that the evidence is 'evidence-of' quality. The question then becomes 'In what can anyone generally have confidence, and what is required for anyone to hold such a belief that something is providing "evidence-of" quality?' This realignment of what is knowable into what is it prudent to believe, that is prudent in the Aristotelian sense of the insight and foresight that informs judgement rather than its more modern usage of cautiousness, shifts the point of reference from certainty to judgement. The value of evidence has been conflated with the notion of 'evidence-of', and this blurs the epistemic relationship that causes the misuse of the notion of 'evidence-of' in evidence-based quality practices. In this paper it is suggested that by articulating the relationship, important questions for evidence-based practice and policy can be raised (Kvernbekk, 2009; Boaz *et al.*, 2008; Biesta, 2007; Hammersley, 2005) and if the practice of quality in higher education is to be understood and applied in different contexts rather than being used to describe the context itself (institutional quality rather than educational quality) then, having determined the difference, quality might more relevantly be applied to work-based higher education.

As illustrated above, 'evidence-of' quality depends on what one takes quality to be. For instance in the case of a *correspondence* notion of quality, evidence is commonly assumed to be assured, so long as evidence has a particular epistemological nature, usually based on certain forms of empirical research design. These privileged designs are given epistemic priority over other forms of knowledge contained in judgements, expertise and experience of practitioners (Bridges, Smeyers & Smith, 2009). This restricted use of epistemic claims for evidence inhibits an ability to creatively form new ideas of quality or to verify the existence of quality that remains concealed through empirical methodologies (such as happiness, contentment, more community responsibility). The privileging of one form of evidence production over others dissolves the meaning of certain forms of quality where the simulacra of quality measurement itself ceases to stand for, but becomes, the signifier of quality. Such assumptions are fallible, for should the evidence indeed not be 'evidence-of' quality education but of a spurious correlation, such as proficiency in form filling or teaching to metrics, the evidence of quality (not the measurement of quality) lacks plausibility.

Second, in respect of *coherence* justification of quality, the use of a contextual reference bears upon an epistemic system or web of propositions. The epistemic relationship stems from the accumulated coherence of the evidence selected and can be conceived as a cohesive referential whole in which it is grounded and which is familiar. The use of the word 'whole' here is intended to refer to the totality of evidential structure that is evoked and from which it is logically sound to make a claim of evidence. It seems plausible that to increase confidence in the understanding of what evidence is, it is necessary to understand the 'totality' of the circumstance in which the evidence is revealed as 'evidence-of'. This will require portfolio entities whose attribution of evidence is determined by their relationship to others and to the specific notion of quality. This collection forms a relevant CRW that is intended to contribute to others knowing something for 'certain' where this certainty is based on the coherence of their association with each other. This does not mean that all possible forms of evidence are present, and indeed the cohesive referential whole is open to additional evidence, confirmative, collaborative or opposing to the evidential claim. Recognising which entities gain the legitimacy to be included in a cohesive referential whole may be based on *a priori* arguments or *a posteriori* justification both of which can contribute to a judgement as to the strength of the claim of a cohesive referential whole. Sufficiency in reducing risk regarding the level of certainty seems to require a portfolio of evidence to be collected which is pertinent to the specific epistemic relationship being investigated. These items might be included on the basis that something else is true; that is 'X' is evidence provided that 'V' (a definition of quality) is true. Membership of a cohesive referential whole is restricted to those entities that directly and intentionally bear on the issue requiring evidence. Inclusion within a cohesive referential whole might be contingent upon a second or third

variable to be coherent with the propositional claim such as assessment, funding and so on. This position accepts that there needs to be criteria, rules or judgements within each context to determine if entities present can be part of a cohesive referential whole and this infers that not everything present-to-hand will enhance the justification of the belief of quality existing that is proposed.

The *pragmatic* approach is based on justifiable belief as to what is worthy of facilitating our actions toward a purpose which is arrived at through edifying conversations within an appropriate community. Evidence ought to justified (although this is not a necessary condition), have an explanatory value, a good reason to believe, disentitlement from the subject and when qualified by another proposition this proposition is true. In coming to a decision on whether the justifiable belief contributes compellingly to an understanding of plausibility, confirmation, certainty or fallibility one is dependent upon the explanatory value as the independent criteria of judging if an entity can be considered as evidence prior to when it is called upon to be evidence of something. The justifiable belief is by its nature temporary in that at a point in time 't' (temporal), the judged content of the justifiable belief is sufficient under the relevant consideration to satisfy reasonable beliefs of agent(s) to act based on their rational interpretation of this totality. The question then becomes not what is the evidence-of the existence of quality in some objective and certain correspondence sense but what can one generally have confidence in and what is required to hold such a belief. This seems to be centred on the concept of inference that offers a familiarity between language games and how they are interpreted and that the interpretation itself cannot be extracted from the background familiarity with which inference is applied. Therefore, there will be a tendency to infer correctly or erroneously from what is called evidence within the prejudices and ideologies that dominate and inculcate our societies. Pragmatists, notably Rorty (1998) took truth, as is suggested in this paper with regards to quality, with misgiving if it is based upon an appearance-reality distinction as implied in the metaphysical nature of correspondence models and this paper argues for a distinction between less useful and more useful ways of talking.

Practical application

Such an exploration of the functionality of quality as justifiable belief has practical applications for all forms of higher education: university; training at postgraduate level for entry into professions; accreditation of graduate internships. To illustrate this reference is made to a study conducted by the authors on a project completed in 2011. This was a two-year evaluation of a pilot scheme on using work based learning for the training of solicitors in England and Wales (Solicitors Regulation Authority (SRA), 2011). The intention of the pilot was to experiment with a provision of training that would offer standardised assessment criteria across all legal practices, which would encourage trainees to self-manage their learning and develop reflective practice in the profession. The purpose of assessment was based on judgement of the quality of professional competencies that trainees had in order to reach a decision as to whether the individual was considered ready to enter the profession; the secondary assessment was whether the individual had the desired dispositions as well as the propositional knowledge that the legal firm carrying out the assessment required to offer a place at the firm. The decisions arrived at on these two counts had to be shown to be objective and non-discriminatory. With this firmly in mind the pilot scheme invited vocational paralegals to participate as well as law graduates. For the vocational paralegals this would be their only chance to qualify as a solicitor. The evaluation threw up a number of challenges for members of the legal profession carrying out the assessments as experts. While the rationale behind the scheme was accepted in principle, on the whole the experts were not convinced that it was any better than the existing system that relied heavily on the judgement of senior members of the firm and took into consideration the culture of the context of the individual firms or legal departments. Standardisation of training and assessment criteria failed to convince any participant in the scheme (lawyers and trainees) that this

made newly qualified solicitors transferable across firms and contexts. Challenges in defining quality and assessing it were mentioned in every interview (total of 30) of both trainees and supervising senior solicitors and rated highly as an area of contention by 80% of 90 participants who also responded to a survey. While the pilot scheme was seen by members of the legal profession to be an innovative and a much needed challenge to a profession perceived to be embedded in traditional forms of training and selection that happen behind closed doors and in making a contribution to widening participation, the issue that became one of the key factors in recommending that the SRA consult further before rolling out a new training scheme for solicitors was how quality is assessed. Defining quality and articulating how to assess it, therefore, became the focus not only of how the SRA might move forward but how higher education might grapple with assuring quality of and in assessment in more depth in its own context and in preparation for future partnerships and collaborations with other professional bodies and organisations running, or intending to run, professional trainings, internships and apprenticeships.

The three notions of quality discussed in this paper contribute to an unravelling of the complexities of assessing quality in the training of solicitors that can be adapted to all professional trainings. This unravelling is a form of articulation that provides an opening into the most appropriate agents or artefacts for assessing quality, which also meets a range of regulatory, professional and market requirements.

To enter the profession of law as a newly qualified solicitor, 'qualified' would refer to meeting all the *correspondence* criteria for, in this case, the legal profession's definition of higher education, its rules, regulations and the skills and competencies to be met. *Correspondence* is through monitoring by seniors and reflection in the sense of recognition of something being able to be done better. This is done through portfolios and metrics as in ticking off competencies as they are achieved and evidence provided. This could be, for example, a letter to a client, rather than evidence-of, that is, how the composition and content of the letter was arrived at. However, for a number of supervising solicitors:

> ...just a tick in the box exercise probably won't change the quality of work the trainee undertakes. (Director of legal department, local government)

Professional competence would also refer to matching levels of *coherence* criteria: examples would be portfolios that show evidence-of, ongoing formative assessment that demonstrates progression of learning, and ethical awareness that goes beyond adhering to the codes of professional conduct. This would require increasing skills in the assessor, which will be addressed more fully later on, as confidence in the competencies moves beyond that in which the variables are controlled and culturally understood, in this case the legal mechanics, to assessing increased variables as the requirements shift to more complex interactions with clients and the economic and political environments in which law must operate. Law is business, it seeks to find out through its assessments whether an individual can not only manage such interfacing but also demonstrate such 'pragmatic' initiatives that are at the same time coherent and correspondent. The trainee has to be value for money for the profession, but more importantly for the firm that has invested in and trained the individual. . Therefore, matching *coherence* is about being eligible for the profession through the *coherence* of the evidence that is required and available within the limitations of the system of training. All possible forms of evidence need not be present but additional evidence, confirmative, collaborative or opposing to the evidential claim may not be possible until the newly qualified solicitor begins to function as such.

Up to this stage assessors in the legal profession were generally confident of *correspondence* and accepting of the limitation of evidence of *coherence* as this was partly imposed by the profession's training system itself. However when assessing the qualities an individual trainee needs to have to be offered a position in the assessing firm, in their unanimous opinion, the increase in variables and

making a decision about quality, were both seen as risky and subject to perceptions of subjectivity although they were otherwise confident of their assessment. At this stage the assessment of quality becomes *pragmatic:* could the individual bring in or maintain business; embody the culture of the firm; articulate the culture; be part of a cohesive whole; loyal; generally hierarchical towards the purpose of keeping the firm in business and protecting its reputation? How could justifiable belief in an individual trainee be justified? The supervising solicitors were fully aware of the 't' (temporal) factor in justifiable belief and were therefore looking for the capacity in a trainee to adapt positively to changes that might occur over time brought about by pragmatic responses to shifting external factors such as markets, as this comment explained.

> ...the City's regulation, and how it's been applied and what they say, what this particular regulation actually means in practice and how they'd apply it and who you'd need to go to... and so it's actually how it works, it's knowing how it works, knowing contacts, having the experience, getting enough experience of the detail. It's your trade, it's knowing the 'trade secrets' if you like..., understanding the knowledge, and to be a good lawyer you need an awful lot more of that than you need of the law...that takes time and a good supervisor. (Training partner, a 'magic circle' firm, London)

In addition, it was noted that assessment of the qualities of the trainee became more predicated on the qualities required of the assessing senior practitioner to go beyond the relative safety of correspondence and coherence.

> The portfolio evidence might be useful perhaps for a smaller firm or high street practice, perhaps, but in our practice where you are really relying on the specialist partner to judge whether or not they've done a fantastic job in corporate or in real estate, when they are working with them, attaching all the portfolio evidence is not a useful exercise. (Senior partner, large outer London firm)

The following, extracted from interviews and a survey, were some of the qualities supervising solicitors said they were looking for which they believed required experienced judgement but which were open to being thought of as opinions of the person rather than the performance:

- enthusiasm;
- greater initiative;
- self-awareness;
- capacity for reflection;
- ability to take responsibility for learning and movement from passivity to actual performance.

> It's always going to be subjective, different views of what constitutes clear and concise language for example. You get 15 bodies in a room; you may get 10 different views! You may get 20 different views! (Senior partner large legal firm North of England)

The evaluation team made a number of recommendations to ensure not only quality in the overlapping areas of coherence and pragmatism but in articulating the process of how a decision is arrived at, evidence –of, on qualities for a particular culture, environment and purpose in a regular changing dynamic. These included : the introduction of edifying conversations throughout the trainee period as described previously; and challenging the notion of the 'subjective' which senior supervising solicitors believed left them exposed to accusations of favouritism; prejudice; false assumptions; personal agendas and complaints. These are issues with which higher education in

general is familiar particularly in higher level awards where assessment is in the hands of 'experts' and relating to which quality assurance cannot offer any hearing for an aggrieved student who wants to challenge an 'academic decision'. The team became increasingly aware of the lack of conceptual frames and language for the articulation of such quality processes from expert practitioners. As one experienced lawyer and training supervisor said on how helpful articulation of outcomes and expectations could be, and this was echoed by a number of others,

> [we've] got to show that they' [trainees] are competent against all these criteria we judge against and then it's easier to show, 'Well it's not because you're an ethnic minority or a woman or whatever that you're not progressing; it's because you're not fulfilling this.' So it's helping firms tackle things and sometimes discrimination is a kind of wildcard you know, it makes it very difficult to manage the situation because allegations are being made of bullying and under performance or whatever. It makes it much easier to kind of manage things better if the criteria can be objective, so you're not talking about their character or whatever, it's simply their performance. So having all the kind of terminology, the framework of work based learning.... it takes it away from being a subjective assessment into a more kind of objective one… Issues of discrimination, I think, would be less likely to arise because it's more objective.

Another solicitor commented:

> part of the reason work references have become bland is because no past employer wants to be accused of misrepresentation. Again, part of the struggle I have with portability [of portfolios with assessments] is the risk of being accused of misrepresentation [which] only increases if you're disclosing all your appraisal reports, and...you can conceive of circumstances where the trainee says, 'But that comment wasn't fair' but it's in the appraisal form. And I really think it's fraught with difficulty.

Such issues left some individual firms in a dilemma. The desire for being able to prove a trainee could meet correspondence criteria ie basic standards of competences meant a level of instrumentality that deconstructed the practice and disposition of the candidates to 'mere' activities unrelated to the actuality of successful professional practice without sufficient indications of suitability beyond correspondence. Assessment of correspondence therefore did not require any practice of quality of judgement of performance beyond technical tasks. However to take this process beyond correspondence required active engagement of the judgements of the firm's principles. It required a real and discriminating sense of the use of judgement as to the potential of trainees to master the needs of the firm and to embrace the firm's culture and practices. This leads to pertinent questions surrounding what is meant by the 'practice of quality 'by experts? At the pragmatic level, particularly in the professions and in academia, quality can only be assessed by practitioner 'experts' whose assessment of quality can be perceived as subjective if not adequately articulated:

> What I'm thinking is that if you can see people's portfolios, after they've been assessed as competent, you might look at that portfolio and question why they were assessed as competent. (Senior partner, inner city firm London)

> ...that's the whole thing trying to put your finger on what makes somebody competent to be a qualified solicitor. And there are so many factors that affect that. You could have, extreme example, somebody whose work is excellent, who understands the law very well, but they cannot communicate with clients, and you know that that person would never be able to...and you think, 'Ah, they just wouldn't be able to express legal concepts in an understandable

way. They really probably shouldn't be practising as a solicitor'...but for another firm they may be assess them as ideal. (Training Partner, Large practice, North of England)

Articulation of expert judgement

While the articulation and justification of judgement of *correspondence* and *coherence* can be met with the assistance of regulatory requirements and the development of increasingly sophisticated techniques and artefacts, in order to help in the justification of the role of the 'expert practitioner' as an assessor of quality of what constitutes 'qualified' for the profession when assessing whether the individual is qualified for a particular environment and role, the *pragmatic* dimension of quality, and the one most exposed to being perceived as subjective, it is appropriate to look at how others have articulated the justification of the judgement of the expert view. The intention of this paper is not to exhaustively mine this area but to provide pointers for further research into the development of an articulation of what can be perceived as subjective when left without a proper articulation of justification and of the process of arriving at judgement . If left without this articulation judgement is open to perceptions of subjectivity and to mitigate subjectivity the voice of the 'expert' may become instrumentalised through tools and artefacts as used in correspondence and in coherence. As can be seen by the extracts from the case study, senior practitioners were confident in their judgements of quality but lost for words in explaining the reasoning behind the decisions especially regarding the more pragmatic second purpose of assessment: suitability for being kept on by the firm or legal department.

The term 'practical wisdom' has come to prominence in recent years as the academic and professional worlds seek to articulate the basis for the justification of expert judgement (Maxwell 2007). The term is drawn from the dominance of wise practical judgement in the work of Aristotle Practical wisdom alongside art, knowledge, philosophic wisdom and comprehension constitute the five forms of knowing. Aristotle concluded that 'practical wisdom, then, must be a reasoned and true state of capacity to act with regard to human goods' (Aristotle 1140b:20/21 and is a form of rationality which deals with opinion. Moreover, Aristotle argued that the experience of the practically wise gives their opinions equal validity with that of demonstrated (empirical) fact. More recently the notion of what constitutes expertise (Claxton, 2000, Lazarus, 2000) cannot be left out of issues of quality in higher education in which there are according to Knorr Cetina knowledge complexities specific to that expertise in knowledge–centred practices (Knorr Cetina, 2000). For Melrose (2011) from her perspective in the performing arts which is regularly challenged to articulate the quality of the expert 'expertise can be recognised in its practices, and attributed on that basis to its practitioners, without those who recognise it being able to articulate discursively, in detail, what constitutes it. Is it, on this basis, un-speakable, or have we simply *not yet* determined how to speak and write it?' (authors italics)

Melrose (2007 p.1) supports the transformation of the notion of 'subjective' when referring to decisions arrived at by experts into 'expert -intuitive processes' providing a conceptual and language frame in which to articulate the practice of quality at the pragmatic level where assessment of quality goes beyond basic skills and techniques. This is not unlike a scientist who, through the course of a career, increasingly masters the variables of the domain through collective concepts and equations that act much like metaphor: have a simplicity that embodies volumes of knowledge. The scientist is not seen to be subjective. In higher education, and in this case example of senior assessing solicitors, the practice/subject expert in saying 'in the end I just know' can be the equivalent of the equation behind which there is considerable knowledge of the complexity of pragmatic practice. These views are from senior practitioners from a range of firms in London and other parts of England.

You've just got to trust the lawyer that they're working with to form a view as to whether or not they are up to it or not. Senior training partner, London firm

It's a bit of a nebulous concept. You just can't put your finger on it, you just know whether somebody is... You get a sort of gut feeling, really. Senior training supervisor North West England

Before they get a training contract, they've been psychometrically tested, they've done logical thinking tests, they've done verbal reasoning tests, they've done negotiation exercises and they've done all sorts of things. And so you build up a body of evidence as to what you know about this individual and where their strengths and weaknesses are. But there's still a part of the judgement that almost, you know, is on top of that. So you can use evidence... The more evidence you have and the reason more and more law firms and other professions do more testing of undergraduates is they want a body of evidence, they want to have more information when they're hiring people. But where I begin to struggle, you can never objectify that 100%...It goes back to what we were talking about a while ago, which is you can never wholly objectify the assessment of whether someone is competent or not competent to be a solicitor. Head of Training North East of England

The practice of quality therefore requires of the expert practitioner an articulation of the justification for their justified belief in a way that is trustworthy and transparent and for which the expert can be held accountable by their peers. The testimonial for the practical wisdom that defines the expert needs to contain some form of track record, a reputation for correspondence, coherence and pragmatism in their own practices as professionals as well as assessors in which the experience on which any judgement is based is that from which new learning has been derived, applied and updated and not that which is the repetition of one experience many times.

The notion of quality in work-based higher education requires evolving conceptual frames and language in which to both practise and articulate the assessment of quality and the quality of assessment. This paper offers a frame drawn from Wittgenstein, its applicability in a recent piece of major research and an invitation to explore the notion of expert and their role, in the Wittgenstein formula, at the pragmatic stage of assessment during which the student or candidate seeks entry into a professional culture or set up or into the higher levels of practice in that profession.

Concluding comments

We have tried to encourage further exploration of this issue in other professional bodies and professions including academia and higher education. It is an underexplored aspect of quality assessment and has implications for current and future collaborations between the professions and academia. In work-based learning it has implications as assessment moves towards involving professional experts in academic assessment and enhances academic assessment through constantly enquiring into the basis on which a judgement is made which requires more than the acceptance of the person as being an expert. The findings show an emerging understanding about how quality assessment that emerges from expertise can be more adequately defined and articulated thus countering challenges of subjectivity and discrimination. It was found that the professional experts' accountability of quality assessment in the legal profession was pertinent to higher education and higher education was able to provide such professionals with an articulation that positioned their expert assessments more objectively. The paper provides a contribution to the underexplored area of

the wide acceptance that being an expert is sufficient to judge quality. Such judgements need to be accountable through articulation of the components of quality.

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