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Collaboration, safe spaces and breaking down barriers to belonging: using active learning, technology and compassion in the classroom



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Manchester Law School

12 June 2024

What is belonging and why does it matter?

“Belonging is integral to the realisation of inclusion. To belong is to be valued (Smerdon, 2002), to connect with us and to have a sense of fitting in (Osterman, 2000). Educators value developing a culture of belonging to foster a safe environment for risk taking and engagement in learning (MacArthur, 2009; Vygotsky 1981)....Belonging can be understood as a dynamic construct that is shaped by our interaction with people, places and things.”

(Guerin and McMenemy 2018)

Belonging versus fitting in

“Fitting in is about assessing a situation and becoming who you need to be to be accepted. Belonging, on the other hand, doesn't require us to change who we are; it requires us to be who we are.”

(Brown 2017)

What are the issues?

- Post COVID the landscape has changed (Shephard, Burns et al. 2023)
- There has been low attendance and low engagement from a significant number of students
- Students are not engaging with personal tutoring provision or in the classrooms, although there are many areas of really good practice
- This is not unique to the school or the university; it is endemic across the sector
- Although we are providing support, many students are not accessing this- so the big question is why

What do students currently think?

- So far 155 students have completed the survey
- 4 students have had one to one interviews
- Although focused on personal tutoring , some key themes have emerged
- Key issues include:
 - Feeling of loneliness and isolation
 - Don't feel they belong here or deserve to be here
 - Fear of judgement – by staff and peers
 - Do not want to expose themselves to possible failure

(Martin 2024)



How do we do help with these issues in the classroom and our interactions with students?

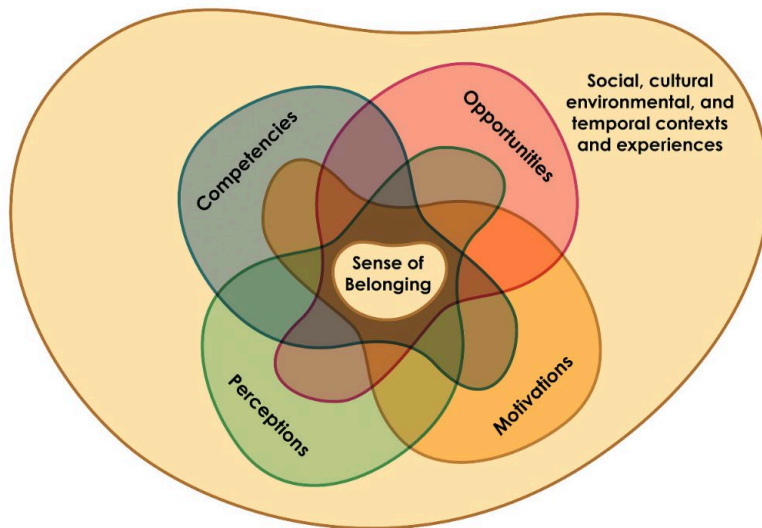
- **Take risks...**
 - Problem-based learning
 - Digital Technologies
 - Meta learning (learning about learning)
 - Authenticity, Sharing, Humour, Trust

“It is feedback, not failure.”

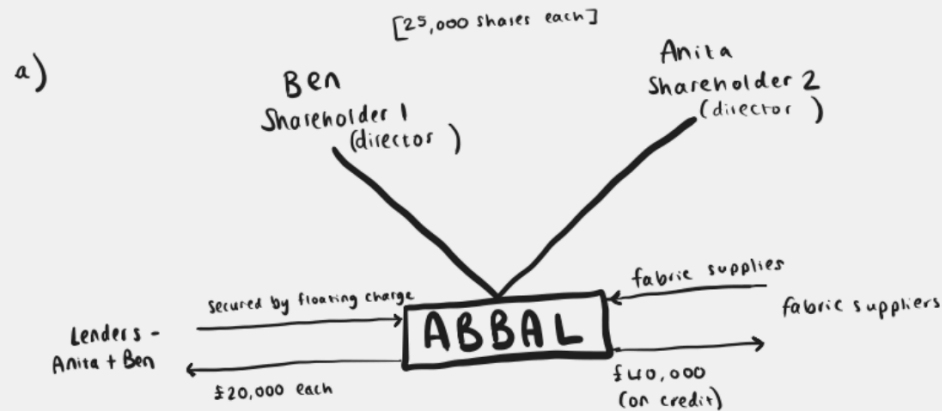
Slorach, S., Embley, J., Goodchild, P., and Shephard, C.
(2023). *Legal Systems and Skills*, Oxford University Press

So What?

- Start to shape expectations and boundaries, inform realities, provide cultural capital
- Fear → Curiosity
- Using technology to encourage less fearful interaction
- Reflection...What is learning? Being taught? Sense-making? Building knowledge with others?
 - Progress not perfection
- Cyclical process updates our own practice
- Modelling skills helps with skills teaching
- Shared perspective and values
- Communication, care and compassion = inclusive community
- Co-creation encourages engagement



(Allen, Kern et al. 2021)



Using [MS Whiteboard](#) for desktop (or download the app for iOS/Android), draw and upload to Teams a diagram showing ABBAL, its shareholders and directors, and the transactions referred to above. Name your whiteboard with your breakout group number, so they all have different names.

(Hoffman 2002)

Scaffolding, self-efficacy, metacognition, validation

For this example, ss174 and 172 are already provided as sub-headings for you below...just complete the titles with the description of the duties.

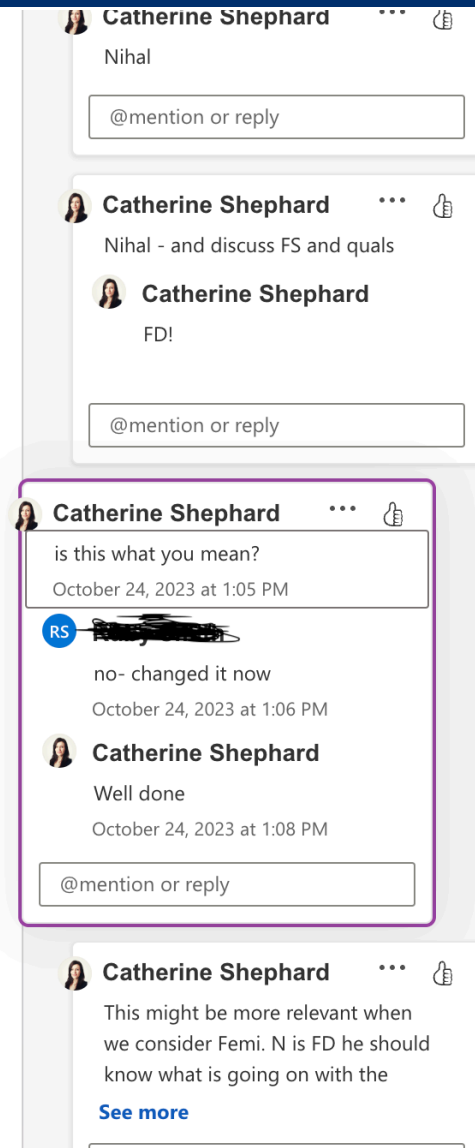
Duty to exercise reasonable skill, care and diligence (s174 CA 06)

There are two elements to this duty. The objective test, whereby, a director must exercise care, skill and diligence which would be expected of a reasonably diligent person with the general knowledge expected of a director. Also, the subjective test, where this is tested on the general knowledge that the director himself has. For example, where a director has specialist knowledge, a higher subjective standard must be met.

In terms of Nihal's duties as a director, he must exercise reasonable care, skill and diligence as to what is happening in the company. He has not been reasonably diligent, by failing to notice that Molly has been misappropriating company funds, here the objective standard is likely to not have been met since a reasonable director would have noticed if this was happening. Further, since Nihal is a Finance Director, this falls under his specific expertise and for him to not notice that £750,000 has been misappropriated, then he is clearly not exercising reasonable care and skill as to his position. Therefore here, the subjective standard seems to not have been met. The courts also decided to incorporate 214(4) of the Insolvency Act 1988 to implement fully the objective test into the CA 06. Therefore, the courts now consider both the subjective and the objective standard to hold a director to. Since the courts still apply pre-06 common law and principles to decide on breaching of directors' duties, they may consider Re Barings plc. Here, it was held that directors have a continuing duty to acquire and maintain sufficient knowledge and understanding of the company's business to enable them to properly discharge their duties. Therefore, the courts are likely to see that Nihal has failed here based off of the objective and subjective standard that is placed upon him.

Further information may be needed as to the lengths that Molly went to, to hide her wrongdoings, and if this would have been noticeable to a reasonable Finance Director. However, on the facts it is likely that Nihal has breached his duty as a director here, since it is clear that he has not exercised his duty of skill care and diligence to notice the misappropriation of funds in K Ltd.

Duty to [...](s172 CA 06)



The screenshot shows a WhatsApp chat with Catherine Shephard. The messages are as follows:

- Catherine Shephard: Nihal
- [Redacted]: @mention or reply
- Catherine Shephard: Nihal - and discuss FS and quals
- Catherine Shephard: FD!
- [Redacted]: @mention or reply
- Catherine Shephard: is this what you mean?
October 24, 2023 at 1:05 PM
- [Redacted]: no- changed it now
October 24, 2023 at 1:06 PM
- Catherine Shephard: Well done
October 24, 2023 at 1:08 PM
- [Redacted]: @mention or reply
- Catherine Shephard: This might be more relevant when we consider Femi. N is FD he should know what is going on with the
[See more](#)

Collaborative working and peer review

Workshop Prep:

Afra (A) and Bushra (B) run a fair treatment cosmetics partnership. They invite Java (J) to invest £50,000 in a joint venture with them.

A, B and J form a new company, Lipploss Limited (LL), each subscribing for an equal number of shares. The understanding between them is that only A and B will work full time in the business; that all three will be directors; and that LL's profits will be distributed in three equal shares as directors' remuneration.

Without consulting J, they decide that LL should acquire several retail outlets in prime site shopping malls, which involves large capital outlay fitting out the new premises.

J is informed that for an indefinite period the company, because of the debt-servicing burden that the expansion scheme involves, will only be able to pay a fixed salary to A and B in return for their full-time services and that J must forego profit in favour of capital growth of her investment.

J is unhappy about this proposition and asks to be bought out. A and B refuse, informing her that all company resources are needed for the expansion.

Advise J as to her shareholder remedy of Unfair Prejudice. Include in your answer a discussion as to the way the law in this area has developed to date and any reform you consider might be necessary.

Under the Companies Act 2006, Unfair Prejudice can allow shareholders like J, to take their business matter to court, they can do this if they believe they have been treated in an unfair manner, regarding their position as a shareholder.

When J does take this case to court, the court will assess whether A and B have breached their fiduciary powers when this business decision was made, this must be considered as it is crucial to determine the shareholders arrangement of agreements prior to this change but also the significance of the change in profit distribution and because J wasn't included in this, they must determine if this was unfair, focusing on the exclusion from management on J's end.

The courts can consider s.177 of the Companies Act. Under this, A and B hold a duty to declare interest in proposed transaction or arrangement. Similarly, under S.174, they also have a duty, to exercise reasonable care, skill, and diligence, this includes to their other shareholders of their business, and as they did not inform J of this arrangement they had decided upon, they are breaching both duties.

With this area of law reforming over time, the courts have taken a broader approach when discussing the unfair treatment of shareholders within a business. This can be seen in Foss v Harbottle.

(Suskind, 2023, Winstone and Boud 2022, Nicol 2013)



NA [Redacted] ...

Is this the conduct of company affairs-- concerning the company

@mention or reply



NA [Redacted] ...

Equitable restraint

@mention or reply



NA [Redacted] ...

Talk about the shareholders rights are the same but interests are different

@mention or reply

NA [Redacted] ...

The appropriate remedies--- s996(2)

NA [Redacted]

consider how J has a 1/3

@mention or reply

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