

Outcomes of the National Review of the Bachelor of Laws (LLB) qualification

In 2012, the Council on Higher Education (CHE) and South African Law Deans Association (SALDA) extensively deliberated the matter of whether the CHE should undertake a national review of the Bachelor of Laws (LLB) qualification. Ultimately, an agreement was reached that a national review of the LLB programme would be appropriate to strengthen the quality of legal education provision across South African universities. Again, at the LLB Summit held in May 2013, SALDA and the legal professions (General Bar Council and the Law Society of South Africa) reiterated the need to conduct a national review of the LLB programme.

Given the nature of the issues raised, the LLB Summit also proposed that the standard development process should precede the start of the proposed national review of the LLB programme. The threshold standard was envisaged to serve as a national benchmark against which all programmes leading to the LLB qualification would be measured.

Development of the LLB Qualification Standard

The Qualification Standard was developed by a working group of expert law academics, established by the CHE after consultation with SALDA. The draft Qualification Standard was published for public comment; this was accompanied by a series of consultation meetings, attended by universities, the Law Society of South Africa (LSSA) and the General Bar Council. The finally approved version took into account comments and recommendations received from all quarters of the legal sector.

The CHE agreed that, because the Standard had been developed long after LLB programmes had been in existence, it would not be used as the sole, or primary, benchmark for programme re-accreditation (i.e. national review). Institutions were requested, as part of the national review, to identify any areas in their programmes which, currently, do not meet the Standard, and to indicate plans for improvement together with proposed timelines for implementation. While there is considerable overlap between the Qualification Standard and Higher Education Quality Committee (HEQC) Criteria for Re-Accreditation, the Criteria served as a sharp edge of evaluation. The Qualification Standard was regarded largely as an instrument for programme development.

National Review process:

Institutional self-evaluation reports

The Self-Evaluation Report (SER) template was designed, again, in consultation with a group of expert law academics. It took the form of a series of questions, based on, and referring to, both the Qualification Standard and the Criteria for Re-Accreditation. Institutions were required to address all the questions and to submit, with the SER, only that documentation that was essential for a comprehensive understanding of the claims made in the SER.

The CHE is an independent statutory body established by the Higher Education Act, no. 101 of 1997. As the Quality Council for Higher Education it advises the Minister of Higher Education and Training on all higher education issues and is responsible for quality assurance and promotion through the Higher Education Quality Committee.

Council Members: Prof N. Themba Mosia (Chairperson) Mr Luzuko Buku, Prof Chris de Beer, Prof André Keet, Mr Cassie Kruger, Dr Bandile Masuku, Prof Pamela Maseko, Prof Shireen Motala, Ms Nombulelo Nxesi, Dr Kimberley Porteus, Prof Selby Ripinga, Prof Beverley Thaver, Dr Mvuyo Tom, Prof Mala Singh, Prof Sophie Mogotlane, Prof John Mubangizi, Dr Thomas Auf Der Heyde, Dr Sagren Govender, Mr Suren Govender, Ms Joyce Mashabela, Dr Diane Parker, Dr Mafu Rakometsi, Mr J Samuels, Dr Molapo Qhobela; Prof Narend Bajjnath (CEO).

The national review included all LLB programmes (whether first-degree integrated programmes or second-degree programmes following a BA (Law), BCom (Law), etc.). It did not include the other such initial programmes, except insofar as credit for law-related modules/courses was transferred to the LLB programme and integrated with the LLB credit requirements.

Desktop evaluation of the SERs

Desktop evaluation of the SERs was conducted by a panel of law educators, many of whom also participated in the development of the Qualification Standard. The desktop evaluation was aimed at advising the institution on aspects of the Qualification Standard that appeared to be in need of attention, and identifying gaps and absences in the SER response to the lines of enquiry. The desktop evaluation reports (DERs) were then moderated, for consistency, by a separate group of expert law academics. Each DER was sent to the institution. In some cases, additional information was requested, to be submitted prior to the site visit; in other cases, supplementary information would be required during the site visit. No comments on the prospects of re-accreditation of the programme were included in the DERs.

Institutional site visit

The site visit is an integral aspect of the national review of a programme. Site visit panels comprised three or four law academics from all 17 participating law schools and a representative from the CHE. A site-visit schedule comprised a series of time slots and included:

- the meeting of the review panel with the relevant Deputy Vice-Chancellor, the head of the academic unit (dean, head of school), programme coordinator/s and the quality assurance manager/representative;
- reading and reflection periods for members of the review panel
- interviews with academic staff, administrative and support staff, students and alumni.
- Visits to libraries, lecture venues, law clinic (if applicable), moot courts, computer facilities and other elements in the physical infrastructure of the institution where relevant.

The site-visit report

The site-visit review panel report is an evidenced-based report that ensures consistency of arguments across the criteria. It further ensures even-handedness and fairness of critical comments, and adequacy of evidence in respect of judgements. The panel ensures that the report is factually accurate, error-free, stylistically acceptable, and has a suitable tone. The site-visit reports together with the SERs provided the HEQC (the decision making body) with a comprehensive understanding of the programme offered at an institution.

The review panel under the guidance of the chairperson agreed in principle –as far as possible– on the provisional judgements on the programme. The review panel reached a broad consensus with regards to judgements related to each criterion and the programme as a whole.

HEQC ratification of outcomes

The National Standards and Review Committee of the HEQC scrutinized and assessed the site-visit panel reports, together with the institutional SER and any other relevant documentation, and recommended an accreditation outcome to the HEQC.

Prior to making a final decision, the HEQC made its recommendations available to the institution, together with the report on which the recommendations were based. The institutions were given an opportunity to make representations within 21 days of receipt of the draft report. In the representations, the institutions were asked to seek correction of factual information affecting the

findings in the report. Additional evidence was provided to support claims already made, clarify existing claims, but not used to introduce new claims.

Representations were scrutinized and evaluated and the HEQC made its final decision on 30 March 2017. The decision by the HEQC was then conveyed to the relevant institution on 07 April 2017. Notably, the HEQC decision is final and binding on the institution.

Final HEQC outcomes of the LLB National Review:

<p>Accreditation confirmed, with commendation</p> <ul style="list-style-type: none"> • None
<p>Accreditation confirmed</p> <ul style="list-style-type: none"> • None
<p>Re-accreditation subject to meeting specified conditions (in no particular order)</p> <ul style="list-style-type: none"> • Nelson Mandela University • University of Johannesburg • University of Venda • University of Limpopo • Rhodes University • University of Zululand • University of the Western Cape • University of Cape Town • University of Stellenbosch • University of Witwatersrand • University of Fort Hare • University of KwaZulu-Natal • University of Pretoria
<p>Notice of withdrawal of accreditation (in no particular order)</p> <ul style="list-style-type: none"> • North West University • Walter Sisulu University • University of South Africa • University of the Free State
<p>Accreditation withdrawn</p> <ul style="list-style-type: none"> • None

For more information on the outcomes go to page 18 of the **Framework for National Review of Programmes in Higher Education**: [Framework for National Review of programmes in Higher Education](#)

Improvement plans

The HEQC has requested the universities put measures in place to address the reasons, concerns, conditions and recommendations set out in the institutional review reports. Furthermore, the HEQC requires an Improvement Plan with clear targets, resource allocations and milestones within six months of receipt of the review report. Institutions are therefore required to report to the HEQC from time to time on progress made in respect of improvement to the programme. All improvement plans and progress reports received by the HEQC will be evaluated and the HEQC may, at its discretion and for good reason; request follow-up site visits. Taking into account the progress reports submitted by the institutions, the HEQC will continue to revise and update its re-accreditation decision to reflect improvements made. In cases where the timelines for conditions to be met are not adhered to, or it becomes clear that the conditions are not being adequately addressed, the HEQC may alter a decision of **“Re-accreditation subject to meeting**

specified conditions” to “notice of withdrawal of accreditation” or from “notice of withdrawal of accreditation” to ‘withdrawal of accreditation’.

Of equal importance in a national review is an evaluation of the composite national picture in respect of the LLB qualification. To this end, the CHE will produce and publish a **report on the national state of the LLB qualification** addressing the main findings, strengths, shortcomings and concerns emerging from the review as a whole

Furthermore, the institutions were informed that the accreditation outcomes, not the review reports, will be published on the CHE website and other media platforms.

We trust that the national review will contribute to the enhancement of the quality of the LLB programme. The CHE would like to thank all the participating institutions for their co-operation in facilitating the LLB national review.

For enquiries regarding the HEQC outcomes, please contact the Chief Executive Officer of the Council on Higher Education at ceo@che.ac.za.

By Council on Higher Education

Dated: 12 April 2017