

**The Office of the Executive Dean
Prof Avinash Govindjee
Faculty of Law**
avinash.govindjee@nmmu.ac.za

19 April 2017

Dear Students, Parents, Members of the Legal Profession and other stakeholders

CHE National Review of the LLB Qualification: NMMU Outcome

The Council on Higher Education (CHE) released a report on 12 April 2017 setting out the outcomes of the National Review of the Bachelor of Laws (LLB) qualification. The report states the following:

- The CHE, together with the South African Law Deans Association (SALDA) and the legal professions (General Bar Council and the Law Society of South Africa), identified the need to develop a qualification standard for the LLB degree. The LLB Qualification Standard was finalised in June 2015 and serves as a national benchmark against which all programmes leading to the LLB qualification are measured. The CHE, SALDA and the legal professions also agreed to a national review of the LLB qualification. The national review would not only serve as a means to strengthen the quality of legal education provided by South African universities, but also as a re-accreditation process of the LLB qualifications available at various South African universities. The LLB qualification offered at each university was reviewed against the LLB Qualification Standard as well as against the CHE re-accreditation criteria used to re-accredit all qualification programmes.
- Each university was required to complete and submit a detailed Self-Evaluation Report (SER) together with evidence of how the LLB programme offered met the benchmark LLB Qualification Standard and re-accreditation criteria. The CHE was aware that the LLB Qualification Standard had been developed recently and that the current programmes on offer at the various universities were developed long before the LLB Qualification Standard was finalised in June 2015. Therefore, universities were required to identify any areas in their LLB programmes that do not meet the LLB Qualification Standard and to develop improvement plans indicating reasonable timeframes for implementation.
- A site visit of each university offering the LLB qualification was conducted during the months of August to October 2016. Site visit panels comprised three or four law academics and a representative of the CHE. The site visit panel conducted a number of interviews with academic staff, administrative staff, students and alumni. A site-visit

report was compiled for each university. The SERs and the site-visit reports were scrutinised and assessed by the National Standards and Review Committee of the Higher Education Quality Committee (HEQC) and an accreditation outcome was recommended to the HEQC.

In terms of the "CHE FRAMEWORK for NATIONAL REVIEW OF HIGHER EDUCATION PROGRAMMES" (June 2015), the accreditation process could result in one of the following programme outcomes:

- (a) **Accreditation confirmed, with commendation** - The qualification standard and all programme criteria are met and, in addition, examples of good practice and innovation are identified in relation to the standard and several criteria.
- (b) **Accreditation confirmed** - Qualification standard and programme criteria are met.
- (c) **Re-accreditation subject to meeting specified conditions** - A programme does not yet meet the qualification standard and criteria. Shortcomings are within the capacity of the academic unit and/or institution, and can be remedied within a reasonable period.
- (d) **Programme on notice of withdrawal of accreditation** - The programme has significant weaknesses such that it falls short of the qualification standard and does not meet criteria relating to programme design, teaching and learning, or assessment, so that the achievement of required graduate attributes is crucially compromised. However, presented with a description of shortcomings in the programme and steps that must be taken to address the shortcomings, the institution has the capacity thoroughly to review its programme and, through an improvement plan, comply with the standard and criteria.
- (e) **Accreditation withdrawn** - The programme has fundamental weaknesses such that it falls well short of the qualification standard and does not meet the criteria, so that alignment of the programme with the purpose of the qualification and the related graduate attributes is unachievable."

None of the seventeen universities fell into either category (a) or (b) above, due to the newness of the LLB Qualification Standard. Thirteen of the seventeen universities fell into category (c), being re-accredited subject to meeting specified conditions. This included the NMMU. Four universities (North West University, Walter Sisulu University, UNISA and the University of the Free State) were notified that they fell into category (d), namely "programme on notice of withdrawal of accreditation".

The NMMU Faculty of Law is pleased to report that our LLB qualification has received re-accreditation subject to meeting a few specified conditions (category (c)). The principal conditions include the following:

- i. The Faculty must report on a review of the curriculum that ensures adequate sequencing, and horizontal and vertical progression, in the modules of the programme. The review should pay attention to the development of adequate reading, writing and research skills.
- ii. An improvement plan must be produced to address current imbalances in staff demographics.

The NMMU is required to submit an improvement plan by 6 October 2017. The Faculty of Law has already embarked on developing the required improvement plan, having itself identified the above-mentioned shortcomings in respect of the LLB Qualification Standard when drafting and submitting its SER to the CHE in May 2016. The four departments within

the Faculty have already commenced a process focussing on the sequencing of modules; horizontal and vertical progression; assessment frequency and methodology with the emphasis on reading, writing and research skills; and the decolonisation and Africanisation of content where relevant. Student input will be obtained via the Teaching and Research Assistants who will consult with the various representative groupings within the Faculty of Law.

I would also like to point out that the Faculty of Law received the following commendations from the HEQC:

“The extent and nature of the engagement between the Faculty and the organized legal profession in Nelson Mandela Bay. This goes beyond annual prize-giving and involvement with bursaries. It is a dedicated implementation of an approach that seeks to involve the profession in the teaching activities of the Faculty and in creating opportunities for students to interact constructively and over a period of time with members of the profession. The facilities of the Law Clinic, the location of the Clinic in the heart of communities where indigent people live, and the manner in which the Clinic is conducted (are commended).”

What does this mean for our students? The LLB qualification is expected to undergo a few changes in order to provide an improved, high-quality qualification that is aligned to the national LLB Qualification Standard. The sequencing of the modules may change, new elective modules may be introduced, and the assessment methodology for a number of modules may incorporate more assignments and other forms of assessment focussed on reading, writing and research skills. The Faculty of Law welcomes the feedback and input received from the CHE and looks forward to revamping the LLB qualification on offer in a way that enhances its relevance and increases its usefulness for students and for colleagues in the profession and in industry.

Yours faithfully



Prof Avinash Govindjee
Executive Dean: Faculty of Law