

Report of External Evaluation and Review

The New Zealand Council of Legal
Education trading as The Institute of
Professional Legal Studies

Highly Confident in educational performance

Highly Confident in capability in self-assessment

Date of report: 31 July 2013

Contents

Purpose of this Report.....	3
Introduction	3
1. TEO in context.....	3
2. Scope of external evaluation and review	6
3. Conduct of external evaluation and review.....	6
Summary of Results	8
Findings	10
Recommendations	17
Appendix	18

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Purpose of this Report

The purpose of this external evaluation and review report is to provide a public statement about the Tertiary Education Organisation's (TEO) educational performance and capability in self-assessment. It forms part of the accountability process required by Government to inform investors, the public, students, prospective students, communities, employers, and other interested parties. It is also intended to be used by the TEO itself for quality improvement purposes.

Introduction

1. TEO in context

Name of TEO:	The New Zealand Council of Legal Education trading as The Institute of Professional Legal Studies
Type:	Private training establishment (PTE)
Location:	Level 9, 92 Albert Street, Auckland
Other delivery locations	Hamilton, Wellington, Christchurch and Dunedin
First registered:	13 June 2011
Courses currently delivered:	Professional Legal Studies (level 6)
Code of Practice signatory?:	Yes
Number of students:	Domestic: 240 equivalent full-time students (EFTS) (circa 410 learners) International: 10 learners
Number of staff:	18 full-time equivalents
Scope of active accreditation:	This provider has approval to deliver a training scheme: Professional Legal Studies Course.
Distinctive characteristics:	The New Zealand Council of Legal Education ('the Council') is a statutory body established under the Lawyers and Conveyancers Act (2006). The Council has responsibility for developing a programme of study required to be passed before a person may be admitted to the High Court of New Zealand as a barrister and solicitor. (The full

range of educational functions of the Council is listed under 'Other' below.)

The Council has also established a permanent committee, which functions as an independent training arm, to deliver its programme. This committee is The Institute of Professional Legal Studies (IPLS). The Council also allows for other entities to deliver the programme if certain criteria are met. Currently there is one other organisation offering this programme.

While this external evaluation and review includes consideration of both programme development and delivery, the core evaluative focus is on programme delivery and the services of IPLS. This is because the programme developed by the Council was accepted as a suitable training scheme by NZQA in 2011. Therefore, unless otherwise stated, within this report evaluative findings relate to the services of IPLS.

Another distinctive feature of this provision is that it is a postgraduate training scheme. All trainees are required to have, as a prerequisite for entry, a Bachelor of Law degree. The programme of study established by the Council focuses on 11 practical skills required for work as a barrister and solicitor.

A third distinctive feature is that the programme has multiple entry points, combined with blended-model delivery options. Trainees must successfully complete all 11 skill set modules. However, the order of completion is flexible, allowing trainees to commence their studies at different entry points depending on their individual preferences. Additionally, IPLS offers two streams of learning: a 13-week programme and a 19-week programme. Both programmes cover the same skill learning areas, but the 13-week programme includes seven weeks online learning and two three-week blocks of class learning; whereas the 19-week programme has 16 weeks of online learning and two blocks (1.5 weeks each) of classroom learning.

The Council is a not-for-profit body, and IPLS retains any surpluses achieved to further develop

its provisions.

Recent significant changes: The Council was registered as a PTE in 2011. Before that the Council was recognised under the Education Act as an 'other tertiary education provider' (OTEP), and has offered legal training services since 1987/88.

This year the majority of instructor staff (the educators) at IPLS have become contractors, and are therefore not employees. This reflects the part-time nature of their roles, as most are practising barristers and solicitors.

Previous quality assurance history: This is the first external evaluation and review of the Council/IPLS.

Other: The functions of the Council under Section 274 of the Lawyers and Conveyancers Act are:

- a. 'To set the qualification and educational requirements for candidates for admission as barristers and solicitors of the High Court:
- b. To define, prescribe, and approve, from time to time and as it thinks fit, the courses of study required to be undertaken by candidates for admission as barristers and solicitors:
- c. To arrange for the delivery of the courses of study referred to in (b) or to provide those courses where necessary:
- d. To deliver courses of study in practical legal training for candidates for admission as barristers and solicitors or to license other persons to deliver those courses:
- e. To arrange for the courses of study referred to in paragraph (b) to be monitored and assessed:
- f. To prescribe, in relation to the admission of barristers and solicitors, mechanisms and criteria for –
 - i. The recognition of foreign qualifications, registration, and

experience; and

- ii. The recognition of qualifications for the purposes of the principles set out in section 15 of the Trans-Tasman Mutual Recognition Act 1997:
- g. To tender advice to the council of any university on any matter relating to legal education:
- h. To inquire into, consider, and report to the Minister on any matter relating to legal education as the Minister may, from time to time, require.'

2. Scope of external evaluation and review

The scope of the external evaluation and review was threefold:

- Governance, management and strategy
- Support for international learners
- The programme of delivery (Professional Legal Studies Course).

3. Conduct of external evaluation and review

All external evaluation and reviews are conducted in accordance with NZQA's published policies and procedures. The methodology used is described fully in the web document Policy and Guidelines for the Conduct of External Evaluation and Review available at: <http://www.nzqa.govt.nz/providers-partners/registration-and-accreditation/external-evaluation-and-review/policy-and-guidelines-eeer/introduction>. The TEO has an opportunity to comment on the accuracy of this report, and any submissions received are fully considered by NZQA before finalising the report.

The evaluation team comprised two evaluators. The team visited IPLS premises on 14 and 15 May 2013 (Wellington and Auckland localities).¹

During the visit the evaluation team held discussions with:

- The chief executive of the Council and three Council members

¹ Note: only one evaluator visited the Wellington premises. However, the evaluator was accompanied by a supplementary NZQA staff member who was observer of a governance and management discussion.

- The national director of IPLS
- The programme development managers (two) and the IPLS educational technologist
- The stakeholder engagement manager
- Five instructors (from differing localities)
- Three groups of learners (totalling 12 learners)
- Four learners involved in the online delivery (via telephone)
- Two graduates
- Three employers of graduates

During the course of the evaluation the team also received, and undertook a succinct overview analysis of, key documentation provided by IPLS. This included the quality management document, strategic planning documentation, course delivery information, student evaluations, student assessments and other learning materials. These materials were in addition to the summary of self-assessment (and related documents) provided prior to the site visit. These documents contribute to the findings of this external evaluation and review.

Summary of Results

Statement of confidence on educational performance

NZQA is **Highly Confident** in the educational performance of **The New Zealand Council of Legal Education trading as The Institute of Professional Legal Studies**.

This evaluation finds clear and comprehensive evidence that IPLS is consistently delivering learning opportunities that meet the most important needs of trainees (learners) and other stakeholders, in a highly effective manner.

Graduate success rates were consistently 95 per cent or higher within all cohorts over the last three years. IPLS considers this to be an excellent outcome, as it enables the vast majority of trainees to be admitted as a barrister and solicitor of the High Court of New Zealand, which is the stated vocational aspiration of trainees. Stakeholders, including trainees, graduates, employers and the governing Council, indicate that they value the course delivery by IPLS and consider it of meritorious quality.

Staff are suitably experienced lawyers and are effective at delivering modules of learning and providing mentoring support to trainees. This mentoring approach is valued by the trainees, who indicate that they enjoy their experiences with IPLS, and that the course greatly assists in contextualising their prior legal studies.

IPLS has developed clear resources and assessment approaches to assist in course delivery. This ensures consistency in delivery quality, regardless of the mode of delivery (classroom or online). This is further complemented by quality physical facilities for on-site learning modules.

IPLS is justifiably satisfied with its educational performance and contributing educational processes. These have been well demonstrated in evaluation discussions and documentation.

Statement of confidence on capability in self-assessment

NZQA is **Highly Confident** in the capability in self-assessment of **The New Zealand Council of Legal Education trading as The Institute of Professional Legal Studies**.

This evaluation finds strong evidence of effective self-assessment which evaluates the course offered by IPLS on an ongoing basis. The quality and validity of self-assessment information is high, making self-assessment processes meaningful and effective. Self-assessment processes are also clearly articulated in documentation sighted by the evaluation team.

IPLS delivers a modular-based course. Information on delivery quality is gathered from learners and instructors at set points in the course, and collated data is analysed by management to determine the progress of individuals and cohorts of learners. (This includes a particular focus on any trainees that may not have achieved a competency rating in any part of the course.) All relevant information is later presented in an annual monitoring report to the governing Council, and this report is then subject to a review by an external monitor. This two-step and verified approach to reflecting on educational performance provides for thorough self-assessment, and ultimately assures that established quality standards are maintained.

An additional motivator for focusing on self-assessment is ensuring the ongoing relevance of the course to the broader legal fraternity. Trainees have an expectation that the course will complete their prior studies in law, and will result in employment opportunities. To this end, IPLS also self-reflects on its provision to ensure its learning environment as far as possible matches the expectations of employers. As a result, employers interviewed trust the IPLS brand and the quality of its graduates.

Findings²

1.1 How well do learners achieve?

The rating for performance in relation to this key evaluation question is **Excellent**.

The rating for capability in self-assessment for this key evaluation question is **Excellent**.

IPLS ensures the vast majority of trainees – over 95 per cent – successfully complete their programme of study and acquire useful skills and learning outcomes. Evidence of this is found in Tertiary Education Commission data – which shows course completion rates of 96 per cent for 2009, 96 per cent for 2010 and 95 per cent for 2011.³

Self-assessment documentation and interviews show that IPLS has reflected on these outcomes and considers them highly favourable because the vast majority of learners will achieve their desired outcome from the course – admission to the High Court of New Zealand as a barrister and solicitor. IPLS is well aware of the key learner achievement outcome and is singularly focused on this within its delivery, and is achieving desired results.

IPLS has also undertaken monitoring and analysis of the small percentage of learners that do not complete the programme, and is satisfied that this occurs primarily because some learners elect not to finish their studies, rather than difficulties relating to the programme.

The Council, in its governing capacity, also seeks formal reports on learner outcomes for IPLS, and to that end an annual performance report is used to monitor outcomes. This includes monitoring of outcomes for various cohorts, for example the outcomes for Māori and Pasifika trainees. The Council then engages an independent monitor to review and advise on the IPLS report, and a second monitoring report is prepared.⁴ This two-step process is an exemplar of good practice, ensuring key learning outcomes are monitored and measured accurately.

No educational performance gaps or weaknesses were found in this area that would impact on the quality of learner achievements.

² The findings in this report are derived using a standard process and are based on a targeted sample of the organisation's activities.

³ 2012 data has not been made available as yet.

⁴ Annual monitoring reports occur for two out of every three years. In the third year, a re-accreditation process is used to assess the quality of IPLS provision.

1.2 What is the value of the outcomes for key stakeholders, including learners?

The rating for performance in relation to this key evaluation question is **Excellent**.

The rating for capability in self-assessment for this key evaluation question is **Good**.

Alongside trainees (learners), IPLS identifies its direct stakeholders as employers and the Council (in its capacity as a sector representative body).⁵

Trainees highly value the course and its delivery by IPLS. Trainees interviewed said they enjoyed their studies and appreciated the practical skills they were acquiring. Some learners described the programme as 'bringing together' or 'making sense' of the theory gained from law school. Trial experience was noted as a particular highlight by a number of trainees, and those who were near the end of the programme felt they were now equipped for legal employment. They also indicated that they would recommend IPLS to other law school graduates.

To reflect on the value of provision to trainees, IPLS undertakes formal student evaluations at the end of each module of learning. Collated data from these evaluations shows that the programme has an average quality rating from learners of 4.25 of out 5 (85 per cent). This formal monitoring of trainee satisfaction is good reflective practice, which is also balanced by informal oral discussions with trainees on learning needs and preferences (as per evidential information from instructors).

A small number of employers (selected by IPLS) were contacted during this evaluation to discuss the value of the course. These employers expressed the view that graduate employees coming from the programme had acquired the necessary skills to commence their duties. Overall, these employers expressed a high level of satisfaction with the IPLS delivery of the course. The national director of IPLS also meets with employers and seeks feedback on content and delivery approaches. Some customisation of the learning exemplars used to demonstrate skills has occurred to ensure ongoing value and relevance for employers. There is some scope, however, to further extend formal self-assessment approaches relating to understanding the needs of a higher number of employers.

The Council is a representative body comprising judges, deans of law schools, members nominated by the New Zealand Law Society, members nominated by the New Zealand Law Students' Association, a member nominated by the Minister of Justice, and a member nominated by the Council. Three members of Council and the chief executive took part in this evaluation and expressed high satisfaction with the course. In their view, the course met their expectations and ensured that the necessary skills and attributes required to practise law were well covered. The

⁵ IPLS also identified the general public as a secondary or ultimate stakeholder, as the course is designed to ensure quality legal representation throughout New Zealand.

IPLS formal reporting to the Council is a useful means of providing information and feedback to stakeholders within the sector.

One area for further development of reflective self-assessment practice would be to monitor employment outcomes subsequent to course completions. Currently, IPLS is not aware of how many learners commence legal employment after the programme.

1.3 How well do programmes and activities match the needs of learners and other stakeholders?

The rating for performance in relation to this key evaluation question is **Excellent**.

The rating for capability in self-assessment for this key evaluation question is **Excellent**.

The IPLS educational offer matches well with the needs of learners and stakeholders. Evidence of this is threefold. First, in relation to learners, the prerequisite qualification requirement of a Bachelor of Law means trainees already have a clear vocational pathway. The delivery of this course by IPLS allows learners to complete that vocational aspiration. In that sense, the course is perfectly matched, with no incorrectly placed learners.

Secondly, programme content reviews are undertaken by the Council to ensure an ongoing match of programme design with the changing needs of the legal fraternity. At the time of this evaluation, the Council was in the process of consulting on a 10-year formal review of the programme. IPLS had contributed directly to this review process with a written submission. This documentation demonstrated a thorough self-assessment process focusing on the match of the programme to trainee and stakeholder needs.

Thirdly, IPLS facilities and resourcing are fit for purpose. IPLS has developed clear teaching resources/manuals and assessment schedules, along with exemplar learning materials. In addition to the hard copies provided to learners, key learning materials are also available to trainees online. The materials sighted for this evaluation were well designed, with clear learning objectives identified. Trainees interviewed indicated that they found the materials to be thorough and useful.

The evaluation team visited two IPLS premises, in Auckland and Wellington. These premises and associated facilities were of high quality and conducive to learning. For example, there are mock court/classrooms, internet access, quiet study areas and sufficient learning space. The evaluation team is satisfied that both direct learning resources and physical resources are of good quality.

1.4 How effective is the teaching?

The rating for performance in relation to this key evaluation question is **Good**.

The rating for capability in self-assessment for this key evaluation question is **Good**.

IPLS uses part-time instructors to deliver the bulk of the course of study. All instructors have legal qualifications and have previously completed the course. Instructors describe their role as being mentors and their purpose to demonstrate professional practice (rather than to teach 'subject knowledge').

For all modules within the course, IPLS has a clear delivery plan and set resources. Instructors and learners are fully aware of desired learning outcomes at the commencement of each module. Some training and professional development opportunities for instructors are made available within the legal sector (for example all-staff meetings, use of visiting expert speakers, conference attendance). The two programme developers and the educational technologist are also available to assist instructors should the need arise.

IPLS has developed a clear assessment guide for instructors to use, which ensures consistency across various localities and modes of delivery. IPLS also has systems in place that require any assessment marked as Not Yet Competent to be reassessed by another instructor to ensure fairness. In addition, the national director is informed of any learners who may not have successfully completed assessments as required, and this provides an additional layer of monitoring of student outcomes. The evaluation team viewed samples of assessments, and based on that information and interview comments, considers that assessment practices are fair, valid and transparent.

Trainees at IPLS said their instructors were approachable and established good rapport with their students. Trainees also felt that instructors were highly knowledgeable and skilled in their delivery areas. However, trainees also frequently commented that placing the online delivery at the beginning of the course was challenging for them. Most trainees felt that placing the face-to-face component before the online would better suit their learning needs. IPLS management had already reflected on this matter, and based on trainee feedback had determined that allowing multiple course entry points, including an online entry point, was, on balance, the preferred approach. This is because trainees want to complete the course as soon as possible in order to commence their legal careers.

Some trainees also noted that assessment information was not always returned in a timely manner, meaning they had 'moved on' by the time it was received, and therefore it had limited value. This suggests that there is some scope to improve summative assessment practices.

The evaluation team notes that the class ratios can be as high as 1:19, but are typically closer to 1:12. It is recommended that a maximum class size be set within quality management documentation, to reflect the 'mentoring' approach offered by instructors. The evaluation team also notes that there is scope for IPLS to ensure

all instructors continuously develop further their pedagogical knowledge and skills relating to mentoring/teaching.

1.5 How well are learners guided and supported?

The rating for performance in relation to this key evaluation question is **Good**.

The rating for capability in self-assessment for this key evaluation question is **Good**.

IPLS trainees report that staff provide useful guidance, and that they are confident in broaching a range of matters (queries, concerns, etc) with instructors and other staff. Some trainees provided examples of instructors offering extra support to assist their career development, beyond the parameters of the course.

IPLS has in place policies to ensure proactive support for any learners that present with disabilities. Staff were able to outline some occasions when these policies had been put into effect to assist learners. IPLS also provides students with a list of support agencies that may be able to assist with any personal (non-study-related) issues that can arise, but does not actively involve itself in facilitating access or knowledge of such groups to learners. (There are no visits, or guest speakers, brochures displayed, etc). This may be an area for further consideration; for example, whether linkages should be made with vocational and other services. IPLS has no reported student complaints (but does have a complaints management system).

The IPLS investment plan indicates that the institute, 'embraces its responsibility to Māori and Pacific people'.⁶ To this end, the institute sponsors and participates in forums established by either Māori or Pasifika legal students. This is positive, but is not the same as ensuring active support for various cohorts of learners – such as Māori or Pasifika learners – while they undertake their studies at IPLS. For example, Māori trainees interviewed indicated that they were not asked whether they would like to be put in contact with other Māori learners, or whether there was anything particular IPLS could/should do to meet their needs. There is scope for further self-assessment in this area.

The evaluation team did not have an opportunity to discuss student support directly with international learners (this reflects the low number of these learners). However, the national director and stakeholder manager demonstrated awareness of the support requirements relating to these learners, and submitted that there were no matters of concern in this area. The evaluation team accepts that all international learners will already have completed four years of study in New Zealand, and therefore their support needs will not be the same (or as intensive) as newly arrived international learners.

⁶ IPLS Investment Plan 2013-2014

1.6 How effective are governance and management in supporting educational achievement?

The rating for performance in relation to this key evaluation question is **Excellent**.

The rating for capability in self-assessment for this key evaluation question is **Excellent**.

IPLS has a clear management approach centred on educational achievement. There is a singular, clear purpose for IPLS, and its goals for trainee outcomes are set, measured and reflected on both for internal use and external reporting purposes. These goals are consistent throughout reporting and planning documentation – such as the investment plan, annual report, monitoring report and business plan.

IPLS is financially viable and, as noted earlier, the course on offer is well resourced. The chief executive of the Council has indicated that there are no legal or ethical matters arising. Quality management policies are in place, and drawn upon. Staff report that their responsibilities and duties are clear. IPLS places a deliberate emphasis on professional collegiality, and staff value this.

The Council is currently undertaking a self-assessment process in relation to the contents of the course of study. This is being undertaken in a considered fashion which ensures good input opportunities for stakeholders.

The evaluation team is satisfied that the governing Council is sufficiently informed of the activities of IPLS, and that appropriate reporting processes are in place to address any educational issues that might arise.

Focus Areas

This section reports significant findings in each focus area, not already covered in Part 1.

2.1 Focus area: Governance, management and strategy

The rating in this focus area for educational performance is **Excellent**.

The rating for capability in self-assessment for this focus area is **Excellent**.

2.2 Focus area: Training Scheme – Professional Legal Studies Course

The rating in this focus area for educational performance is **Excellent**.

The rating for capability in self-assessment for this focus area is **Good**.

2.3 Focus area: Support for international learners

The rating in this focus area for educational performance is **Good**.

The rating for capability in self-assessment for this focus area is **Good**.

Recommendations

There are no recommendations arising from the external evaluation and review.

Appendix

Regulatory basis for external evaluation and review

External evaluation and review is conducted according to the External Evaluation and Review (EER) Rules 2013, which are made by NZQA under section 253 of the Education Act 1989 and approved by the NZQA Board and the Minister for Tertiary Education, Skills and Employment.

Self-assessment and participation in external evaluation and review are requirements for maintaining accreditation to provide an approved programme for all TEOs other than universities. The requirements are set through the NZQF Programme Approval and Accreditation Rules 2013, which are also made by NZQA under section 253 of the Education Act 1989 and approved by the NZQA Board and the Minister for Tertiary Education, Skills and Employment.

In addition, the Private Training Establishment Registration Rules 2013 require registered private training establishments to undertake self-assessment and participate in external evaluation and review, in accordance with the External Evaluation and Review Rules (EER) 2013, as a condition of maintaining registration. The Private Training Establishment Registration Rules 2013 are also made by NZQA under section 253 of the Education Act 1989 and approved by the NZQA Board and the Minister for Tertiary Education, Skills and Employment.

NZQA is responsible for ensuring non-university TEOs continue to comply with the rules after the initial granting of approval and accreditation of programmes and/or registration. The New Zealand Vice-Chancellors' Committee (NZVCC) has statutory responsibility for compliance by universities.

This report reflects the findings and conclusions of the external evaluation and review process, conducted according to the External Evaluation and Review (EER) Rules 2013.

The report identifies strengths and areas for improvement in terms of the organisation's educational performance and capability in self-assessment.

External evaluation and review reports are one contributing piece of information in determining future funding decisions where the organisation is a funded TEO subject to an investment plan agreed with the Tertiary Education Commission.

External evaluation and review reports are public information and are available from the NZQA website (www.nzqa.govt.nz).

The External Evaluation and Review (EER) Rules 2013 are available at <http://www.nzqa.govt.nz/assets/About-us/Our-role/Rules/EER-Rules.pdf>, while information about the conduct and methodology for external evaluation and review can be found at <http://www.nzqa.govt.nz/providers-partners/external-evaluation-and-review/policy-and-guidelines-eer/introduction/>.

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