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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: 19 September 2017

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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)
First registered:	13 June 2011
Location:	Level 9, 92 Albert Street, Auckland Central
Delivery sites:	Level 7, 23 Waring Taylor Street, Wellington Level 1, 430 St Asaph Street, Christchurch 28 Stuart Street, Dunedin Hillcrest Road, Hamilton
Courses currently delivered:	Professional Legal Studies Course (Training Scheme) (Level 6)
Code of Practice signatory:	Yes
Number of students:	2016 domestic: 184 equivalent full-time students, (460 students), 8 per cent Māori and 8 per cent Pasifika 2016 international: 4.8 equivalent full-time students (12 students)
Number of staff:	9.42 full-time equivalents including 25 individual instructors
Scope of active accreditation:	Professional Legal Studies Course (Training Scheme) (Level 6)

Distinctive characteristics: The Institute of Professional Legal Studies (IPLS) is a committee of the New Zealand Council of Legal Education (NZCLE). NZCLE is a statutory body established under the Lawyers and Conveyancers Act (2006), responsible for defining, prescribing and arranging courses of study required to be passed before a person may be admitted as a barrister and solicitor of the High Court of New Zealand.

IPLS was established to provide a practical legal skills training course for law graduates, and operates under delegation from NZCLE. IPLS and one other organisation are accredited by NZCLE to deliver this training.

The programme of study established by NZCLE focuses on practical skills required for work as a barrister and solicitor. All learners entering the programme must hold an approved law degree and are consequently studying at a lower level. Additionally, students who hold a law degree obtained overseas must have NZCLE approval.

The programme is offered either:

- over 18 weeks by blended learning mode incorporating online delivery and block courses of delivery, or
- over 13 weeks, either in a blended mode or through full-time, on-site delivery.

Instructors are part-time contractors, and many are also practising barristers and solicitors.

Recent significant changes: Introduction of a 13-week full-time on-site version of the course in 2016.

Previous quality assurance history: At the last external evaluation and review (EER) in 2013, NZQA was Highly Confident in both the educational performance and capability in self-assessment of IPLS.

The Tertiary Education Commission conducted an audit in February 2017 to provide assurance that IPLS is meeting Investment Plan Funding Conditions. The main findings of the audit were:

- 'Documented Policy needs to be developed

that includes the process to obtain and be awarded RPL [recognition of prior learning]

- IPLS needs to develop written policy for archiving of trainee enrollment and academic records
- NZQA site approval needs to be confirmed for IPLS permanent delivery sites in Dunedin, Christchurch, and Wellington.'

Other: IPLS only delivers a training scheme. Consequently, trainees do not complete a qualification.

2. Scope of external evaluation and review

The focus areas selected for this EER are:

- Professional Legal Studies Course (Training Scheme) (Level 6)
- Māori and Pasifika achievement
- International students: support and wellbeing

These focus areas were chosen because the Professional Legal Studies training scheme is the only programme offered by IPLS. Approximately 16 per cent of trainees are either Māori or Pasifika, and IPLS has a small number of international trainees (2 per cent), and consequently is bound by the Education (Pastoral Care of International Students) Code of Practice 2016.

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-eer/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 of two spent two days at IPLS's Auckland site. During the visit, the following people were spoken to: members of the governing body (NZCLE); chief executive of NZCLE; national director; stakeholder engagement manager; learning and programme development manager; instructors; students; graduates; stakeholders from law firms.

Summary of Results

Statements of confidence on educational performance and capability in self-assessment

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

The main reasons for these statements of confidence are:

- IPLS has a consistently high level of achievement that is validated by robust moderation. There is no significant difference in achievement by Māori, Pasifika and under 25-year-old learners when compared with other domestic learners. International student completion rates have consistently been 100 per cent.
- The high achievement levels confirm that almost all trainees are gaining the skills and core competencies necessary to be admitted as a barrister and solicitor of the High Court of New Zealand. This is a valuable outcome for trainees and the profession.
- The programme provided by IPLS develops the key skills trainees need to bridge from academic study to practice and improves their productivity when they enter the workplace.
- The needs of learners are systematically identified and addressed. The programme is delivered by experienced instructors who engage learners and draw on their experience in the profession. Components of the programme are intentionally constructed to involve trainees in their learning effectively. Multiple sites and modes of delivery are offered in response to the differing needs of various learners and employers.
- Although the training scheme is prescribed by NZCLE, the provider uses information from stakeholders to inform how it offers the programme and to ensure that content is current and relevant.
- Self-assessment is well developed and used to improve educational performance. This is evident, for example, through a structured course design and improvement process that draws on a wide range of information to make significant improvements to the programme. External moderation results are used effectively to improve assessment and relevance to the profession. The results are shared with staff.

Findings¹

1.1 How well do students 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**.

Achievement rates are high (see Table 1). Consistently attaining this high level of achievement is excellent as it confirms that almost all trainees are gaining the skills and core competencies necessary to be admitted as a barrister and solicitor of the High Court of New Zealand. These achievement rates are validated by the robust moderation of assessment by members of the profession (see Findings 1.3).

Table 1. Professional Legal Studies Course (Training Scheme) (Level 6)

	Number of trainees/successful course completion rate		
	2014	2015	2016
All trainees*	393/99%	403/96%	460/95%
Māori trainees*	13/91%	19/94%	15/95%
Pasifika trainees*	7/88%	11/96%	14/90%
Under-25-year-old trainees*	95/99%	92/98%	115/96%
International trainees#	2/100%	5/100%	12/100%

Source: *Tertiary Education Commission data – domestic students only
IPLS data

The course completion rates for priority groups identified by the Tertiary Education Commission (Māori, Pasifika and under 25-year-old trainees) are high and comparable to those of other trainees. This is a positive indicator that the needs of these learners are well met.

The achievement rates in Table 1 represent successful completion of the training scheme. IPLS monitors achievement mainly through completion of assessments within the 12 modules of the training scheme. Monitoring at this level is beneficial since it provides more detailed and timely information. Grades (Competent, Not Yet Competent, Pass and Merit) are monitored for each component by site, ethnicity, gender, delivery mode and age. This information is used effectively to monitor consistency between sites and individual student achievement, and to identify wider issues. For example, when a higher-than-usual number of Not Yet Complete grades were identified at a site with a high proportion of Māori and

¹ The findings in this report are derived using a standard process and are based on a targeted sample of the organisation's activities.

Pasifika trainees, additional academic support was provided for off-site trainees to meet with each other and their instructor at lunchtime workshops. Subsequently, the site had no Not Yet Competent results.

Achievement of the international student cohort is not routinely monitored. However, because of the small numbers and good monitoring of individual students, this has no significant impact. Senior staff know how individual international students are progressing and any lack of progress is well managed.

Modules in the programme develop trainees' technical skills, such as letter and document drafting, as well as more general skills such as problem-solving. Additionally, skills such as working towards deadlines are developed through the programme structure, which reflects a real-life legal environment. Evidence from learners, graduates, employers and IPLS's self-assessment showed that the skills and knowledge developed through the programme are useful and applicable to the workplace and prepare students well for the transition to work.

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

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**.

The training scheme offered by IPLS provides very valuable outcomes for learners and the profession. Through NZCLE the profession has identified the skills and learning necessary for the transition from academic study to practice. NZCLE has accredited IPLS and recognises that the programme meets one of the mandatory requirements for being eligible for admission to the High Court of New Zealand as a barrister and solicitor. This provides confidence that the outcomes of this training are valuable to the profession. Feedback from employers of graduates confirmed this, with one large employer noting the improved productivity of law clerks who had successfully completed the programme and their ability to provide a better level of service. Increasing support by employers for trainees to attend the programme over recent years also indicates the value of the outcomes. The number of trainees who have their fees paid by employers is increasing, and recently two large Auckland law firms have paid their employees while they attend the 13-week, full-time programme.

Graduates highly value the programme, not only because it enables them to apply for admission to the profession but also because of the useful, practical skills they learnt that are directly applicable to practice.

IPLS has regular contact with various sectors of the profession, and through this has developed a good understanding of value to employers. It uses this information to tailor the programme to meet employer needs, such as development of the 13-week, full-time programme. However, there is a gap in self-assessment relating to the understanding of employment outcomes for individuals and different

cohorts of trainees. This gap was identified at the last EER and IPLS is just beginning to consider how best to address this.

1.3 How well do programme design and delivery, including learning and assessment activities, match the needs of students and other relevant 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 needs of trainees and employers are clearly identified and comprehensively met. IPLS works effectively with trainees and employers to identify and match their various needs within the context of providing the NZCLE-prescribed course. For example, multiple delivery options and sites are available which cater for students throughout the country. A combination of online study and block courses enables students to work and study. The full-time, 13-week programme was introduced to meet the needs of some large Auckland law firms. Overall student satisfaction levels measured by trainee evaluations are high, although knowledge of the trainee response rate would indicate how representative these satisfaction levels are.

IPLS has an effective, structured course design and improvement process that uses information from multiple sources including feedback from students, instructors and employers, changes in law, and moderation results. IPLS reflects on the information it collects and implements changes based on this. For example, Problem Solving was identified as a seminar that had variable engagement and caused unease with some trainees as it challenges them to take a more structured approach to the subject. In response to this, changes were made and instructors were provided with training on the changes before they were implemented. The effectiveness of the changes is being monitored, and further change is possible.

Teaching staff are experienced legal practitioners, with many currently in practice, and they draw on their professional experience to inform delivery. IPLS provides instructors with comprehensive instructor lesson plans and notes are provided (that can be customised) to support consistency. Trainees also receive manuals that retain their usefulness when they progress to practice. IPLS staff are approachable and responsive, and instructors provided useful, timely feedback that supports learning. IPLS recognises the importance of feedback to trainees. To support this, feedback provided by new instructors is initially monitored to ensure its effectiveness. The programme is very structured, with timelines and multiple deadlines. In this respect, it has limited flexibility. Instructors noted that this reflected the workplace and that it enables students to develop skills to cope with stress and meeting deadlines, and this was supported by graduates. All trainees are required to attend on-site courses to develop and demonstrate practical skills. There is a high level of engagement with these components of the programme, and

this provides trainees with the additional benefit of developing networks within the profession.

Moderation is a strength and is used to ensure consistency and to improve both assessment and delivery. Moderation is comprehensive, with an annual moderation plan, moderation of all not yet achieved results and assessments conducted by new instructors, and random moderation initiated by seminar leaders. Members of the legal profession regularly conduct external moderation, and this feedback is used to inform course development. Moderation is a transparent process, with all staff having access to moderation reports and learnings from moderation shared through the staff newsletter. This information is also stored on the information management system for future use as required. This rigorous approach to moderation ensures that assessment is appropriate and meets the needs of key stakeholders such as NZCLE.

1.4 How effectively are students supported and involved in their learning?

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**.

IPLS offers only one training scheme which leads to professional recognition. Consequently, the provider has a clear understanding of trainees' learning goals, and this has enabled the development of good processes that support trainees very effectively in their learning. In both online and classroom-based delivery, there is a high level of interaction with trainees. The first call for support is the student's instructor, who can deal with their support needs or further refer if additional support is required. There are multiple deadlines throughout the programme, and these are used effectively to identify students in need of support. For example, students not meeting participation requirements are 'flagged' to instructors. Most international students are familiar with living and studying in New Zealand, and have completed a law degree at a New Zealand university. Those that have completed their law degree overseas must meet stringent NZCLE requirements and be approved by NZCLE. IPLS focuses on identifying and meeting the individual needs of international students and does this effectively.

A variety of methods are used to involve students in their learning, and students and graduates attested to the effectiveness of these. For example, while studying online components, Skype, email and phone contact are used to engage trainees. Graduates reflecting on their learning at IPLS attested to the effectiveness of this contact, particularly as it was combined with useful, timely feedback that helped their learning. Many learning activities are also successfully structured to involve trainees in their learning. Examples of this include having students peer review the work of other students and using this as the basis for reflection on their own learning, and requiring trainees to watch a video of themselves conducting an interview and complete a reflection on this before attending a review session with

their instructor. Review of these relatively new processes identified the need for instructors to spend more time with learners, and this has been addressed through the provision of support instructors. Students also have the opportunity to develop and demonstrate their skills in a variety of contexts aligned closely to the environment they will experience in the workplace.

IPLS provides comprehensive information about the course to learners both before and at enrolment. Prior to commencing the course, trainees are required to take an induction quiz to ensure they are familiar with the course regulations. Although information is provided to trainees on the projected workload, some trainees (particularly those in concurrent employment) were surprised by some aspects of the workload and course deadlines, for example the intensive workload and continually tight deadlines. The effectiveness of how this information is provided could usefully be reviewed.

1.5 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**.

The governance and management of IPLS are very effective at supporting educational achievement. The provider is clear that its purpose is to deliver, to the highest standards, a single training scheme that meets the requirements of the Professional Legal Studies Course and Assessment Standards Regulations 2002 (PLSCA regulations).

A committee of NZCLE governs IPLS and provides strong oversight of activity. The national director regularly reports to the council on a range of relevant matters. This reporting includes both an annual report and a comprehensive annual monitoring report against the PLSCA regulations. The monitoring report that provides assurance that educational objectives are met is subject to robust validation by an external monitor.

Resourcing for programme delivery is good. There is an appropriate number of well-qualified instructors (IPLS achieves an online student/instructor ratio of 20:1, and an on-site ratio of 14:1) who are well supported with teaching materials and professional development. There is a good induction process for new instructors, and collegial support is strong. Staff are well informed of the requirements and expectations for their position through an employee manual. There is effective communication with staff through regular newsletters and an annual conference. The annual conference also provides a platform for provision of professional development to enhance teaching practice and maintain currency of the programme and its delivery.

Stakeholder engagement is regular and used effectively to ensure that needs are understood. Information received through stakeholder engagement activity, as well as regular review of changes to the law, inform programme development and delivery through the structured approach used by IPLS (see Findings 1.3). In 2015, IPLS engaged with three of New Zealand's largest employers of law graduates to develop a proposal for delivery that was taken up by two of them.

Self-assessment is well embedded and effective. There are clear processes for self-assessment and staff have multiple ways of providing input into these. Data on achievement is regularly reviewed and used to inform self-assessment. For example, a review of Not Yet Competent grades at one delivery site identified an underlying issue that was appropriately addressed and a significant improvement was achieved (refer Findings 1.1).

1.6 How effectively are important compliance accountabilities managed?

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 has well-developed processes in place to monitor legal compliance and compliance with NZCLE course regulations. There are robust procedures to ensure compliance with the PLSCA that include an annual monitoring report which is reviewed by an NZCLE-appointed monitor. Additionally, IPLS must complete a three-yearly NZCLE accreditation process.

The national director reports to NZCLE annually on legislative compliance after reviewing IPLS activity against the applicable legislation. This compliance reporting does not include NZQA regulations, and compliance with the Education Act 1989 is limited to submission of an investment plan. Some aspects of academic quality are considered under compliance with the Consumer Guarantees Act.

The national director undertakes a review of compliance with both NZQA regulations and the Education Act before signing the Annual Return Statutory Declaration required by NZQA. The latest return, provided in April 2017, did not identify any areas of non-compliance. However, during the EER a relatively minor issue relating to site approval was identified. Additionally, a recent Tertiary Education Commission audit noted the need for IPLS to develop policies on recognition of prior learning and archiving student records. These issues indicate that knowledge of NZQA regulations and monitoring of compliance with them are areas that could usefully be strengthened. While this has some impact, compliance is generally well managed and issues are addressed promptly.

IPLS is a signatory to the Education (Pastoral Care of International Students) Code of Practice and enrolls a small number of international students annually. IPLS focuses on identifying and meeting the needs of individual international students and does this effectively. Most of the international students are familiar with living

and studying in New Zealand since they have completed a law degree at a New Zealand university. Those students who have completed their law degree overseas require approval by NZCLE and must meet stringent requirements. Some aspects of the Code of Practice are not applicable to IPLS; for example, the provider does not use agents to recruit students. IPLS's self-review of its application of the Code of Practice identified the need to develop policy and documentation relevant to the disputes resolution scheme, which has been addressed. A review of international students' files showed that appropriate, accurate records are being held.

Reviews of compliance with NZQA rules regarding staffing and assessment and moderation did not identify any areas of non-compliance.

Focus Areas

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

2.1 Focus area: Professional Legal Studies Course (Training Scheme) (Level 6)

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: Māori and Pasifika achievement

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

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

2.3 Focus area: International students: support and wellbeing

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

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

Recommendations

NZQA recommends that the New Zealand Council of Legal Education trading as The Institute of Professional Legal Studies:

- Systematically develop an understanding of the outcomes for trainees and different cohorts of trainees and use this in self-assessment.

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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