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External Evaluation and Review Report

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

Date of report: 5 November 2021

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

The New Zealand Council of Legal Education (NZCLE) supervises legal education in New Zealand. NZCLE established the Institute of Professional Legal Studies (IPLS) in 1987 to deliver practical legal skills training (the Professional Legal Studies Course) to law graduates who require such training if they wish to become a barrister and solicitor of the High Court of New Zealand.

Type of organisation:	Private training establishment
Location:	Head office: Level 7, 120 Albert Street, Auckland Currently (since the Covid-19-lockdowns in 2020) IPLS is only providing face-to-face delivery from its Auckland and Wellington sites.
Code of Practice signatory:	Yes
Number of students:	Domestic: 522 in 2020, being 203 equivalent full-time students (EFTS); Māori: 10.5 per cent, Pasifika: 4.7 per cent International: 22 in 2020 (seven EFTS)
Number of staff:	10 full-time and 12 part-time
TEO profile:	The New Zealand Council of Legal Education
Last EER outcome:	Highly Confident in both educational performance and capability in self-assessment (2017 EER)
Scope of evaluation:	The focus areas are: Professional Legal Studies Course (Training Scheme) (ID 114004) and International Students: Support and Wellbeing
MoE number:	9043
NZQA reference:	C45365
Dates of online EER visit:	14 and 15 September 2021

Summary of Results

High performance is achieved through quality teaching and learning processes targeted and regularly reviewed to effectively match needs and ensure law graduates develop the practical skills and knowledge required for legal practice.

Highly Confident in educational performance

- IPLS is focused on delivering training that inspires learning and supports each student to achieve the required practical skills, knowledge and competencies needed for legal practice.
- The Professional Legal Studies Course is of high value to the legal profession. Its content and delivery are tailored to effectively match the needs of law graduates and employer law firms.

Highly Confident in capability in self-assessment

- Highly effective processes include high-calibre instructors, excellent formative learning, high levels of engagement and interaction to support learning, and individualised additional tuition and support. These processes support almost 100 per cent course completions and valued outcomes. Student wellbeing is a key focus.
- Relevant and consistent delivery is achieved through authentic moderation practice and instructor guidance, training and development.
- The EER found just one area of weakness relating to variable oversight of NZQA requirements. While having no impact practically on the quality of delivery and student experience, this issue is recognised in section 1.6 of this report. Prior to the EER, IPLS was structurally addressing this concern.
- Quality self-assessment information is used insightfully to enhance academic processes and the learning experience. Core data sources are closely analysed on an ongoing basis to review performance and drive improvement.

Key evaluation question findings¹

1.1 1. How well do students achieve?

Performance:	Excellent
Self-assessment:	Excellent
Findings and supporting evidence:	<p>IPLS has excellent achievement rates. In each of the past three years, over 98 per cent of students successfully completed the training.</p> <p>IPLS has assessed the learning journey for each of the small number who have not successfully completed each year, finding that this has come down to individual circumstances. Equity of achievement is across ethnic groups. All of the small number of international students have successfully completed.</p> <p>IPLS tracks and analyses achievement by grade outcomes for each module of learning. This information has been instrumental to introducing new initiatives to support achievement and learning, such as the opportunity to resubmit assessments introduced at the end of 2018, and the redesign of a seminar where a high number of 'not yet competent' grades were concentrated. This analysis has also driven proactive individualised pastoral care.</p> <p>Students gain core foundation skills integral to legal practice. Examples include legal interviewing, advocacy and drafting skills, and legal office management skills. A resilience seminar supports students to be mindful of their wellbeing in practice.</p>
Conclusion:	Nearly all students complete the course each year. Continuous self-review supports high completions. Data analysis is used effectively to implement changes that lead to better outcomes.

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

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

Performance:	Excellent
Self-assessment:	Excellent
Findings and supporting evidence:	<p>The Professional Legal Studies training scheme meets the needs of the legal sector and future practitioners. It is the requisite practical legal training for law graduates to become a barrister and solicitor of the High Court of New Zealand.</p> <p>The course is wholly practical and provides students with core legal skills and knowledge that they have mostly not experienced through their university law degrees. The mentoring and training is based on relevant scenarios and experiences that students will encounter in practice. For example, advocacy training includes experience of an actual trial. Interviewing and negotiation is taught in a simulated context. Students gain knowledge of behaviours expected in the profession, for example appropriate courtroom etiquette and client relations.</p> <p>Skills learnt are transferable across different professions. They include problem-solving and interviewing skills, and the ability to present different positions and information effectively.</p> <p>IPLS' delivery mode options have met different needs well. Moving to wholly online delivery has enabled IPLS to offer the course more often throughout the year and across the country.</p> <p>Employers continue to recognise the value of the course, with the number of students who have their course paid for by their employer rising from 96 in 2018 to 152 in 2020. A further indicator of value is the increase in enrolments IPLS has experienced in 2020 – the highest in 10 years. Law firms engaged for the EER are satisfied with the learning experience of their graduate employees (as are graduates themselves).</p> <p>IPLS engages individually with employers to ensure the course is meeting needs. End-of-course student evaluations and feedback from student representatives provide IPLS continuous insights into the value and relevance of the training.</p>
Conclusion	The course is a necessary part of becoming a barrister and solicitor. Students gain core practical skills and knowledge important to legal practice and valued by both students and employers.

1.3 How well do programme design and delivery, including learning and assessment activities, match the needs of students and other relevant stakeholders?

Performance:	Excellent
Self-assessment:	Excellent
Findings and supporting evidence:	<p>The learning environment is structured for the benefit and needs of the students. Learning activities and resources are interactive and effective in engaging the students. Learning is scaffolded to allow opportunities for familiarity and practice, with excellent formative guidance provided to support learning. Instructors' sharing of real-world experiences enhances the relevance of the learning. Instructor consistency is supported by instructor notes for each seminar, and training and guidance on giving feedback.</p> <p>Regular internal and external moderation ensures the fairness and appropriateness of assessment. Divergence between assessor and moderator decisions is closely reviewed. All not yet competent results are moderated. External moderation undertaken by practising legal practitioners contributes to course relevance through ongoing input into the appropriateness of legal fact patterns used in assessment. Seminar leaders and instructors, who are also in practice, also add such insights.</p> <p>IPLS has structured its delivery options to meet different student and employer needs, including for specific large law firms. Ongoing engagement with these firms is undertaken to ensure continued relevance and satisfaction with the training. IPLS continuously reviews the course to keep up to date with changes to legislation and within the legal profession. Each year, IPLS' management engages with different representatives of the legal profession to keep abreast of needs and expectations.</p> <p>The course is reviewed in response to learners' needs based on insightful self-reflection and review. For example, analysis of not yet competent results led to the redevelopment of a challenging module to better support learning. Such analysis also led IPLS to introduce an assessment resubmission process at the end of 2018, which has improved both the process of learning and learning outcomes. Developments are trialled and reviewed before and after implementation.</p> <p>Student evaluations on content and delivery are completed at the end of each module, with typically positive results reported. IPLS has supplemented this with student phone interviews to</p>

	<p>boost the quantity of data. It recently both surveyed and phoned students to assess the quality of its delivery by Zoom.</p> <p>The course is delivered in accord with the content and outcomes prescribed by governing regulations. NZCLE annual external monitoring and a three-yearly reaccreditation process confirms this and the ongoing relevance and effectiveness of the course. NZQA's recent review of the 2020 reaccreditation report found that IPLS has an effective process to review the course.</p>
Conclusion:	Course content and delivery strongly matches stakeholders' needs. The course is regularly and effectively reviewed to maintain relevance and to support students' learning.

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

Performance:	Excellent
Self-assessment:	Excellent
Findings and supporting evidence:	<p>Students receive comprehensive study information, including the student handbook, course calendars and guidance on expected task completion timeframes. Course materials are easily accessible, located in the online learning software system. A student orientation occurs in the first learning module.</p> <p>Instructors have a high level of engagement with the students and are readily accessible. Students are guided to develop their skills, practising what they have learnt in a safe environment where mistakes are framed as a learning opportunity.</p> <p>Online students attend compulsory Zoom class discussions following self-directed completion of course work. Scheduled feedback Zooms are also compulsory and provide opportunities for feedback as tasks are practised. Optional question and answer Zooms are held prior to assessment. Collaborative learning supports academic and social connections.</p> <p>Instructors actively monitor task completion to ensure that students do not fall behind. Students are proactively engaged if they do not complete tasks or pass assessments. One-to-one tuition and pastoral care are provided to students struggling academically or with support needs. A student interviewed for the EER shared how the guidance she had received made the positive difference between leaving and staying on the course.</p>

	<p>A resilience seminar supports students to focus on their mental health and wellbeing and in recognition of the stresses of the legal profession. The resilience seminar lead is the IPLS health condition coordinator and is qualified in mental health first aid. She works with both students and instructors to identify how individual students can be best supported if needs are identified.</p> <p>Whereas additional policies, guidance and a handbook exist for the small number of international students that enrol each year, they have typically completed a law degree in New Zealand and are familiar with life in New Zealand. Thus, IPLS supports them in the same way that they support domestic students.</p> <p>Through self-review of the interim domestic Code of Practice and staff feedback workshops, IPLS identified a need to develop its pastoral care framework. It is currently working to determine, for example, how earlier identification of wellbeing-related issues might be achieved. IPLS intends for the framework to be established by the end of 2021. There is an opportunity for IPLS to develop related self-review alongside this process.</p>
Conclusion:	Students are effectively supported in their learning through a high level of instructor engagement and feedback and formative learning opportunities. Proactive, individualised engagement, tuition and support are provided in response to specific needs.

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

Performance:	Excellent
Self-assessment:	Excellent
Findings and supporting evidence:	<p>Educational achievement is managed by a close, cohesive team who provide strong academic leadership reflecting their long experience with IPLS and legal professional training, their professional integration with the legal sector, and a shared ethos of contributing to a strong legal profession.</p> <p>Sufficient resources are allocated to support learning and teaching. Students particularly commented on the accessibility of materials and information, and the knowledgeable, passionate and experienced instructors.</p> <p>IPLS has a clear recruitment philosophy to effectively recruit quality instructors, focused not only on relevant legal experience, but also on mentoring ability and experience. New instructors</p>

	<p>receive a training manual, instructor notes and materials and an employee handbook. They are supported by training and observation of, and guidance by, experienced instructors.</p> <p>Professional development is supported by an annual staff training and development budget. IPLS holds an annual staff conference and supports instructors to attend professional legal education conferences and seminars. Instructors are currently being supported to enrol in reo Māori classes as an initial strategy toward developing te ao and tikanga Māori in seminars.</p> <p>Data analysis is used effectively to understand achievement and drive quality improvement. Primary data sources include achievement data, moderation outcomes, student evaluation feedback and insights from stakeholder consultation. Satisfactory governance reporting is supported by comprehensive annual monitoring reports that are independently reviewed.</p> <p>IPLS is agile, and responsive to change and stakeholders' needs. For example, students experienced little disruption to their studies with the first Covid lockdown in 2020 due to the pace at which IPLS moved to wholly online teaching. Law firms value the communications they receive from IPLS about the status of course delivery when Covid restrictions are in place.</p>
Conclusion:	IPLS is responsive to student and stakeholder needs. Learning and teaching is well resourced. Self-assessment is effectively used to support continuous improvement and quality training.

1.6 How effectively are important compliance accountabilities managed?

Performance:	Marginal
Self-assessment:	Marginal
Findings and supporting evidence:	The last EER found that IPLS could strengthen its knowledge of NZQA regulations and compliance monitoring. This is still necessary. IPLS has not fully understood or effectively managed compliance with NZQA requirements. IPLS delivered the training scheme both wholly by distance and face-to-face for some time without NZQA approval – NZQA had previously only approved blended delivery. This matter has now been addressed by NZQA's approval of the different delivery options in September 2021. IPLS also did not notify NZQA of its

	<p>temporary Dunedin sites when in use (last used early 2020), despite this issue being previously identified.</p> <p>For the small number of international students that enrol and are on visas entitling them to New Zealand medical care, it was not apparent that IPLS has assessed their insurance needs against all coverage expectations outlined in Clause 16D of the Code of Practice (e.g. repatriation and funeral expenses). Thus, IPLS could strengthen its assessment of the scope of insurance coverage for such students to appropriately determine and advise whether coverage fully meets Code expectations. It could also more prominently identify its 24-hour emergency contact details (though it is recognised that most international students are likely to have established personal support networks in New Zealand). More transparent self-review reporting would provide stronger insights to support IPLS' review of the Code outcomes.</p> <p>IPLS has recognised its gap in knowledge and process and has been, prior to the EER, actively recruiting for a role that includes a compliance function.</p> <p>IPLS effectively manages its key compliance accountabilities to the NZCLE. Proposed course developments are assessed to ensure they are in accordance with NZCLE accreditation and governing regulations, with application to vary the delivery made to NZCLE where necessary – as was the case, for example, when IPLS moved to wholly online delivery. IPLS has consistently met NZCLE programme monitoring and three-yearly reaccreditation. IPLS maintains a detailed legal compliance report of its legislative accountabilities, and an annual compliance calendar. Independent financial reporting in 2021 has led the Tertiary Education Commission to identify IPLS as 'low-financial risk'. IPLS' quality management system document is comprehensive.</p>
<p>Conclusion:</p>	<p>IPLS' management of key compliance accountabilities is variable, with self-review inconsistent. IPLS has not effectively managed compliance with NZQA requirements. It has effectively managed other key accountabilities, including to the NZCLE.</p>

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) (ID 114004)

Performance:	Excellent
Self-assessment:	Excellent

2.2 Focus area: International Students: Support and Wellbeing

Performance:	Excellent
Self-assessment:	Excellent

Recommendations

Recommendations are not compulsory but their implementation may improve the quality and effectiveness of the training and education provided by the tertiary education organisation (TEO). They may be referred to in subsequent external evaluation and reviews (EERs) to gauge the effectiveness of the TEO's quality improvements over time.

NZQA recommends that The New Zealand Council of Legal Education:

- Ensure its compliance management processes comprehensively cover all NZQA requirements and that there is clear responsibility and ongoing review to ensure key accountabilities are effectively met.
- In accordance with Code of Practice expectations, review processes to ensure there is an assessment of full insurance coverage for international students on post-study visas, and clear identification of a 24-hour emergency contact for international students.
- Make more transparent its self-review reporting against Code expectations and outcomes.

Requirements

Requirements relate to the TEO's statutory obligations under legislation that governs their operation. This include NZQA Rules and relevant regulations promulgated by other agencies.

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

Appendix

Conduct of external evaluation and review

All external evaluation and reviews are conducted in accordance with NZQA's published rules. The methodology used is described in the web document <https://www.nzqa.govt.nz/providers-partners/external-evaluation-and-review/>. 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.

Disclaimer

The findings in this report have been reached by means of a standard evaluative process. They are based on a representative selection of focus areas, and a sample of supporting information provided by the TEO under review or independently accessed by NZQA. As such, the report's findings offer a guide to the relative quality of the TEO at the time of the EER, in the light of the known evidence, and the likelihood that this level of quality will continue.

For the same reason, these findings are always limited in scope. They are derived from selections and samples evaluated at a point in time. The supporting methodology is not designed to:

- Identify organisational fraud²
- Provide comprehensive coverage of all programmes within a TEO, or of all relevant evidence sources
- Predict the outcome of other reviews of the same TEO which, by posing different questions or examining different information, could reasonably arrive at different conclusions.

² NZQA and the Tertiary Education Commission (TEC) comprehensively monitor risk in the tertiary education sector through a range of other mechanisms. When fraud, or any other serious risk factor, has been confirmed, corrective action is taken as a matter of urgency.

Regulatory basis for external evaluation and review

External evaluation and review is conducted under the Quality Assurance (including External Evaluation and Review (EER)) Rules 2016, which are made by NZQA under section 253(1)(pa) of the Education Act 1989 and approved by the NZQA Board and the Minister authorised as responsible for Part 20 of the Education Act.

Self-assessment and participation and cooperation in external evaluation and review are requirements for:

- maintaining accreditation to provide an approved programme for all TEOs other than universities, and*
- maintaining consent to assess against standards on the Directory of Assessment Standards for all TEOs including ITOs but excluding universities, and*
- maintaining training scheme approval for all TEOs other than universities.*

The requirements for participation and cooperation are set through the Programme Approval and Accreditation Rules 2018, the Consent to Assess Against Standards Rules 2011 and the Training Scheme Rules 2012 respectively. These rules were also made by NZQA under section 253 of the Education Act 1989 and approved by the NZQA Board and the Minister.

In addition, the Private Training Establishment Rules 2018 require registered private training establishments to undertake self-assessment and participate in external evaluation and review as a condition of maintaining registration. The Private Training Establishment Registration Rules 2018 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, training schemes and consents to assess and 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 Quality Assurance (including External Evaluation and Review (EER)) Rules 2016. 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). All rules cited above are available at <https://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/>, while information about the conduct and methodology for external evaluation and review can be found at <https://www.nzqa.govt.nz/providers-partners/external-evaluation-and-review/>.

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