



## National Review Manual: Bachelor of Laws (LLB)

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### Note

This Manual should be read in conjunction with the *Framework for National Review of Higher Education Programmes* (CHE, 2015).

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# Chapter 1

## Process for the national review of programmes

The Council on Higher Education (CHE) as the Quality Council for higher education is, among other things, responsible for the quality assurance of the qualifications on its sub-framework, the Higher Education Qualifications Sub-Framework (HEQSF), which it discharges through the Higher Education Quality Committee (HEQC). A national review of an existing suite of programmes includes a re-accreditation process which forms part of the CHE's higher education quality assurance system.

A fundamental purpose of a national review is two-fold: it enables an institution to evaluate its programme in relation to a national standard for the qualification awarded, and it is a specific form of re-accreditation to ensure that institutions meet minimum quality requirements in the selected programme. A national review is conducted using the CHE's qualification standard and accreditation criteria.

A national review does not accredit institutions *per se*, but the programmes that they offer. The institutional context is of significance in so far as it should create an environment within which good quality higher education programmes are offered. The primary task of the review is to evaluate the programme and make an informed judgement both in terms of the provisions of the Higher Education Qualifications Sub-Framework (HEQSF) – the *fitness-of-purpose* of the programme – and the national and institutional context within which the programme will be offered (the *fitness-for-purpose* of the programme). The latter implies that the programme is consonant with the mission, vision and goals of the institution.

### 1.1 Scope of the Review

The National Review includes all programmes leading to the award of the Bachelor of Laws (LLB) degree, whether the degree is an integrated first degree or a second degree following the award of a first degree. The term 'programme' is used to refer to an institutionally-specific academic offering that leads to the award of the LLB qualification. In the case of the LLB awarded as a first degree, the programme includes all modules/courses offered. In cases where the LLB is a second degree, the scope of the review is somewhat different. While graduation in the first degree is required for admission to and subsequent award of the second (LLB) degree, only credit-bearing modules or courses taken in the first degree that are prerequisites for the award of the LLB, and are directly related to the achievement of all graduate attributes set out in the LLB standard, are taken into consideration as part of the review. These would include, for example, law modules/courses taken in the first degree and modules/courses that address the stipulation in the LLB standard that the graduate has 'some knowledge of a discipline other than law'.

The self-evaluation of a programme forms the core of the review process, and is significant in enhancing the quality of the programme. The starting point for the Review is the LLB qualification standard, recently developed by the Council on Higher Education (CHE) in consultation with a Standards Development Reference Group comprising academic experts in the field of law education. The Review is an assessment of whether or not the current LLB degree programme meets the

qualification standard, as well as complying with criteria for design, delivery, output, impact and sustainability, derived from the CHE *Criteria for Programme Accreditation*. The criteria are adapted to address the particular characteristics of the LLB, and are disseminated to institutions offering the LLB for comment prior to the commencement of the Review process. The national standard for the LLB is included as Annexure 1.

A self-evaluation report (hereafter SER) on each LLB programme offered, completed by the relevant institution, will receive a desktop peer evaluation of the extent to which it meets all aspects of the standard and the criteria. This phase of the Review will include an evaluation report sent to the institution for comment, but will not be accompanied by a re-accreditation judgement.

Following this phase will be a site visit conducted by a review panel comprising expert peers selected by the CHE. The panel reviews the current programme to see whether it meets the criteria for quality delivery and makes a recommendation accordingly. The resulting draft report provides an overall recommendation on the accreditation status of the programme. All draft reports are scrutinised by a National Reviews Committee (NRC), appointed by the HEQC, for adequacy of evidence to support the conclusions reached and to ensure that there is consistency across the findings of the reports. The NRC makes a recommendation to the HEQC on the accreditation status of each programme.

After consideration of the review panel report and recommendation, the HEQC arrives at a decision in respect of the re-accreditation of the programme. The process of decision-making is set out fully in the *Framework for National Review of Higher Education Programmes* (hereafter, the *Framework*). In cases where the HEQC decides on re-accreditation subject to improvement in specified areas, and it is evident that the institution has the commitment and capacity to effect the improvements, conditions will be set and the institution will be given a specified period during which it must meet those conditions before re-accreditation can be confirmed. In respect of timeframes the HEQC may, at its discretion, review its specification in the light of further submission from the institution.

Academic peers play an important role in the review process as they have expert knowledge and the experience to make appropriate recommendations. The CHE's approach of consulting with stakeholders before the standard and the criteria are finalised ensures that institutions have a role in the review process and understand that they must meet the academic benchmarks set by peers for a particular programme. Further details of the role of academic experts in the review process are included in the National Reviews Framework (hereafter, the *Framework*). The role and functions of a National Review Reference Group are set out in Annexure 2. The qualification standard and the criteria for re-accreditation proposed by the Reference Group are sent to relevant institutions for comment prior to their implementation.

## 1.2 The outcomes

The penultimate step in the review process is the publication on the CHE website of accreditation outcomes of all institutions reviewed. While all national review processes and committee proceedings remain confidential, the outcomes of the review process are made public. This occurs only after the completion of the process, including, where applicable, due consideration of any representation submitted by an institution.

The preparation and publication of a national report on the state of provision of the programme represents the last stage of the review process.

### 1.3 Summary: stages in the review process

The following steps are followed in the review:

1. The CHE informs institutions of the scope of the review, the national qualification standard, and the criteria to be applied to the review process. A short period is allowed for comment.
2. The CHE provides institutions with information acquired from national databases, and any other relevant information. Where such information requires correction, the institution does so as part of its SER.
3. Submission of a self-evaluation report (SER), using the national standard and the approved criteria, and portfolio of evidence supporting claims made in the SER. The CHE recognises the need for institutions to be given adequate time to engage in a critical and reflective evaluative process. The time period for submission of the SER will be communicated to institutions once the criteria for review have been formally adopted.
4. Internal screening of the institutional SER by the National Standards and Reviews Directorate (the Directorate) staff.
5. Preliminary desktop evaluation of the submission by experts in the field of legal education. This evaluation, with emphasis on the programme in respect of the qualification standard and the specified criteria, is sent to the institution without any recommendation in terms of re-accreditation. Guidelines for desktop peer evaluators are set out in Annexure 3.
6. Development by the CHE of a schedule for site visits by review panels.
7. The institution is informed of the site visit and the composition of the review panel.
8. The review panel includes peers with expertise in the relevant programme who have been trained as reviewers. Institutions have the opportunity to object to panel members if there is a perceived conflict of interest. (For guidelines on 'conflict of interest', refer to section 5.2 of this Manual.)
9. A draft schedule for the institutional site visit is developed by the Directorate in consultation with the institution.
10. Site visit by a panel of peers and experts. A draft report on the programme is prepared by the review panel and submitted to the CHE.
11. A check on comprehensiveness and coverage of all the criteria in each draft report is completed by Directorate staff.
12. The NRC ensures adequacy of evidence to support the panel recommendations and monitors consistency across the draft reports.
13. The NRC submits its recommendations to the HEQC. In turn, the HEQC sends the relevant recommendation to the institution. The institution may make representation, in terms of section 8.6 of the *Framework*.
14. In the event of a representation, the HEQC responds by following the procedure described in the *Framework*, section 8.7.
15. After reviewing all relevant documentation, the HEQC makes a decision in respect of the accreditation status of the programme, and communicates it to the institution. The ultimate HEQC decision is final and binding on the institution.
16. The CHE follows-up with institutions that do not receive full accreditation status. The follow-up process is described in the *Framework*, section 8.8.

## Chapter 2

### Baseline data for the national review of LLB programmes

The national review of programmes is an evidence-based process.

Once the CHE has approved the review of the programme, the National Standards and Reviews Directorate, using national databases and other relevant sources, gathers baseline data regarding the academic and operational aspects of the programme. These data are conveyed to the institution for confirmation or proposed correction. The institution may be required to submit supplementary data from its own records.

The baseline data provided by the CHE and each institution form part of the national report on the state of the provision of the programme and include details on the background and history of the programme, resource allocation, research, staffing, enrolment, throughput and graduation rates, etc.

The next section provides information on completing the self-evaluation report (SER). The baseline data and all other data required to complete the SER are complementary and provide an overview of the programme.

## Chapter 3

### Preparation of the self-evaluation report

#### 3.1 Introduction

The national review of programmes forms part of the CHE's quality assurance functions. One of the principles is that responsibility for programme quality rests primarily with the higher education institution itself.

The production of the self-evaluation report (SER) is core to the national review process and provides an institution with the opportunity to address quality issues in the programme. A fundamental characteristic of the SER is that it engages analytically with the identified standard and the re-accreditation criteria. Institutions are encouraged to highlight areas of strength, commendable practice and weakness and provide reasons for these. A SER that is descriptive without engaging the criteria assists neither the institution nor the HEQC in achieving the purpose of objectively evaluating and, when necessary, strengthening the programme. In a case of submission of a SER lacking adequate and relevant self-evaluation, the CHE may request further evaluative information from the institution.

#### 3.2 Preparing the self-evaluation report

The SER is an opportunity for faculties, schools or departments (as the case may be, hereafter referred to as the academic 'unit') to analyse the programme with a view to developing and sustaining it. In completing the SER, academic units are encouraged to adopt an approach that looks at the qualification standard and the criteria for delivery as an opportunity to evaluate the programme in a holistic manner. Departments should guard against a formulaic approach that translates the SER into a checklist-type approach.

The development of the SER is an opportunity for the academic unit to identify areas in need of improvement and related interventions to enhance the quality of the programme. Although this is primarily a threshold exercise, reviewers are encouraged to identify examples of good practice and innovation above the threshold.

##### 3.2.1 Developing the SER

The institution is expected to establish the required structures, procedures and processes and so enable the academic unit to conduct a thorough and timeous evaluation of its programme. The unit's systems, structures, policies and procedures, in relation to the programme, should also be part of a broader institutional concern.

The narrative account must be led by a self-assessment in relation to the qualification standard and each criterion and consist of the following key areas:

1. A descriptive account of the background of the qualification at the institution.
2. An evaluation of the programme measured against the qualification standard.



3. An analysis of the strengths, weaknesses, opportunities and obstacles relevant to the programme in meeting the standard.
4. An overall assessment of performance in delivering the current programme, informed by the specified criteria.
5. A development and improvement plan, where necessary.

The HEQC recognises that no two institutions or programmes are alike. Each institution has its unique mission, goals and objectives and organisational climate, all of which will be reflected in the SER. The key to preparing a good SER is to provide accurate, complete and well thought-out responses. Inaccurate, incomplete or improperly formatted information may delay the re-accreditation process. Responses should be clear, succinct and address the relevant topics. The quality of the content in the submission will depend largely on the process followed in compiling the self-evaluation report. All academic staff teaching on the programme should be involved in the self-evaluation process, even if only as critical readers of the final draft report. The SER portfolio must be signed off by the Dean of the faculty concerned.

The CHE provides a template for the format of a SER, including indications of the documentation to be appended. It is intended to ensure that review panels can make judgements, in each case, on comparable sets of documentation. Only documents necessary for a comprehensible reading of the SER should be appended. The template includes guidelines on the referencing of documents that are not appended.

All documentation referred to but not appended should be made available on site, during the visit of the review panel – see Chapter 4.

### **3.3 General characteristics of the SER**

The following are general characteristics of a portfolio as whole and are a guide to assist units in completing the SER.

#### **Interpretation of the standard and criteria**

The standard and the criteria should be interpreted in ways that suggest a clear and professional understanding of the issues as well as reflecting the context and nature of the institution. Some following questions are aimed at assisting the development of the SER.

#### **The self-evaluation process**

Have appropriate people in the institution been involved in ways that optimise the representativity, transparency and comprehensiveness of the self-evaluation process?

What were the outcomes/lessons of the self-evaluation process (apart from the self-evaluation report in the portfolio)?

#### **Presentation of the Self-Evaluation Report**

Is the self-evaluation report systematically presented, with cross-referencing within the report where necessary and in a way that results in an easy-flowing and coherent document?

Is there sufficient evidence available to the reader to enable a comprehensive reading, and is the referencing of other documents conducive to easy access by a site-visit review panel?

### Analysis/Evaluation

What conclusions have been reached about the effectiveness of the systems and arrangements for managing quality? Which are working well, and which are not working effectively? There should be an analysis of areas of strength and weakness and possible strategies for improvement.

Does the portfolio represent an appropriate level of critical self-reflection and self-disclosure?

### Evidence

What evidence is provided to support conclusions about the effectiveness of systems and arrangements?

Where necessary, has the evidence and tables (e.g. quantitative data) been interpreted for the reader?

Is there an explicit account which links the evidence to the conclusions? (e.g. *The minutes of this committee reflect a consistent tracking of the following issues, resulting in....*)

### Overall analysis

To what extent are reasons provided for problems experienced in some areas?

Is there explanation, for example, of the failure or difficulty of some policies or measures to achieve their intended outcomes? Is the knowledge gained from completing the exercise reflected in the SER? Has the nature of the problem been understood so as to formulate appropriate interventions or innovations?

## 3.4 Organising the self-evaluation report

There is a general format for the SER, informed by the template developed by the CHE in consultation with the Reference Group. The SER should be organized as a narrative self-study document with appropriate inclusion of references to supporting information, documents, survey results, and tabular data. Documents such as manuals, course syllabi, institutional rules and regulations, promotion policies, and survey documents may be provided on site. These must be clearly referenced in the portfolio submitted.

It is recommended that institutions make use of footnotes to refer to evidence in specific files and that a document (evidence) map be compiled listing the files.

To limit the duplication of evidence contained in the files, units should not arrange evidence exclusively according to the criteria. If, for example, reference is made to the faculty yearbook in more than one section, it is expedient to have the yearbook available in the governance file and to refer to this file whenever the yearbook has reference.

If footnotes are used, each footnote must be clearly explained in the SER to refer to the correct section, file and sub-section. Page numbers are also important. When referring to the minutes of a specific faculty board meeting in the narrative of a section of the portfolio, for example, the SER must direct the panel to the exact page number of these minutes. (Such evidence might

refer to a specific decision that was made and panel members should be directed to the decision in question without having to search through the minutes of entire meetings.)

Chapter 4 provides examples of documentation that units could provide during the site visit as material support for each claim made. If necessary, additional information beyond these examples may be requested.

### **3.5 Modes and sites of delivery**

It is the department's responsibility to ensure that all documentation and sufficient information regarding the programme is provided for each claim made in the SER. This includes the different modes of delivery as well as the different sites of delivery, if applicable.

### **3.6 Length of the SER**

The CHE does not prescribe the length of the SER, either by way of a minimum or maximum length. The general principle is that each section and question asked in the SER must be addressed, with evidence provided or referred to. If, for reasons of cohesiveness, it is decided to integrate responses to more than one question, it should be made clear exactly which combination is being addressed. However, narrative coherence, succinctness of argument, and clear referencing are important to the comprehensibility of the report. Duplication of content and 'padding' with extraneous detail and diversions should be avoided. At the same time, the institution must ensure all aspects of the SER template (provided by the CHE) are adequately addressed, or provide sound reasons if that is not the case.

## Chapter 4

### The site visit

#### 4.1 Preparatory steps

##### Conducting a site visit

The site visit is an integral aspect of the national review of a programme. Once the decision to review a programme has been finalised, the HEQC notifies the institution and reaches agreement with the institution on the timing of the site visit.

##### Liaison between HEQC and the institution

The institution is allocated a CHE *contact person*. The institution liaises with that person in connection with all matters related to the setting up, organisation and administration of the site visit, including all logistical arrangements pertaining to the visit. The CHE will communicate the details of the contact person to the institution. The role of the CHE contact person for administrative support is described in Annexure 4.

The institution is required to appoint a *site-visit coordinator* who is the liaison person between the institution and the CHE. The name, status and contact details of the site-visit coordinator are communicated timeously to the CHE.

The site-visit coordinator acts on behalf of the institution before and during the site visit. All site-visit related preparations and arrangements are the responsibility of the site-visit coordinator and s/he must also be available throughout the duration of the site visit to address the requests of the review panel in relation to the review process.

The responsibilities of the site-visit coordinator, in addition to maintaining an ongoing liaison between the institution and the HEQC, are defined and discussed below.

##### Duration of the site visit

The duration of a site-visit is normally 2-4 days. The duration may be extended should the need arise. All interviews should be arranged for between 9 am and 4 pm. The site-visit panel may require additional time beforehand or later for its own deliberations.

#### 4.2 Format of a site visit

A site-visit schedule comprises a series of time slots and includes the following:

- Meeting of the review panel with the relevant Deputy Vice-Chancellor, the head of the academic unit (dean, head of school), programme coordinator/s and the quality assurance manager/representative.
- Reading and reflection periods for members of the review panel.
- Interviews with academic staff, administrative and support staff, students and alumni.

- Visits to libraries, lecture venues, law clinic (if applicable), computer facilities and other elements in the physical infrastructure of the institution where relevant.
- A courtesy concluding session with the head of the academic unit.

The panel's overall impressions of the site visit can be presented. The panel does not discuss its recommendation in respect of the accreditation outcome of the process. In each case, the CHE will timeously inform the institution of its requirements with regard to the specific details for the site visit. Well before the visit, the site-visit coordinator at the institution should inform the CHE about the names (and designations) of those to be interviewed, venues for sessions, catering arrangements and other logistical details related to the review.

### 4.3 Site-visit requirements

#### Site-visit coordinator

The site-visit coordinator of the institution is the first line of liaison for the chairperson of the review panel. In addition to the responsibilities outlined above, the following aspects should also be addressed.

Well ahead of the site visit, the site-visit coordinator provides the CHE with:

- A road map from the hotel to the institution. (The CHE will provide the institution with the necessary accommodation details.)

At the institution, the review panel must be provided with:

- Clearly marked and signposted reserved parking bays, preferably close to the venue, for reviewers' vehicles.

#### Meeting room and break-away rooms

One main room and breakaway rooms as required are made available for the review panel to use during the site visit. It would be appreciated if the rooms have the following:

- Moveable tables and chairs for the review panel and interviewees.
- Extension cables and plug points for reviewers' laptop computers.
- Arrangements for tea and coffee in the main room, or nearby.
- Water available for reviewers.
- Flipchart and marker pens.
- A computer with access to all relevant institutional data and policy documentation, and printer.
- Display tables in the plenary room for categorised documentary evidence (see below).

#### Photocopying and stationery requirements

In addition to the above, the following is appreciated:

- Access to photocopying facilities.
- A stapler and a punch.
- Name tags for interviewees and desktop name labels for panel members (large enough for these to be seen from across the tables provided).
- Two boxes (e.g. photocopy paper boxes) and packaging tape for sending documents to the CHE by courier.

#### 4.4 Document display

In general, the materials and documents on display include the SER and all those documents to which reference was made in the SER. Additional information and documentation requested by the CHE similarly forms part of the document display. Moreover, the document display can also include any additional documents the institution considers important for the review as well as any additional documentary evidence required by the chairperson of the review panel during the site visit.

While the *specific coverage* of the document display may vary from one site visit to another and in terms of the specific requirements of the CHE for any given visit, the following list provides an indication of the key documents to be displayed:

- Prospectus, faculty handbooks, academic calendars, student guides
- Strategic plans of institution and unit (if available)
- Learner material, syllabi, course packs (per course/module/semester, per mode of delivery)
- Institution reports, committee meeting minutes, school/department/faculty minutes
- Data summaries of surveys and instruments
- Schedule of courses offered over the last 2-3 years with faculty members identified
- Assessment tasks and instruments, internal moderation reports and external examiner reports
- Degree completion rates, module performance and assessment records for the last 6-8 years
- Admission policies, RPL practice and learner records of relevant applicants; degree completion requirements
- Tuition and fee structures
- Examples of student work (including problem-solving and research-related work)
- Faculty curricula vitae
- Details of lecture and tutorial venues
- Relevant library catalogues, if available
- Records of student complaints and grievances over the past 2-3 years
- Summary of academic faculty members' accomplishments and publications for quick reference
- Advertising material, promotional material, information brochures, etc.
- HR policies, samples of contracts and other personnel data retained by the unit
- Course/lecturer evaluation responses and summaries
- Graduate tracking mechanisms
- Any other relevant policies or documents that support the unit's mission, goals and objectives.

Where appropriate, these documents may be made available in electronic or web-based format, but printing facilities must be accessible in case the review panel decides that some documents must be sent to the CHE as part of the panel's post-site-visit evidence set.

As a benchmark, apart from evidence of student enrolment, throughput and graduation, documentary evidence can be limited to the most recent 2-3 years.

The room allocated for the institutional display of evidence should be easily accessible. The unit is expected to clearly label, and where required, colour-code the evidence. A comprehensive list of

all evidence on display (an evidence map) should be available to all members of the panel and be included as an annexure in the SER.

Evidence should be distinctly labelled for different sites of delivery or modes of delivery.

#### **4.5 Interviews and interviewees**

A key element in a site-visit schedule is interviewing personnel from the different relevant parts of the institution. Interviewees are drawn from senior management, academic staff, administrative and support staff, students and alumni. Upon receiving the CHE site-visit schedule, the site-visit coordinator identifies the appropriate interviewees and communicates the finalised lists to the CHE. It is important to indicate the names and status of each interviewee as well as the scheduled sessions in which they will be interviewed.

The site-visit coordinator provides interviewees with details of the interview venues and times. Coordinators inform interviewees that they should only enter the interview venue on invitation by the chairperson of the panel.

#### **4.6 Catering arrangements**

In addition to the provision of coffee and tea, the institution is requested to provide a light luncheon on the day(s) of the site visit. Arrangements should be made for the luncheon to be served either in the plenary room or, preferably, in a venue not far therefrom. No alcoholic beverages should be served to panel members during the site visit. The CHE will notify the institution of any special dietary requirements once the review panel has been appointed.

#### **4.7 Post-site visits arrangements**

On conclusion of the site visits, the site visit coordinator ensures that:

- The post-site-visit evaluation form is completed and returned to the HEQC.
- Any boxes with documents required by the CHE are couriered to the CHE, without delay, at the end of the site visit.
- A list of all evidence tabled during the site visit is provided to the chairperson of the review panel.
- A list of all persons interviewed is provided to the chairperson.

#### **4.8 Costs**

The institution is responsible for the following costs:

- production of its SER and related material;
- on-site catering for the review panel during site-visit activities;
- copying of any material required by the panel to perform its tasks during or after the site visit;
- the cost of courier delivery to the CHE of any material requested by the panel for the purposes of its post-site-visit record of proceedings.

All other costs are borne by the CHE.

## Chapter 5

### Review panel

This section of the Manual is intended for the reviewers, appointed by the CHE to evaluate the programme. This chapter provides reviewers with an overview of the key aspects of programme re-accreditation and the review process. It also explains the reviewer's role and the CHE's expectations of the reviewer in completing a successful review exercise.

#### 5.1 Selection of the review panel

The CHE selects a panel of reviewers to conduct the site visit on its behalf.

This panel typically comprises a minimum of three people, one of whom serves as chairperson. The chairperson, among other things, also acts as the official conduit between the panel and the institution during the site visit.

The review panel members are drawn from a list of nominations received from institutions involved, to which the CHE may add candidates on the basis of their experience in related quality assurance processes. The nominees are required to provide evidence of their academic expertise and experience relevant to the LLB. A panel includes specialist expertise in the field of law education as well as expertise in higher education teaching, learning and assessment. These areas of expertise may be represented by the same or different persons.

The CHE trains reviewers in all aspects of programme evaluation. In addition to the review skills, reviewers are expected to use their specialist knowledge to make informed and objective judgments in relation to all aspects of the programme.

Terms of reference for review panel members are included in Annexure 4.

The review panel will among other things:

- Approach its work within the framework of the CHE's approach to quality assurance.
- Attempt to establish the general correctness of the information supplied by the institution in its SER and accompanying material.
- Evaluate aspects of programme quality.
- Identify and evaluate evidence of aspects of quality which could not form part of the paper-based submission. Such aspects can include the adequacy of relevant facilities.

#### 5.2 Suitability of the review panel

Before the actual site visit, the CHE ensures the suitability and acceptability of the review panel by communicating its composition to the institution.

The institution has the right to object to the composition of the panel and to communicate its *reasoned* objection to the CHE. As a general rule, a demonstrable *conflict of interest* is the only valid ground for objection. A conflict of interest may arise, for example, from recent formal involvement with the institution concerned, such as employment or as an external examiner, or membership of a body within the institution, or because of some form of family relationship with the institution. It is not, however, limited to these examples.



The CHE deals with any adjustments made to the composition of the panel resulting from an objection by an institution, or from a reviewer withdrawing from the panel and being substituted, and notify the institution accordingly.

### **5.3 Roles and responsibilities of the review panel chairperson**

The chairperson is the representative and trustee of the CHE's national review process for the duration of the site visit. As such, the chairperson is responsible for maintaining contact with the CHE before, during and after the site visit.

The chairperson of the review panel is a trained reviewer selected on the basis of demonstrated and recognised expertise relevant to a review of the particular programme. During the site visit, the chairperson is the official conduit for all communication between the institution and the panel, including requests for and submission of any additional documentation. Any problems or uncertainties encountered by the institution during the site visit should be brought directly to the attention of the chairperson.

The specific role and responsibilities of the chairperson are outlined in Annexure 4.

### **5.4 The site-visit report**

The site-visit review panel report is an important element of the review process. This report together with the SER provides the NRC and the decision-making HEQC with a holistic understanding of the programme offered at an institution. The writing of this report and the submission thereof to the HEQC signals the conclusion of the site visit for the review panel. Such a report is completed in two stages. The first stage is completed during the site visit and the second stage completed after the site visit.

The first draft of the report is normally written before the review panel disbands at the end of the site visit. It is expected that the key elements that inform this report would have been agreed to by panel members before the end of the visit.

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

The report of the review panel based on the agreements reached by the end of the site visit is written by the chairperson or the designated writer.

The report writer uses the CHE report template. This is an evidenced-based report that ensures consistency of arguments across the criteria. It further ensures even-handedness and fairness of critical comments, and adequacy of evidence in respect of judgements. The report writer ensures that the report is factually accurate, error-free, stylistically acceptable, and has a suitable tone.

The report reaches the CHE and other review panel members within seven working days of the end of the site visit. The CHE scrutinizes it for accuracy and offers suggestions (where applicable). In the case of a dispute among review panel members, individual comments relating to differing opinions are forwarded to the NRC and thence to the HEQC.

Upon receipt of the report, the HEQC, on advice from the Directorate and the NRC, assumes responsibility for all further processing thereof.

## 5.5 Review panel judgements

For each criterion, considered in the context of the national qualification standard, a judgement is required of the review panel as to whether or not the criterion has been met. This judgement is based on, and supported by, the narrative produced in the SER and evidence made available during the site visit. All review panel findings in respect of possible programme accreditation are substantiated through the evidence produced in the narrative. For each criterion, the following possible outcomes could be recommended:

### Commend

Such a judgement can be made if there is evidence of above-threshold practice that could be emulated profitably by other providers of similar programmes. Where an institution has an appropriate staff complement, it may but does not automatically lead to a judgement of 'commendable'. Where an institution has an innovative approach to student assessment that constitutes best practice, it should be commended for that.

### Meets the criterion, in the context of the qualification standard

All significant aspects that materially affect quality attached to the specific criterion have been met. There are no issues to be flagged for attention.

### Needs improvement

One or more aspects pertaining to a specific criterion have not been met, but the institution could rectify this. Here you need to decide how material the problem is to the success of the programme. If the problem is something that could be fixed while the programme is running (e.g. acquiring more library books, or revising the brochure that advertises the programme) it should be recommended either as a short or long-term condition. A **short-term** condition is something that could normally be fixed within 90 days, but no longer than six months (e.g. fixing an inconsistency regarding the number of credits in the course). A **long-term** condition implies that it would require more than six months to address – (e.g. adaptations to the programme design, upgrading of infrastructure or ensuring employment equity).

### Does not comply

In this case the shortcomings are of such a nature that they cannot be fixed within a reasonable period (e.g. the programme design does not comply with the purpose, characteristics or level of the qualification; or there are no academics in the institution with qualifications in the field within which the programme is offered – this means that there is no academic expertise within the institution to drive the programme and the development of learning materials).

## 5.6 Background to criteria

A **programme**, in the national review context, is generally defined as a **purposeful and structured set of learning experiences** that leads to a qualification.

The HEQC uses quality-related criteria as evaluative tools for the re-accreditation of programmes. Criteria are categorised using an input, process, output/impact and review model.

The criteria used for re-accreditation of programmes are drawn from the *Criteria for Programme Accreditation* and cover areas ranging from programme input, process, output and impact. They are applied to programmes taking into account the context of the qualification standard. Not all 19 criteria are necessarily used in a national review, or given identical weighting. Note, however, that all criteria listed – whether they are categorised as criteria for new or for existing programmes – may be taken into account. Priorities specific to the qualification – as informed by the standard – are identified, and additional programme-specific aspects may be incorporated after consultation with relevant stakeholders involved in the programme. For example, in the case of the LLB, particular attention is given to the development of law students’ problem-solving, research and writing skills.

Reviewers should verify that the programme is aligned with the requirements of the Higher Education Qualifications Sub-Framework (HEQSF). The HEQSF regulates the qualifications and programmes of higher education institutions in South Africa. It provides the framework for establishing a single qualifications framework for a single national co-ordinated higher education sector and for integrating these qualifications with the National Qualifications Framework (NQF).

The complete range of criteria used for the re-accreditation of programmes can be tabulated as follows:

**Summary of criteria considered for re-accreditation of programmes in a national review (see note above)**

	Programme areas	Criterion	Links
<b>INPUT</b>	Programme design	1	The qualification standard
	Student recruitment, admission and selection	2	Criterion 11
	Staffing	3 & 4	Criterion 10; Standard Guidelines 8&9
	Teaching and learning strategy	5	Criterion 12
	Student assessment policies and procedures	6	Criterion 13; Standard Guidelines 7&8
	Infrastructure and library resources	7	Standard: Assessment 4&5
	Programme administrative services	8	Criterion 14
	Postgraduate policies, regulations and procedures	9	Not applicable to LLB
	<b>PROCESS</b>	Programme coordination	10
Academic development for student success		11	Standard Assessment 6; Guideline 8
Teaching and learning interactions		12	Standard Assessment 3&6; Guide 9
Student assessment practices		13	Standard Assessment; Guides 5-8
Assessment: rigour, security		14	
Coordination of work-based learning		15	Not always applicable
Postgraduate programmes		16	Not applicable to LLB
<b>OUTPUT AND IMPACT</b>	Student retention and throughput rates	17	Baseline data
	Programme impact	18	Standard: purpose; graduate attributes

<b>REVIEW</b>	All of the above programme areas	19	Retrospective and prospective
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The complete set of criteria is found in the CHE *Criteria for Programme Accreditation (2012, revised 2015)*.

The **input** criteria (1-9) allow reviewers to assess the mechanisms of the programme in achieving its intended purpose.

The **process** criteria (10-16) allow reviewers to assess the implementation of the programme.

The **output and impact** criteria (17-18) allow reviewers to assess outcomes of the programme as well as student retention and throughput rates.

The **review** criterion (19) allows reviewers to assess the general effectiveness of the programme in relation to its purpose.

## Chapter 6

### Confidentiality and professional conduct

Programme reviews including site visits provide the HEQC and its review panels with much institutional information. Such information is treated as confidential and may only be used for the purpose for which it was obtained.

All material, including institutional submissions, is regarded as confidential and review panel members are required to sign an undertaking that they will treat all information as such and agree to destroy or return all specified documentation to the CHE by a specified date.

All reviewers are required to respect the professional code of conduct and are expected to sign a confidentiality agreement.

Reviewers are in particular prohibited from disclosing the contents of the report submitted to the CHE to anyone and may not contact the institution or other parties to discuss matters relating to the site-visit.

#### 6.1 Professional conduct guidelines for institutions

In addition to the required compliance by reviewers with the ethical and confidentiality requirements of the CHE, the CHE has further compiled a list of professional guidelines, related to site visits, for which it seeks compliance by institutions. These guidelines are as follows:

1. It is the responsibility of each institution to facilitate a thorough and objective appraisal of its programme.
2. Institutions have the right to comment on and raise concerns about reviewers selected only if it can be demonstrated, in writing, that a potential conflict of interests exists.
3. Any concerns about the site-visit procedures or processes are reported by the institution at the time of their occurrence. This applies to the conduct of the site visit by review panel and/or reviewer.
4. Institutions are not permitted to make contact with reviewers prior to the site visit and after the site visit on issues related to the review process.
5. Institutions or staff of institutions should refrain from attempting to influence the outcome of a site visit.
6. In terms of CHE policies, no gifts, awards or financial incentives may be offered to panel members during or after the site visit.
7. Any recording of site-visit proceedings (whether in writing or in sound) must remain confidential to the panel, must not intrude on the proceedings, and must be either destroyed or removed from the site on departure of the panel.
8. There should be no tampering of documents by panel members during the site visit.

9. Institutions are consulted on site-visit dates. Once these are finalised, the institution is committed to the site-visit dates. In the eventuality of any unforeseen circumstances that may require a rescheduling, it is the responsibility of the institution to immediately make contact with the Directorate at the CHE.
10. It is the responsibility of the institution to ensure that staff and students required to be present for the CHE site visit are available at the relevant times and are properly informed of all the arrangements, venues, purpose and intent of the visit.
11. Institutions should ensure that reviewers are afforded access to all facilities and resources relevant to the programme. Arrangements in this regard are made with the relevant CHE personnel. Reviewers must receive communication of these arrangements at the commencement of the site visit.
12. Guidelines for the Institutional Display must be adhered to by the institution. The institution has a responsibility to ensure that additional documentation requested by the CHE prior to or during the site visit, and in exceptional circumstances after the site visit, is made available.
13. It is the responsibility of the institution to ensure that information provided to the CHE is accurate and adequate for the purposes of the re-accreditation.
14. It is the responsibility of the institution to ensure that all staff members and students are aware of the review process and possible outcomes of the accreditation. Information pertaining to the programme review is made available on request to the public, and to internal staff and students.
15. The institution must ensure that pertinent and relevant information is made available to the review panel and that there is no withholding of any information such that it could compromise the work of the panel.
16. All information submitted for the programme review or made available to the public/ staff/ students must be accurate and reflect the actual programme and practices of the institution.
17. No photographs or videos may be taken of reviewers or the procedures of the panel during the site visit without the permission of the CHE.

## Annexures

1. Qualification standard: Bachelor of Laws (LLB) 23
2. LLB National Review Reference Group: role and functions 38
3. Guidelines for preliminary SER evaluators 40
4. Terms of Reference for review panel members, chairpersons, and CHE administrative support (including lists of documents they will receive) 42
5. Terms of reference for the national report writing group 48

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**Higher Education Qualifications  
Sub-Framework**

# **Qualification Standard**

for

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# **Bachelor of Laws**

# **(LLB)**

**The process of drafting this standard is described in the Introduction.**

**May 2015**

# HIGHER EDUCATION QUALIFICATIONS SUB-FRAMEWORK

## STANDARDS DEVELOPMENT: POLICY AND PROCESS

### Introduction

#### National policy and legislative context

In terms of the National Qualifications Framework (NQF) Act, 67 of 2008, the Council on Higher Education (CHE) is the Quality Council (QC) for Higher Education. The CHE is responsible for quality assurance of higher education qualifications.

Part of the implementation of the Higher Education Qualifications Sub-Framework (HEQSF) is the development of qualification standards. Standards development is aligned with the *nested approach* incorporated in the HEQSF. In this approach, the outer layer providing the context for qualification standards are the NQF level descriptors developed by the South African Qualifications Authority (SAQA) in agreement with the relevant QC. One of the functions of the QC (in the case of higher education, the CHE) is to ensure that the NQF level descriptors 'remain current and appropriate'. The development of qualification standards for higher education therefore needs to take the NQF level descriptors, as the outer layer in the *nested approach*, into account. An ancillary function is to ensure that they 'remain current and appropriate' in respect of qualifications awarded by higher education institutions. This means that they need to be responsive to the distinctive features of each field of study.

A secondary layer for the context in which qualification standards are developed is the HEQSF. This framework specifies the types of qualification that may be awarded and, in some cases, the allowable variants of the qualification type. An example of variants is the provision for two variants of the Master's degree (including the 'professional' variant). Another example is the distinction, in the Bachelor's degree type, between the 'general' and 'professionally-oriented' variants. The HEQSF also specifies the purpose and characteristics of each qualification type. However, as indicated in the *Framework for Qualification Standards in Higher Education* (CHE, 2013), neither NQF level descriptors nor the HEQSF is intended fully to address, or indeed capable of addressing, the relationship between generic qualification-type purpose and the specific characteristics of that qualification type in a particular field of study. One of the tasks of standards development is to reconcile the broad, generic description of a qualification type according to the HEQSF and the particular characteristics of qualifications awarded in diverse fields of study and disciplines, as defined by various descriptors and qualifiers.

#### Framework for standards development

Development of qualification standards is guided by the principles, protocols and methodology outlined in the *Framework*, approved by the Council in March 2013. The focus of a standards statement is the relationship between the purpose of the qualification, the attributes of a graduate that manifest the purpose, and the contexts and conditions for assessment of those attributes. A standard establishes a threshold. However, on the grounds that a standard also plays a

developmental role, the statement may include, as appropriate, elaboration of terms specific to the statement, guidelines for achievement of the graduate attributes, and recommendations for above-threshold practice.

A qualification standard is a statement that indicates how the purpose of the qualification, and the level on the NQF at which it is awarded, are represented in the learning domains, assessment contexts, and graduate attributes that are typical for the award of the qualification. Qualification standards are not the same, in either scope or effect, as other modalities used for the establishment of standards in higher education, for example, resource allocation standards, teaching and learning standards, or standards used for the grading of individual students. Matters such as actual curriculum design, tuition standards and standards for resource allocation for a programme are the responsibility of the institution awarding the qualification. Nor does the standard prescribe the duration of study for the qualification. It establishes the level on the NQF on which it is awarded, and confirms the minimum number of credits as set by the HEQSF. The standard relates to all programmes leading to the qualification, irrespective of the mode of delivery, the curriculum structure, and whether or not a prior qualification at a lower or the same level on the NQF is a prerequisite.

### The process of development

The CHE is engaged in a pilot study, involving a selection of qualification types, offered in various fields of study. The aim of the study is to explore the extent to which the principles, procedures, content and methodology of standards development meet the requirements of all relevant parties: the institutions awarding the qualifications, the CHE as quality assurer of the qualifications, the graduates of those qualifications, and their prospective employers.

The drafting of this standards statement is the work of a group of academic experts in the field of study, convened by the CHE. They were invited after consultation with the South African Law Deans Association (SALDA). Members of the Standards Development Working Group participate in their individual capacity, not as representatives of any institutions or organisations. Members of the Group are listed in Annexure B.

The Group met on a number of occasions during the period 2013-15, and the standard statement has been through a number of iterations and revisions. In late 2014 a draft version was presented at regional meetings, to which all higher education institutions and, by invitation, the Law Society of South Africa and its affiliates, and the General Bar Council of South Africa, were invited. The working group has taken into account comments and recommendations from those meetings, as well as from written submissions received subsequently. The standard, therefore, is cognisant of both academic and professional interests. It has been endorsed, in revised form, by the Group. It has also been sent to higher education institutions offering the qualification, for comment. All comments submitted have endorsed the statement.

## QUALIFICATION TITLE

# Bachelor of Laws

## QUALIFICATION TYPE AND VARIANT

### **Bachelor's degree (*Professional*)**

#### **BACHELOR'S DEGREE (PROFESSIONAL): GENERAL CHARACTERISTICS**

There are two types of Bachelor's Degrees, namely general and professionally-oriented Bachelor's Degrees. Both types of degree may be structured as a 360-credit qualification with an exit at level 7 or as a 480-credit qualification with an exit at level 8 on the National Qualifications Framework...The 480-credit Bachelor's Degree at NQF level 8 has both a higher volume of learning and a greater cognitive demand than the 360-credit degree at level 7 and should prepare students to be able to undertake Master's level study by providing them with research capacity in the methodology and research techniques of the discipline.

The primary purpose of both the general and the professional Bachelor's Degree is to provide a well-rounded, broad education that equips graduates with the knowledge base, theory and methodology of disciplines and fields of study, and to enable them to demonstrate initiative and responsibility in an academic or professional context. Both the 360- and 480-credit Bachelor's Degrees may require students to undertake research in a manner that is appropriate to the discipline or field of study in order to prepare them for postgraduate study.

The professional Bachelor's Degree prepares students for professional training, post-graduate studies or professional practice in a wide range of careers. Therefore it emphasises general principles and theory in conjunction with procedural knowledge in order to provide students with a thorough grounding in the knowledge, theory, principles and skills of the profession or career concerned and the ability to apply these to professional or career contexts. The degree programme may contain a component of work-integrated learning.

*(Higher Education Qualifications Sub-Framework, CHE, 2013)*

# STANDARD FOR BACHELOR OF LAWS (LLB)<sup>1</sup>

## PREAMBLE

In light of South Africa's history and the material conditions of her people, law is fundamental to the consolidation of the constitutional democratic project. Law has played a critical role in the country's transition to democracy and remains key to entrenching and consolidating the constitutional democratic project. The interstitial manner in which law operates means that it is fundamental to the infrastructure of nation building. Law is central to creating a cohesive and successful society, it plays a significant role in facilitating economic development and most importantly, it is pivotal to entrenching the ethos and values of the country's constitutional democracy. "There is only one system of law. It is shaped by the Constitution which is the supreme law and all law, including the common law [and customary law], derives its force from the Constitution and is subject to constitutional control."<sup>2</sup>

The South African constitution is transformative in nature. "Our constitutional democracy seeks to transform our legal system. Its foundational values of human dignity, the achievement of equality and the advancement of human rights and freedoms, introduce a new ethos that should permeate our legal system."<sup>3</sup> Therefore, legal education cannot be divorced from transformative constitutionalism.<sup>4</sup> "It is when adherence to the word is taken too far, when the upholding of a law obscures or ignores that law exists to try, however difficult, to ensure justice, that formalism becomes dangerous. It is this type of conservative or formalist approach to law that is inconsistent with a transformative Constitution. At the heart of a transformative Constitution is a commitment to substantive reasoning, to examining the underlying principles that inform laws themselves and judicial reaction to those laws".<sup>5</sup>

These sentiments are unachievable without appropriate legal education as the foundation to foster the ideals of transformative constitutionalism. Legal education as a public good should be responsive to the needs of the economy, the legal profession and broader society. It must produce skilled graduates who are critical thinkers and enlightened citizens with a profound understanding of the impact of the Constitution on the development of the law, and advancing the course of social justice in South Africa. Moreover, the law graduate must be equipped to discharge his or her social and professional duties ethically and efficaciously. Therefore, higher education must also be responsive to globalisation and the ever evolving information-technology.

<sup>1</sup> Henceforth referred to as the "LLB".

<sup>2</sup> *Pharmaceutical Manufacturers Association of SA and Another in re Ex Parte President of the Republic of South Africa and Others* 2000 (2) SA 674 (CC) [44].

<sup>3</sup> *Director of Public Prosecutions, Transvaal v Minister of Justice and Constitutional Development, and Others* 2009 (4) SA 222 (CC).

<sup>4</sup> Karl Klare has defined "transformative constitutionalism" under the South African Constitution as "a long-term project of constitutional enactment, interpretation, and enforcement committed (not in isolation, of course, but in a historical context of conducive political developments) to transforming a country's political and social institutions and power relationships in a democratic, participatory, and egalitarian direction. Transformative constitutionalism connotes an enterprise of inducing large-scale social change through nonviolent political processes grounded in law." K Klare "Legal Culture and Transformative Constitutionalism" (1998) 14 *South African Journal on Human Rights* 146 at 150.

<sup>5</sup> P Langa. "Transformative Constitutionalism" (2006) 17 *Stell LR* 351 at 357.

## **PURPOSE**

The LLB degree prepares students for entry into legal practice, into a wide range of other careers which require the application of law, and for post-graduate studies in law.

The purpose of the LLB is to offer a broad education that develops well-rounded graduates with –

- a knowledge and appreciation of the values and principles enshrined in the Constitution;
- a critical understanding of theories, concepts, principles, ethics, perspectives, methodologies and procedures of the discipline of law;
- ability to apply the above appropriately to academic, professional and career contexts; and
- capacity to be accountable and take responsibility in academic, professional, and relevant societal contexts.

## **NQF LEVEL AND CREDITS**

The exit level of the qualification is **NQF level 8**. The minimum number of credits allocated to the qualification is 480 credits if awarded as a self-standing qualification, or 240 credits if awarded as a follow-up to a first general bachelor's degree.

## **STANDARD FOR THE AWARD OF THE QUALIFICATION**

*The qualification may be awarded when the qualification standard has been met or exceeded. The purpose and level of the qualification will have been achieved when the following attributes are evident.*

### **Knowledge**

The graduate has a comprehensive and sound knowledge and understanding of the South African Constitution and basic areas<sup>6</sup> or fields of law. This relates to the body of South African law and the South African legal system, its values and historical background. Basic areas must include:-

- (a) aspects of private, public, mercantile and formal law;

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<sup>6</sup> 'Basic areas or fields of law' are informed by the second-order categories of the Classification of Educational Subject Matter (CESM 12).

- (b) international and comparative aspects of law, perspectives on law and the legal profession; and
- (c) the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts.

The graduate also has:

- (d) some knowledge<sup>7</sup> of a discipline other than law; and
- (e) advanced knowledge of select area(s) of the law or specialisation in one or more area(s) of the law<sup>8</sup> or in clinical legal education.

## **Skills**

### **1. Critical thinking skills**

The graduate is able to:

- (a) recognise and reflect on the role and place of law in South African society and beyond;
- (b) analyse a text and/or scenario to find the key issues, i.e., distinguish between relevant and irrelevant information and distinguish between legal and non-legal issues;
- (c) address the issues presented in a text or scenario and generate appropriate responses to the legal issues contained in a text and/or scenario;
- (d) make critical judgments on the merits of particular arguments and make and present reasoned choices between alternative solutions;
- (e) analyse, synthesise, judge critically and evaluate problems and situations; and
- (f) demonstrate familiarity with legal discourse – knowledge of the conventions (and terminology) of legal discourse and the ability to use them appropriately.

### **2. Research skills**

In theoretical and applied research-based contexts, the graduate is able to:

- (a) find, select, organise, use, analyse, synthesise and evaluate a variety of relevant information sources;
- (b) determine the relative authority of relevant information sources;

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<sup>7</sup> "Some knowledge of a discipline other than law" is explained in Guideline no. 1 below.

<sup>8</sup> "Select areas" refers to fields already covered and where in-depth study is required. "Specialisation" refers to niche areas of law. See Guideline no. 2 below.

- (c) read, interpret and summarise information sources;
- (d) present and make a reasoned choice between alternative solutions;
- (e) use techniques of legal reasoning, methodology and argumentation to reach a plausible conclusion;
- (f) use appropriate referencing style guidelines; and
- (g) demonstrate academic integrity in research.

## **Applied competence**

### **1. Ethics and integrity**

The graduate has knowledge of relevant ethical considerations in law and is able to conduct her/himself ethically and with integrity in her/his relations within the university and beyond, with clients, the courts, other lawyers and members of the public.

### **2. Communication skills and literacy**

The graduate is proficient<sup>9</sup> in reading, writing, comprehension and speaking in a professional capacity, to specialist and non-specialist alike, and is therefore able to:

- (a) communicate effectively by choosing appropriate means of communication for a variety of contexts;
- (b) demonstrate effective oral, written, listening and non-verbal communication skills;
- (c) apply communication skills to situations and genres relevant to professional practice; and
- (c) engage with diverse audiences as identified by culture, language<sup>10</sup> and gender.

### **3. Numeracy**

The graduate is able to perform basic numeracy tasks related to the fields of law.

### **4. Information technology**

The graduate is able to:

- (a) access information efficiently and effectively; and
- (b) use technology as a tool to research, organise, evaluate and communicate information.

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<sup>9</sup> See Guideline no. 3 below.

<sup>10</sup> See Guideline no. 4 below.



## **5. Problem solving**

The graduate is able to identify and define the relevant issues in legal problems; identify and select the most relevant sources and research methods (including electronic databases) likely to assist in solving such legal problems and generate reasoned solutions.

## **6. Self-management and collaboration**

The graduate is able to:

- (a) function effectively in independent and collaborative settings;
- (b) make meaningful contributions to work efforts in a group context, including problem solving;
- (c) address a particular aspect of a problem or project and integrate her/his own efforts into a collaborative effort; and
- (d) critically reflect on and assess her/his own work and critique the work of others in a reasoned and formative manner.

## **7. Transfer of acquired knowledge**

The graduate is able to:

- (a) apply knowledge to different, new and unfamiliar fields of law;
- (b) deal with the development of the law on a continuous basis<sup>11</sup>; and
- (c) transfer legal knowledge to others.<sup>12</sup>

## **8. Agency, accountability and service to the community**

The graduate is able to recognize, reflect and apply social justice imperatives:

- (a) acknowledging the capacity, agency and accountability of the legal practitioner in shaping and transforming the legal system, promote social justice goals of fairness, legitimacy, efficacy and equity in the legal system; and
- (b) understand the professional responsibilities of the legal practitioner in service to the community.

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<sup>11</sup> See Guideline no. 5 below.

<sup>12</sup> See Guideline no. 6 below.

## **CONTEXTS AND CONDITIONS FOR ASSESSMENT**

Appropriate assessment of graduate attributes is informed by the following assumptions.

1. A variety of assessment methods and types, including summative and formative assessment, is used.<sup>13</sup> Assessment opportunities occur regularly throughout the course of study.
2. Students engage in some independent research that is assessed.
3. Assessment includes authentic problem-solving either in real life work contexts or simulated teaching and learning activities by staff appropriately qualified to effect meaningful assessment.<sup>14</sup>
4. Adequate teaching and learning and physical resources are available to implement effective assessment activities, which, in order to achieve the particular purpose of the qualification, include:
  - a. an adequate student:staff ratio<sup>15</sup>;
  - b. adequate access to resources such as library and e-resources in order to meet the problem-solving and research attributes of the qualification.
5. IT resources are available to enable graduates to achieve the purposes of the qualification.
6. Regular and constructive feedback is given to enable graduates to achieve the problem-solving, research, literacy and communication skills for the attainment of the qualification.

## **PROGRESSION**

A Bachelor's Degree is the minimum entry requirement for admission to a Bachelor Honours Degree or Postgraduate Diploma. A level 8 Bachelor's Degree with 480 credits may also meet the minimum requirement for admission to a cognate Master's Degree. Entry into these qualifications is usually in the area of specialisation or in the discipline taken as a major in the Bachelor's Degree.

(Higher Education Qualifications Sub-Framework)

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<sup>13</sup> See Guideline no. 7.

<sup>14</sup> See Guideline no. 8.

<sup>15</sup> See Guideline no. 9.

# **GUIDELINES**

## **1. 'Some knowledge of a discipline other than law'**

The qualification is premised on the notion of a broad societal context. The study of 'a discipline other than law' provides the graduate with a satellite disciplinary knowledge base and methodology which can enhance appreciation and understanding of 'the dynamic nature of law and its relationship with relevant contexts such as political, economic, commercial, social and cultural contexts.' This broad contextual scope allows for a wide range of disciplines beyond law. 'Some knowledge' implies sufficient breadth and depth to provide understanding of a coherent range of fundamental concepts in the discipline and competence to perform basic tasks involving relevant knowledge and skills.

## **2. 'Advanced knowledge of select area(s) of the law or specialisation in one or more area(s) of the law'**

(a) 'Select area(s) of the law' refers to a field or fields already covered in the preceding curriculum, but in which further study is pursued. Examples could be a module in advanced constitutional law following a first module in constitutional law or a module in specific delicts following a first module in delict.

(b) 'Specialisation in one or more area(s) of the law' refers to a study of a niche area or areas not distinctly covered in the preceding curriculum. Examples could be modules in environmental law, sports law or public procurement law.

## **3. 'Proficiency'**

To be proficient in something is to show ability or skill at it. Abilities or skills in the context of the LLB are developed by regularly exposing law students to problem-solving and research problems and by expecting them to produce well-written, coherent answers or research reports. Language proficiency would include formal and substantive components. The formal component would include aspects such as style (consistency, e.g., use of italics for case names, consistent bibliography (alphabetical, complete), subdivision for primary sources (legislation, case law) and secondary sources (books, journal articles, etc.)), language (grammar, appropriate word choice), and appropriate diction. The substantive component would include aspects such as topic (relevance, clarity, precision), scope of the research undertaken (comprehensive, most important sources consulted), systematic and clearly structured treatment of the topic, logic and persuasiveness of arguments, and correct use of authority.

Proficiency in speaking would ordinarily be assessed in a moot court, or debating setting, or in the oral presentation or defence of a research project. Proficiency in this context would include aspects such as providing a clear and concise description of the

anticipated presentation, effectively responding to any questions posed, demonstrating a clear understanding of trial/debate procedures, presentation containing elements of spontaneity not based entirely on a prepared text, organised and well-reasoned presentation, setting out the most important facts and most important legal principles, and applying the legal principles to the facts of the case.

#### **4. 'Language'**

South Africa is a multilingual society with eleven official languages. The use and development of these languages are protected and promoted in the Constitution.

Language is the most important tool of a lawyer. In all instances a lawyer must be able to find and understand the sources of the law before s/he can convey her/his message to her/his clients, opponents and the court. The same applies to the person sitting on the bench in court as a result of the underlying guidelines contained in section 174 of the Constitution. This implies sensitivity to the language(s) of all concerned parties.

Sources of South African law, especially when one works and researches in private law, are written in Latin, Dutch, Afrikaans and English and if comparative work is to be done, German, Dutch and French law often provide insights since they are comparable systems of law. The commercial world in South Africa is dominated by English and a student wishing to embark on a career in the business and commercial world especially in the urban areas of the country would have to be proficient in English. In the more rural parts of the country, law is practised in Zulu, Xhosa, Afrikaans and the other indigenous languages. International trade takes place in a number of foreign languages.

Graduates should thus be able to acknowledge and appreciate linguistic diversity, and programmes leading to the LLB ought to take this need into account, in order to prepare graduates to practice law competently in a context of such diversity.

#### **5. 'Continuous basis'**

Graduates have the requisite knowledge-base and skills to be able keep up to date continuously with the ever changing body of substantive law, including new precedent-setting judgments, amendments to legislation and new legislation. Life-long learning is a pursuit that is essential for every law graduate to maintain throughout their careers.

#### **6. 'Transfer legal knowledge to others'**

The graduate is able to apply knowledge to different, new and unfamiliar fields of law. For example, in new fields such as IT law or energy law, the graduate will apply existing legal principles to these new fields as they develop. Sometimes the graduate first needs to understand how the common law developed and apply new legislation, read with the common law, to these new or unfamiliar fields.

The graduate is also able to understand and explain the law to lay persons, to colleagues, clients and members of the public, including community members who have had very little exposure to the law.

#### **7. Examples of assessment methods or types**

The standard does not prescribe assessment methods or types. The following are provided as examples: written and oral assignments, tutorials, collaborative work, small group work through seminars, projects, case studies, portfolios, dissertations, directed research, presentations, independent study without supervision, moot courts, examinations and tests including short or long problem-solving questions, essays and/or multiple-choice questions, role plays, mock trials, client counselling exercises, reflective journals, observation of real work in live client clinics, work done in live client clinics appropriately supervised, observation of real or simulated legal tasks, and other compulsory and voluntary activities.

#### **8. 'Appropriately qualified to effect meaningful assessment'**

'Appropriately qualified to effect meaningful assessment' refers to the knowledge, skills and applied competence of the lecturer/assessor in assessment practices. It is acknowledged that most academics in South Africa are appointed on the basis of their knowledge and research expertise in a particular field or discipline and not necessarily for their knowledge about effective assessment practices. However, in order to be suitably qualified, lecturers/assessors should not only have relevant subject knowledge, but should also be knowledgeable and competent in student assessment.

#### **9. Student : Staff ratio:**

A specific student: staff ratio is not prescribed. However sufficient resources should be allocated to a programme leading to the LLB to enable assessment models consistent with the 'Contexts and Conditions for Assessment' as set out above and in Guideline number two, according to which law students receive regular and constructive feedback on comprehensive research-and problem-based assignments. The same principle applies to clinical legal education.

## ANNEXURE A

### NQF LEVEL DESCRIPTORS

The qualification is awarded at **level 8** on the National Qualifications Framework (NQF) and therefore meets the following level descriptors:

- a. Scope of knowledge, in respect of which a learner is able to demonstrate knowledge of and engagement in an area at the forefront of a field, discipline or practice; an understanding of the theories, research methodologies, methods and techniques relevant to the field, discipline or practice; and an understanding of how to apply such knowledge in a particular context.
- b. Knowledge literacy, in respect of which a learner is able to demonstrate the ability to interrogate multiple sources of knowledge in an area of specialisation and to evaluate knowledge and processes of knowledge production.
- c. Method and procedure, in respect of which a learner is able to demonstrate an understanding of the complexities and uncertainties of selecting, applying or transferring appropriate standard procedures, processes or techniques to unfamiliar problems in a specialised field, discipline or practice.
- d. Problem solving, in respect of which a learner is able to demonstrate the ability to use a range of specialised skills to identify, analyse and address complex or abstract problems drawing systematically on the body of knowledge and methods appropriate to a field, discipline or practice.
- e. Ethics and professional practice, in respect of which a learner is able to demonstrate the ability to identify and address ethical issues based on critical reflection on the suitability of different ethical value systems to specific contexts.
- f. Accessing, processing and managing information, in respect of which a learner is able to demonstrate the ability to critically review information gathering, synthesis of data, evaluation and management processes in specialised contexts in order to develop creative responses to problems and issues.
- g. Producing and communicating information, in respect of which a learner is able to demonstrate the ability to present and communicate academic, professional or occupational ideas and texts effectively to a range of audiences, offering creative insights, rigorous interpretations and solutions to problems and issues appropriate to the context.
- h. Context and systems, in respect of which a learner is able to demonstrate the ability to operate effectively within a system, or manage a system based on an understanding of the roles and relationships between elements within the system.
- i. Management of learning, in respect of which a learner is able to demonstrate the ability to apply, in a self-critical manner, learning strategies which effectively address his or her professional and ongoing learning needs and the professional and ongoing learning needs of others.
- j. Accountability, in respect of which a learner is able to demonstrate the ability to take full responsibility for his or her work, decision-making and use of resources, and full accountability for the decisions and actions of others where appropriate.

## **ANNEXURE B**

### **Members of the LLB Standards Development Working Group**

Ms Kate Chosi

Dr Lesley Greenbaum

Professor Anton Kok

Professor Vivienne Lawack

Dr Manie Moolman

Professor Patrick O'Brien

Professor Geo Quinot

Professor Managay Reddi

Professor Engela Schlemmer

Professor Omphemetse Sibanda

Advocate Tharien van der Walt

## ANNEXURE 2

# National Review: Bachelor of Laws (LLB) programmes

2015

## National Review Reference Group

### Terms of reference

#### **Background**

Steps to be taken to implement a national review of LLB programmes were discussed at a meeting of Law Deans convened by the CHE on 23 April 2015. Deans were invited to submit nominations for participation in the Reference Group. The CHE took all nominations into consideration when selecting members of the Group. The major criteria for inclusion are relevant expertise and experience in the field of law education. Members of the group participate as individual academic experts; they do not represent any institution, professional body or other interest group.

#### **Functions of the Reference Group**

The purpose of the Group is to provide the CHE with a collective, collaborative source of advice that is grounded in specialist knowledge of law programmes in higher education, with particular emphasis on the LLB. Advice and recommendations emerging from the Reference Group are conveyed by the Directorate on National Standards and Reviews to the National Review Committee (NRC) which, in turn, makes recommendations to the Higher Education Quality Committee.

To achieve this purpose, the Reference Group undertakes the following tasks.

#### **Preliminary stage: scope of the review and criteria**

Taking into account the major issues affecting contemporary law education, the national qualification standard developed for the LLB, and the criteria for programme re-accreditation, the Reference Group drafts and recommends to the NRC the scope of the review, the criteria that should be applied to the re-accreditation of LLB programmes, and the scope of a national report on the state of undergraduate law education. The drafting of criteria may be done in a combination of whole- and sub-group workshops. The CHE will seek consensus endorsement of the final version before it is presented to the NRC and thereafter is sent to institutions for comment.



### **Intermediate stage: programmes and the national qualification standard**

The process requires each institutions to assess its LLB programme(s) against the threshold national qualification standard developed by a (separate) Standards Development Reference Group. This will form part of the self-evaluation report (SER) submitted by the institution. This aspect of the SER will be evaluated by a peer reviewer selected by the CHE. *This is an advisory stage and does not include any recommendation in respect of re-accreditation.* The Reference Group conducts a comparative evaluation of these peer reports, mainly to ensure consistency in the interpretation of provisions of the standard, and to advise on any additional matters arising from this benchmarking process that should be included in a national report.

### **Process stage: programme re-accreditation**

As indicated in the National Review *Framework and Manual*, after institutions have submitted self-evaluation reports on the programme, review panels are appointed by the CHE to conduct site visits of the institutions and to assess the programme(s) *currently* offered. The review panels present evaluation reports, based on the criteria for re-accreditation, which include recommendations in respect of compliance with the established criteria and overall recommendations in respect of re-accreditation. The Reference Group collates these reports, with the main aims being to ensure consistency in and reliability of application of the criteria, and clarity of reasoning in the arrival of judgements. The Reference Group presents its advice to the CHE for submission to the NRC. At its discretion and in cases where there appear to be significant discrepancies between the review panel report and the Reference Group advice, the NRC may refer matters back to either or both of the parties for their further consideration and reporting back.

### **Outcome stage: the national report**

A very important outcome of the national review process is the writing of a report on the national state of law education, insofar as it is revealed by the review of LLB programmes. For this purpose, the CHE appoints a writer or writing team. The Reference Group receives a draft (or drafts) of the report and advises the NRC on its scope, content, tone and potential benefit to the enhancement of law education. The Reference Group may also recommend the inclusion or modification of aspects that it considers important for the overall impact of the report.

## ANNEXURE 3

# National Review: Bachelor of Laws (LLB) programmes 2015

## Preliminary desktop evaluation of SERs

### **Guidelines for evaluators**

#### **Background**

As indicated in the *Framework for National Review of Higher Education Programmes (2015)*, the review comprises two phases. The first phase is an institutional self-evaluation of its LLB programme(s) measured against the recently developed qualification standard. As part of this phase, the institution identifies – as the case may be – aspects of the programme that need to be addressed in order to meet the standard.

The Framework describes the first phase thus:

In cases where an institution identifies its programme as falling short of the qualification standard and thus being in need of development – either as a whole or in respect of specific aspects of the standard – the self-evaluation report should include steps that are being taken or will be taken to address the issues. The report should also propose timelines within which the necessary steps might be accomplished. These timelines may be approved or, after further consultation, amended by the HEQC.

The institutional SER is subjected to a desktop evaluation by the CHE. The main purpose of this evaluation is to compare the programme with the national qualification standard, and to identify areas of good practice and shortcomings. It may recommend areas in need of attention, but it does not include any recommendation in respect of accreditation.

The evaluation report is sent to the HEI, which may, during the forthcoming site visit, provide further information by way of clarification, or elaborate on plans for development.

(Framework, 8.3)

As indicated above, this phase includes a desktop evaluation of the institutional SER by an expert in law education, appointed by the CHE. This desktop evaluation does not include any recommendation in respect of the re-accreditation of the programme.

A second phase of the review is an assessment of the LLB programme(s) currently offered, measured against specific criteria relating to programme delivery, process, output and impact. This phase, during which recommendations in respect of re-accreditation are made by site-visit review panels, is not part of the first-phase desktop evaluation.

To distinguish between the review phases, the institutional SER is arranged in two sections A and B. Section A is the part subject to a preliminary desktop peer evaluation.

### **Aim and scope of the desktop evaluation**

The aims of the desktop evaluation are to:

- verify the comprehensiveness and accuracy of the institution's interpretation of the qualification standard;
- evaluate claims made by the institution with regards to its meeting the standard;
- where relevant, identify the need for additional evidence to support claims made;
- in respect of matters raised by the institution that need to be addressed in order to meet the standard, evaluate the feasibility of plans made and timelines proposed;
- if applicable, recommend to the institution any other matter meriting address in order fully to meet the standard.

### **Format of the desktop evaluation report**

The CHE provides the evaluator with a template for the report.

### **Completion of the report**

The CHE and the desktop evaluator enter into a contract, which includes a date by which the report needs to be completed. It is accompanied by a confidentiality agreement and a statement by the evaluator confirming no conflict of interest.

### **Submission of the report to the institution**

Subject to assessment of reports by the Directorate for consistency in the application of the standard, and endorsement by the National Reviews Committee, the evaluation report is sent to the relevant institution.

Because the report is strictly advisory, the institution is not required to respond. However, should an institution seek to correct or elaborate further on any point raised by the evaluator, it may do so, provided that any further comment by the institution is received by a date specified by the CHE.

## **ANNEXURE 4**

### **TERMS OF REFERENCE FOR THE REVIEW PANEL CHAIRPERSONS, MEMBERS, AND CHE ADMINISTRATIVE SUPPORT (INCLUDING LISTS OF DOCUMENTS THEY WILL RECEIVE)**

#### **1. Introduction**

The national review of the LLB programmes will be assisted by a number of review panels that conduct the institutional site visits. Members of the review panels and panel chairpersons are selected by the CHE after consultation with the law education community. The major criteria for the inclusion in the review are relevant expertise and experience in the field of law education. Experts in the field of law may be complemented with experts in relevant higher education teaching, learning and assessment. Members of the review panel participate as individual academic experts and do not represent any institution, professional body or interest group. The chairperson of each review panel will preside over the process and meetings and provide leadership in guiding the activities of the panel to foster an effective working relationship between the CHE and the institution. This annexure should be read in conjunction with Chapter 5 of the Manual, Sections 5.1, 5.2 and 5.3.

#### **2. General roles and responsibilities of the chairperson**

The chairperson of the review panel will take responsibility for driving the site-visit process as indicated in Chapter 5, Section 5.1. The chairperson performs a critical role in ensuring and maintaining the credibility and validity of the review process. The chairperson ensures that the planning and running of the panel review sessions are conducted in an orderly and collegial way and are kept strictly to the agreed terms of reference/scope of the review. The chairperson seeks to ensure that all aspects of the site visit are fair and transparent.

The chairperson expects panel members to be well prepared, objective in their enquiry, and fair in their arrival at recommendations to the HEQC. The chairperson takes responsibility to liaise with the CHE administrator-support and institutional site-visit coordinator on logistical issues relating to the site visit.

##### **2.1 Roles and responsibilities before the site visit**

The chairperson should be familiar with the relevant steps in the process of the site- visit as indicated in Chapter 4 of the Manual. S/he ensures that the review panel members have the correct documentation before the site visit. The chairperson reminds panel members about the CHE Code of Ethics and the need to honour an agreement in respect of confidentiality.

## 2.2 Roles and responsibilities during the site visit

The chairperson presides over the site visit interviews, ensuring that all proceedings are conducted in a fair and courteous manner. During the interviews, the chairperson will ensure that panel members and respondents restrict themselves to matters that are within the scope of the review process. It is within the chairperson's discretion to rule a particular question or response out of order, or to re-direct it appropriately. In order to manage time effectively, the chairperson ensures members stick to the agreed time slots. The chairperson should ensure that discussion is focused and appropriately sequenced, that facts are distinguished from opinions and feelings, that questions posed by the panel are pertinent and clearly expressed, and that important verbal evidence is accurately captured. S/he should also ensure that time is well managed, allowing for an appropriate balance between the range and number of questions posed by the panel and opportunity for adequate response by the institution. Another responsibility of the chairperson is to ensure that all the criteria on which a re-accreditation decision is to be based are adequately covered, not just separately but with a composite overview as well. The chairperson thus ensures that the site visit proceedings focus on the established scope of the review (that is based on the national qualification standard developed for the LLB, the criteria for programme re-accreditation, and issues relating to contemporary law education).

At all times, the chairperson acts as the representative of the CHE in all dealings with the site visit coordinator and other members of the institution (as indicated in Section 5.3 of the Manual).

## 2.3 Roles and responsibilities at the end of the site visit

On conclusion of the site visit, the chairperson of the review panel advises the site visit coordinator of the requirements provided for in Section 4.7 of the Manual. The chairperson closes the site visit with a final meeting of the panel with senior management during which s/he outlines the subsequent steps in the review process (as set out in Chapter 5, Section 5.4 of the Manual). No indication of the content of the panel's report and recommendations is given, either explicitly or implicitly.

A crucial task of the chairperson is coordinating the writing of the site-visit panel report. Before dispersing, the panel must reach consensus regarding its main findings and recommendations, ensuring at the same time that each statement is well supported by specific reference to the evidence made available. The panel report is normally drafted by the chair but, in certain cases, the chair may assign this task to another member of the panel, or assign different sections to various panel members. Whether the report is drafted immediately on conclusion of the site visit and before the panel had dispersed, or afterwards, the chair should ensure that the draft has been circulated among all panel members for their endorsement, has been signed off by the chair her/himself, and is submitted to the CHE by an agreed date.

### 3. Review panel members

The CHE process of national review of programmes is based fundamentally on peer evaluation. Academic peers play a critical role in assessing, fairly and objectively, the quality of a programme being offered, and in submitting findings and recommendations in respect of the programme to the HEQC. Many aspects of the role of review panel members are set out in Chapter 5 of the Manual. The information below complements the details set out in that chapter.

#### 3.1 Roles and responsibilities of the review panel members

A review panel will, among other things, perform the following:

- Contribute to the review process within the context of the CHE approach to quality assurance;
- Attempt to establish the general correctness of the information supplied by the institution in its SER and accompanying material/evidence;
- Evaluate aspects of programme quality in terms of the qualification standard and the re-accreditation criteria; and
- Identify and evaluate, during an institutional site visit, evidence of aspects of quality which could not form part of the paper-based submission.

The review panel member should be a senior academic employed in a substantive position in a higher education institution. S/he should have the relevant subject expertise and experience in law education, including an appropriate involvement in teaching courses/modules for the LLB programme. Alternatively, the panel member should have extensive experience in higher education teaching, learning and assessment, experience that is relevant to the field.

The review panel member should not be a current or recent examiner external of the institution being reviewed ('recent' being within the last four years). Furthermore, the review panel member should not have any conflict of interest arising from involvement with the institution or a partner institution, or from personal or professional relations with members of staff or students from the institution being reviewed. If the review panel member is in doubt, it is advisable to discuss the possible conflict of interest with the CHE before composition of a site visit panel has been conveyed to the institution.

Each review panel member is expected to attend a briefing and training session organised by the CHE. The aim of the session is to ensure that panel members fully understand the process and to allow for clarification of any outstanding issues. The panel member is expected to read and understand the documentation relating to a site visit provided by the CHE. It is important that panel members understand and comply with the CHE Code of Ethics and the confidentiality agreement required by the CHE. Guidelines for appropriate conduct during a site visit are included in Chapter 6 of the Manual.

Each panel member contributes to the panel proceedings, helping it achieve its objectives. Panel members must accept the coordinating authority of the chairperson, and be guided by him/her with regard to the organisation and tenor of each site visit interview session. Panel members must ensure that any enquiry or request they may wish to make to the institution is conveyed to the institutional site-visit coordinator solely by the chairperson. Each panel member should make a summary record of proceedings so that, when a report is drafted, points made can be justified by reference to specific documentary or verbal evidence.

At the conclusion of the site visit and before the panel disperses, the chairperson will convene a meeting of the panel, with a view to achieving an accurate and comprehensive summary of the entire proceedings, arriving at objective and fair findings in respect of the quality of the programme relative to the qualification standard and programme criteria, and reaching consensus in the panel's assessment of the programme and its recommendations to the HEQC. A report is drafted, either before the panel's dispersal or soon afterwards. The report is normally drafted by the chair although, as indicated above, other panel members may be involved. S/he may request contribution from one or more of the panel members, for example by distributing responsibility among the panel for sections of the draft report. The chairperson must ensure that a final panel report submitted to the CHE has been viewed and endorsed by all the panel members. Furthermore, the chairperson must ensure that the final panel report is submitted to CHE within the agreed timeframe.

### **3.2 List of all documents each review panel member should receive**

Each panel member receives from the CHE documentation relevant to the particular institutional site visit, and prior to the visit. It is expected that the panel member will have read the relevant documents beforehand, and conveyed to the CHE any questions that are likely to influence her/his adequate preparation for the visit. The following documents are important for each panel member to be apprised of before a site visit:

1. Higher Education Qualifications Sub-Framework;
2. Framework for Qualification Standards in Higher Education;
3. Qualification standard: Bachelor of Laws (LLB);
4. Framework for National Review of Higher Education Programmes;
5. Manual for National Review of LLB programmes and Annexures;
6. Institutional Self-Evaluation Report;
7. The peer desktop evaluation of the SER
8. Any corrections to the desktop evaluation requested by the institution.

Each panel member will also receive from the CHE a contract to act as panel member, together with a no-conflict-of-interest statement, both to be signed and returned prior to the site visit. In addition, the CHE will send each member travel and accommodation

details, and any other relevant information relating to the logistical arrangements for the visit.

#### 4. Guidelines for review panel CHE administrative support

The CHE review panel administrator has the responsibility for ensuring that logistical and administrative arrangements for the review panel site visit proceed according to plan in ways that:

1. Support the purpose of the LLB review process including the site visit;
2. Make the review process and experience a comfortable one for the review panel; and
3. Attend to all administrative support issues related to the process.

The work of the review panel on the site visit may involve clarifying issues of process and procedure according to the review Framework and LLB review Manual. In cases where clarification is required or a procedural decision needs to be made, the administrator serves as the conduit between the panel Chair, the institution's site visit coordinator and the Director: National Standards and Reviews.

The administrator may be present during site visit proceedings, but is not a member of the panel and does not participate in panel discussions or the arrival at recommended outcomes.

The CHE administrator will liaise with the travel agent in respect of flight, car rental and accommodation bookings and communicate them timeously to panel members. S/he will also be responsible for communicating with the institutional site visit coordinator in respect of directions to the institution, the schedule of events, venues, parking, catering, and any other matters to be handled by the institution. S/he will also be responsible for liaising, as and when necessary, with panel members with regards to all logistical details relevant to the site visit.

S/he will ensure that all required CHE-generated documentation is available to the panel, and that documentation provided by the institution is appropriately arranged and accessible to panel members.

The CHE administrator should ensure that:

1. Review panel members are present for the meeting at the booked venue (hotel or guest house) on the evening (date and time to be arranged by the administrator) prior to the visit to the institution. The review panel members should be reminded about the time and venue for this pre-panel review meeting before they arrive at the venue (hotel or guest house).



2. The review panel members have the necessary documentation pertaining to the review.
3. The review panel members are reminded of the time of departure for the institution on the first and subsequent days as pre-arranged. Logistics such as the number of vehicles to be used, parking, etc. should be sorted out and finalised.
4. A campus map indicating the building location of the panel proceedings, parking space, etc. is provided for easy access by the review panel members.
5. Requests for additional information and evidence, etc., are made through the review panel chair.
6. The panel review session schedule and time slots are monitored, and that any variations are agreed to by the chairperson and the institution site-visit coordinator.
7. S/he liaises with the institution coordinator to provide an accurate list of documents on display with file reference/index numbers so that they can be easily traced in the display.
8. The review panel chair has access to any relevant confidential documents for panel discussion and decision-making.
9. If there are any serious issues or problems encountered during the site visit, the Director of National Standards and Reviews is informed and updated.
10. Relevant documents pertaining to the review can be taken back to the CHE, if necessary.
11. Flight details and other transport arrangements are in place for review panel members' departure.
12. There is efficient collection of administrative forms - travel claim, confidentiality forms, evaluation forms from evaluators, as well as evaluation forms from the institution (if they are finalized or, alternatively, that arrangements are made for their subsequent and submission to the CHE).
13. The draft panel review report is complete before leaving the site, or if not, that appropriate arrangements have been made for its timeous completion.
14. Remind the chair to inform the institution, in a concluding meeting with senior management, on the next steps in the review process and the likely timeframes.

## ANNEXURE 5

# National Review: Bachelor of Laws (LLB) programmes

2015

## National Report Writing Group

### Terms of reference

#### Background

As indicated in the *Framework for National Review of Higher Education Programmes* (2015), an important aspect of the review process is the production of a report by the CHE evaluating the composite national picture in respect of the qualification and law education as a whole. The report aims to identify and discuss the main findings emerging from the national review, significant strengths, shortcomings and concerns, and to recommend, where appropriate, ways of addressing problems, constraints and opportunities that have been highlighted. While publication of the report is the culminating step in the entire review process, planning for the report needs to begin in the early stages.

#### Report writers

The CHE will convene a team of 2-4 writers, who will be contracted to produce the report within an agreed scope and timeframe. Most of the writers will have been significantly involved in the review process in one or more roles, such as membership of the CHE Reference Group or site-visit review panels.

#### Provisional scope of the report

Here is an outline of the anticipated scope. The review process and its findings may result in modification of or addition to the scope.

- CHE policy and process relating to the national review of LLB programmes
- The landscape of law education in South Africa (historical, social, institutional and professional contexts)
- A national qualification standard for the LLB: rationale and function
- LLB programmes: to what extent are we meeting the qualification standard?
- National review of the LLB programmes: key findings, in relation to
  - Input: programme purpose, design, structure and content
  - Process: Student access, throughput; teaching, learning and assessment
  - Resources: staffing resources; material resources (infrastructure, library, IT, etc.)
  - Impact: graduate attributes, employability, and compatibility with national and professional needs
- International comparability of LLB programmes

- Recommendations
- Conclusion.

### **Access to data and information**

The report writing team will be provided with access to all data collected during the review process, institutional self-evaluation reports, CHE evaluator and review panel reports, recommendations by the National Review Committee and decisions by the Higher Education Quality Committee. In addition, any relevant literature acquired during the review process will be made available.

### **Confidentiality and copyright**

The report writers will be required to maintain confidentiality in respect of all data and information provided to them. Institution-specific matters will remain anonymous in the report. Confidentiality will also be required in respect of all drafts of the report. The CHE is the sole holder of foreground intellectual property rights.