

LAW ADMISSIONS CONSULTATIVE COMMITTEE
SUGGESTED PROTOCOLS FOR ACCREDITATION REVIEWS

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this document, unless the context otherwise requires –

accredit includes a decision –

- (a) to accredit a law course for admission purposes for a first time;
- (b) to continue the existing accreditation of a law course;
- (c) to reaccredit a law course where that course has been previously accredited for a limited term,

whether or not for a limited term or on a continuing basis.

Board means the Admitting Authority of the jurisdiction which proposes to undertake a review of a law course in accordance with this document for the purposes of accrediting a law course.

LACC means the Law Admissions Consultative Committee.

LACC Standards means the LACC Accreditation Standards for Australian Law Courses.

law school means a law school whose course is to be reviewed in accordance with this document.

panel means a review panel appointed pursuant to subclause 3(a).

1.2 Interpretation

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

- (a) A reference to –
 - (i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
 - (ii) a document (including this document) or provision is to that document or provision as amended, supplemented or replaced; and
 - (iii) anything (including a right, obligation or concept) includes each part of it.
- (b) A singular word includes the plural and vice versa.
- (c) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.

- (d) If an example is given of anything (including a right, obligation or concept) such as by saying it includes something else, the example does not limit the scope of the thing.

2. **ACCREDITATION CYCLE**

To assist law schools in planning and preparing for accreditation reviews, the Board will propose, publish and keep up-to-date an Accreditation Cycle to give each law school in its jurisdiction advance notice of the year in which it is anticipated that the law school will next be reviewed.

3. **APPOINTMENT OF REVIEW PANEL**

(a) The Board will appoint –

- (i) a review panel of one or more persons; and
- (ii) a member of the panel to act as Chair,

to undertake any review to accredit a law course for the purposes of admission.

(b) Before appointing a review panel and Chair under subclause (a), the Board will –

- (i) advise the Dean of the law school of the proposed membership and Chair of the panel;
- (ii) invite the Dean to comment within 14 days on the proposed membership and Chair of the panel; and
- (iii) take into account any comments made by the Dean pursuant to subclause (c)(ii).

4. **TERMS OF REFERENCE**

(a) The Board will propose draft Terms of Reference for the review.

(b) The Board will invite the Dean of the law school to comment on the draft Terms of Reference within 7 days after the Dean receives the draft.

(c) The Board will consider any comments made by the Dean and determine the Terms of Reference in the light of those comments.

(d) Unless the Board otherwise determines, the Terms of Reference referred to in paragraph (c) will be –

1. To review and to report to the Board on the performance of the [name of law course or courses] conducted by [name of law school].
2. To recommend to the Board whether or not the law course should be accredited for admission purposes.
3. If the panel recommends that the law course be accredited, to recommend to the Board any conditions that the Board should attach to the accreditation, including any condition relating to the period of accreditation.

5. **GOVERNING INSTRUMENTS**

A review will be conducted in accordance with –

- (a) this document;
- (b) the LACC Standards;
- (c) any Accreditation Framework, Template Questionnaire or other materials provided by the Board to the law school to assist it to prepare for the review; and
- (d) the requirements of any legislation relating to the accreditation of a law course in that jurisdiction.

An outline for a possible Template Questionnaire, based on materials developed by the NSW Legal Profession Admission Board to supplement the LACC Standards, is set out in the **Schedule**.

6. **CONDUCT OF REVIEW**

- (a) The Board will promptly advise the law school of –
 - (i) the members of the panel and the Chair appointed under subclause 3(a); and
 - (ii) the Terms of Reference for the review.
- (b) The law school will, at its cost –
 - (i) complete any Template Questionnaire adopted by the Board; and
 - (ii) prepare such other written submission and supporting material as it sees fit, which provides information or evidence about, or deals with matters mentioned in, item 4 of the LACC Standards, within 2 months after receiving the advice referred to in paragraph (a), or such longer time as the panel may allow.
- (c) The law school will also, at its cost, obtain and provide to the panel any other information which the panel requires for the purposes of undertaking the review.
- (d) With the prior consent of the panel, the law school may provide information to the panel in other than written form.
- (e) After receiving the material referred to in paragraphs (c) and (d), the panel may conduct one or more site visits at times arranged between the panel and the law school.
- (f) If a panel proposes to conduct a site visit, it will give the law school adequate notice in advance of the purpose and proposed scope of the visit.
- (g) Members of the panel may attend lectures or other classes and may conduct interviews with either or both members of staff and students, chosen by the panel.
- (h) Information provided to the panel by the law school or in an interview is confidential.
- (i) If the panel relies on information provided during an interview in any report made by the panel, the anonymity of the person supplying the information will be preserved, unless the person has previously given consent to the attribution of that information to that person.

7. **REPORTING REQUIREMENTS**

- (a) The panel will prepare a draft report.
- (b) The panel will provide the draft report to the Dean of the law school, and invite the Dean's comment on the accuracy or otherwise of any matter of fact set out in the draft report, within 30 days after the draft report is given to the Dean.
- (c) The panel will consider any comments made by the Dean and, if the panel thinks it appropriate, amend the draft report in the light of those comments.
- (d) The panel will submit its final report to the Board.

8. **RESULTS OF REVIEW**

- (a) The Board may refer any report received from the panel to a committee to consider, before deciding whether to accredit the law course, and any conditions to be attached to accreditation.
- (b) The Board or its committee may invite the Dean of the law school to meet with it, or the Dean may request the Board or its committee to meet with the Dean, to discuss the report of the panel, before the Board makes any decision.
- (c) The Board will promptly advise the Dean of the law school of any decision it makes relating to the accreditation of the law school.

9. **REMUNERATION OF PANEL**

- (a) The Board will determine the amount or rate of any remuneration for each panel member for fulfilling the Terms of Reference for the review, after consulting the panel member.
- (b) A panel member will invoice the Board for –
 - (i) any amount determined in accordance with paragraph (a); and
 - (ii) any relevant costs or expenses incurred by the member in fulfilling the Terms of Reference.
- (c) A panel member will be reimbursed for reasonable and necessary expenses in accordance with the Australian Tax Office's determination TD 2017/19 relating to the 2017-18 income year, as revised from time to time.
- (d) The Board will invoice the law school for all costs incurred by the Board in connection with conducting the review, except for the amounts referred to in paragraph (c).
- (e) The law school will pay any invoice received from the Board within 30 days after receiving the invoice.

10. **DISSEMINATION OF REPORTS**

- (a) Subject to this document and to any contrary legal requirement, any report made to the Board is confidential.
- (b) If the Board proposes to publish a summary of a review report (for example, pursuant to rule 8(5)(b) of the Uniform Admission Rules 2105) the Board will –
 - (i) provide a draft of the summary to the Dean of the law school;

- (ii) invite the Dean to comment on the summary within 30 days after receiving the draft;
- (iii) consider any comments made by the Dean and, if the Board thinks it appropriate to do so, amend the draft summary in the light of those comments.

11. **REVIEW OF RELEVANT STANDARDS**

- (a) The panel may, at its discretion, include in its report any comments about the appropriateness and applicability of the LACC Standards and any suggestions for the improvement of those Standards.
- (b) The Board will forward any such comments or suggestions to LACC, together with any comments the Board may wish to make.
- (c) LACC will consider any material received from the Board and decide whether to propose any consequential amendments to the LACC Standards.

12. **REVIEW OF PROTOCOLS**

From time to time, LACC will review, and if necessary amend, these protocols in the light of experience acquired in applying them.

SCHEDULE

TEMPLATE QUESTIONNAIRE

Each of the six Standards set out in clause 4 of the *LACC Accreditation Standards for Australian Law Courses* is accompanied by an explanatory note, and an explanation of how a law school can establish to the Board that it has met the relevant Standard. Those explanatory notes are intended to give a law school a clear indication of what information it needs to compile and to give to a Board. The explanatory notes set out in the *LACC Accreditation Standards* are still the most authoritative indication of what will be required.

As a supplementary aid to both law schools and any assessment panel, the NSW Legal Profession Admission Board developed a Template Questionnaire which it first administered for the purpose of a reaccreditation review of law courses offered by the UTS. The following document is based on that Template Questionnaire.

A Board may choose to adapt the document for its own use.

1. THE NATURE OF THE LAW COURSE

1.1 What is the course progression for the law school's LLB and/or JD courses?

- (a) Please set out the names of the law school's courses that offer all of the prescribed areas of knowledge and Statutory Interpretation and that lead to admission to the legal profession in this jurisdiction.

For example: LLB, JD etc

- (b) Please set out the typical progression through the various subjects of the course, year by year. Please also provide any relevant comments. Indicate, for example, whether a subject is designed to meet one of the prescribed areas of knowledge; and which subjects are to be completed before studying elective subjects.

For example -

The typical course progression for the LLB is -

	Term 1	Term 2
Year 1	<i>Enter name of subject and subject code. For example: 101 Legal Institutions Prescribed area / core)</i>	<i>For example: 102 Contracts (Prescribed area / core)</i>
Year 2	<i>Enter name of subject and subject code.</i>	
Year 3	<i>Enter name and code of law electives</i>	
Year 4		

You may wish to consider linking the name of each subject to the on-line course handbook or guide on the law school's website.

- (c) Please set out the law school's policy that determines which subjects are pre-requisite or co-requisite to other subjects. Please explain, if possible in a table, which subjects are required to be passed prior to progressing to the next stage of the course? Also explain how the law school satisfies itself that each student follows the required progression.

1.2 **What is the maximum number of subjects for which a students may enrol during each stage of the course?**

- (a) Please set out the maximum number of subjects for which a student may enrol in each term (semester) or year, and relevant information about the credit points which a student may acquire – for example the credit points allocated to each subject, and the total number of credit points that a students may acquire in each term (semester) or year.
- (b) Please also explain whether a student may be permitted to exceed the usual load in exceptional circumstances. Provide a copy of any law school policy about granting such permission.
- (c) Please also confirm that the law school does not allow a student to exceed the usual load if, as a consequence, the student may fail to comply with the requirement that the duration of a law course must be of at least three full-time calendar years.

2. **THE DURATION OF THE LAW COURSE**

2.1 **How do the total credit points for law subjects included in the course equal or exceed an EFTSL of 3.0?**

For example –

The LLB consists of [???] credit points, and the minimum duration of the course is [???] full-time or equivalent part-time study.

The JD consists of [???] credit points, and the minimum duration of the course is [???] full-time or equivalent part-time study.

- (a) If relevant to your law school, please include similar information about any combined LLB courses.
- (b) Please confirm that, taking into account constraints on progression through the course, such as prerequisite requirements and the stages as which subjects are taught, a student is not allowed to progress through the course in less time than the required duration.
- (c) Please explain your law school's policy and practices in granting credit for any of the prescribed areas of knowledge completed in other institutions. How does the law school determine whether an applicant has completed a subject that is substantially equivalent to a prescribed area of knowledge?

2.2 **Is the content of subjects included in the EFTSL calculation limited to academic content?**

The required equivalent full-time student load of three years ("EFTSL of 3.0") can only be satisfied by undertaking *academic* law subjects. Substituting practical for academic content in particular subjects will not meet accreditation requirements.

Please explain how the law school ensures that it complies with this requirement.

2.3 **Does the law school offer any subjects in an abridged or condensed form?**

- (a) Please give full details of any courses offered in this way, perhaps during the winter or summer breaks. Include subject outlines, the mode of delivery and the number of teaching hours. Are any of the prescribed areas of knowledge or Statutory Interpretation offered in this manner?
- (b) Please explain how the law school ensures that offering subjects in an a condensed or abridged form still allows the course to comply with the EFTSL requirement of at least 3.0.

3. **LEARNING OUTCOMES**

Please set out –

- (a) the Course Intended Learning Outcomes for each law course offered by the law school that leads to admission to the legal profession; and
- (b) the Subject Learning Outcomes for each of the prescribed areas of knowledge and for Statutory Interpretation offered in each of those law courses.

You may wish to set this information out in the form of a table.

4. **CONTENT OF EACH LAW COURSE**

4.1 **What is included in each subject that responds to a prescribed area of knowledge and Statutory Interpretation?**

- (a) For each of the law school's courses leading to admission to the legal profession, please set out details of each subject in that course that is intended to cover a prescribed area of knowledge, and Statutory Interpretation.

Please provide subject outlines setting out information such as topics dealt with in each teaching week or at each seminar or lecture; prescribed or recommended texts or sources; required reading; legislation considered in the subject; cases considered; and any additional materials to which students are referred.

- (b) In relation to each subject that is intended to cover a prescribed area of study or Statutory Interpretation, please outline the types of learning activities used to help a student acquire and demonstrate the necessary understanding and competence in that subject.

You may wish to set this information out in the form of a table.

4.2 **What is the law school's estimate of the total teaching hours devoted to each prescribed area of knowledge and to Statutory interpretation?**

- (a) Explain the type of teaching employed for each prescribed area of knowledge and Statutory Interpretation in each of the law school's courses leading to admission to the legal profession.
- (b) Please estimate the teaching time and required learning time devoted to each.
- (c) Please also indicate whether the teaching is face-to-face, on-line, some blended format, or some other teaching method. Indicate which is the predominant teaching format for each prescribed area and for Statutory Interpretation.

5. TEACHING THE LAW COURSE

5.1 Does the law school ensure that academic staff have the qualifications required by the Higher Education standards?

- (a) A person responsible for designing, delivering and managing a subject is required by TEQSA to have either a degree one level higher than the course for which the person has one of those responsibilities, or have equivalent experience in practice or teaching. If a person does not fully meet either of these criteria, the person's teaching must be guided or overseen by someone who does meet the criteria.

Please supply a complete list of staff that the law school proposes to have responsibilities in teaching a prescribed area of knowledge or Statutory Interpretation in a law course leading to admission to the legal profession, at the date upon which the law school seeks accreditation or re-accreditation.

- (b) Please indicate the subjects in which a person will have responsibilities and whether they will be employed on a continuing, fixed term or casual basis.
- (c) Please also set out each person's qualifications and how the person satisfies the required criteria–

For example say whether the person –

- (i) *has a Graduate Diploma with significant teaching experience;*
- (ii) *has a Masters qualification;*
- (iii) *has a Master's level qualification with significant teaching experience;*
- (iv) *has a Doctorate;*
- (v) *is a practitioner with professional experience.*

5.2 Does the law school's program of instruction primarily comprise either or both face-to-face instruction and direct interaction between teacher and student?

Clause 4.5(b)(iii) of the *LACC Accreditation Standards* suggests that a law school needs to satisfy the Board that it meets this requirement. It would be helpful to set out how the law school's teaching helps a student to engage in critical analysis of the knowledge acquired; test it, by applying it to factual situations; produce solutions to problems based on legal argument; and reflect on the process the student has followed.

5.3 Does the law school have systems to monitor and evaluate teaching?

- (a) Please explain what arrangements the law school has to monitor and evaluate teaching by its academic staff and thus assist them further to develop their competency as law teachers.
- (b) Please also explain the degree to which these facilities are used by, or applied to, teaching staff.

5.4 How does the law school incorporate technology into the design and delivery of teaching?

In your response, please explain –

- (i) how technology is embedded in the curriculum for each law course; and

- (ii) how each course prepares a student for the expanding use of technology in legal practice.

5.5 **How does the law school provide students with access to appropriate resources to support their learning?**

- (a) Please explain how the law school provides such access.

For example, describe the nature and scope of the law school's library resources, what electronic resources are also available, and the extent to which students have access to such library and electronic resources and to research materials through the law school.

- (b) Has the law school's library been independently assessed by the CALD Standards Committee?

6. **ASSESSING UNDERSTANDING AND COMPETENCE**

6.1 **Does the law school ensure that every element of each prescribed area of knowledge and Statutory Interpretation is assessable?**

Please explain how the law school requires that each element of every subject is assessable; and how it informs students in advance of this requirement?

6.2 **What types of assessment does the law school employ?**

- (a) Please set out details of the assessment tasks used to assess students in each prescribed area of knowledge and Statutory Interpretation.
- (b) Please also supply a copy of the law school's documented assessment requirements and criteria for each prescribed area and Statutory interpretation, and explain where they are published.

You may choose to do this in the form of a table.

You may also choose to include rubrics or matrices developed by the law school to map learning strategies and to assess student competencies and attributes.

6.3 **Does the law school or its host institution have a policy about the level and distribution of grades?**

Please set out any relevant principles that determine the distribution of various pass or honours grades within a subject. If the host institution or law school has grade descriptors, please provide a copy of the descriptor for a Pass grade.

6.4 **Does the law school or its host institution have internal regulatory or governance mechanisms for each law course to ensure the quality, structure and assessment of each prescribed area and Statutory Interpretation?**

Please describe such mechanisms and assess their effectiveness.

For example, explain if there are curriculum or teaching committees, or law school meetings with the task of reviewing marking practices, developing moderation techniques or other methods of benchmarking or for preparing submissions on such matters to the law school's host institution.

6.5 **Does the law school allow a student to receive a conceded pass in a subject, even if assessment requirements for that subject have not been fully met?**

Please explain the basis on which any such concession may be granted.