

# **PROFESSIONAL LEGAL STUDIES COURSE ACCREDITATION REGULATIONS 2006**

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# **PROFESSIONAL LEGAL STUDIES COURSE ACCREDITATION REGULATIONS 2006**

## **1 Principles of Accreditation by the Council**

- 1.1 The New Zealand Council of Legal Education (“The Council”) has a statutory purpose under section 38(1) (a) and (b) Law Practitioners Act 1982 of defining and prescribing courses of study for examinations and other qualifications required by candidates for admission as barristers and solicitors of the Court (including qualifications as to practical training and experience) and to arrange the provision of those courses of study.
- 1.2 These Regulations provide a framework within which the Council can accredit applicant providers, and re-accredit any existing providers, to deliver the Professional Legal Studies Course (“PLSC”) in conformity with the statutory purposes and the objectives of such a course set out in the Professional Legal Studies Course and Assessment Standards Regulations 2002.

## **2 Factors to be Considered by the Council**

In exercising its discretion to accredit providers to run the PLSC, and without prejudice to other matters particularly set out in these Regulations, the Council will have regard to the following factors:

- (a) The public interest in ensuring the highest standards of professionalism, competence and skill amongst those admitted to be barristers and solicitors of the High Court of New Zealand;
- (b) The public interest in stability, adequacy and predictability of provision, and adequate access to high quality, post-university, pre-admission legal training across New Zealand for all those who qualify for it and wish to pursue it, irrespective of gender, ethnicity, disability or age;
- (c) The need to ensure adequate standards in the delivery and provision of the PLSC, for example in course content, assessment, moderation, and grading;
- (d) The need to recognise and encourage alternative approaches to delivery of the PLSC amongst providers or applicant providers;
- (e) The interest of students as consumers, and the public as consumers of legal services, in ensuring that any applicant provider or existing provider is, or will be, adequately resourced.

## **3 Accreditation Committee**

- 3.1 The Council shall establish an Accreditation Committee which shall consist of three members (Council Chair, Chief Executive, and one other Council member). The Council shall have power to add members to the committee as necessary. The Council shall have power to employ or consult external advisers or monitors where it deems appropriate.

3.2 The purpose of the Committee will be:

- (a) to receive, consider, and make recommendations to the Council upon applications from potential providers for accreditation to offer the PLSC;
- (b) to receive, consider and make recommendations to the Council upon applications from current providers for renewal of accreditation to run the PLSC;
- (c) to monitor, or arrange for the monitoring of, accredited providers during the period of their accreditation, in the manner more specifically set out below;
- (d) to undertake any other work in connection with accreditation of the PLSC as delegated to it by the Council and which does not conflict with its functions in (a) to (c) above.

3.3 For the avoidance of doubt it is confirmed that the Council has power to decide upon accreditation, renewal, variation and withdrawal of accreditation, and the Council will consider the reports and recommendations of the Accreditation Committee.

#### **4 Accreditation**

From the date of commencement of these Regulations, any entity ('applicant') that wishes to offer the PLSC must apply to the Accreditation Committee. Accreditation will be for a specific period ('Accreditation Period'). The procedure for, and outcomes of, such an application are dealt with below.

#### **5 Renewal of Accreditation**

Where an entity has been accredited to offer the PLSC ('a Provider') for an initial Accreditation Period ('Initial Accreditation Period'), then subject to Regulations 41 and 43 the Provider may apply for renewal of accreditation for a further period ('Renewed Accreditation Period'). The procedure and outcomes of such an application are dealt with below.

#### **6 Accreditation Period**

6.1 The Initial Accreditation Period shall be two years commencing from the authorised commencement date of the first term or intake of students on the Provider's PLSC.

6.2 Where a Provider's accreditation is renewed, the Renewed Accreditation Period shall be three years commencing from the working day after the expiry of the Provider's Initial Accreditation Period. Once a Provider's accreditation has been renewed, and subject to Regulation 41, future renewals will be for the Renewed Accreditation Period.

6.3 The Council recognises that Accreditation Periods might justifiably be varied in future once the new system and the experience of providers is established. For the

avoidance of doubt it is confirmed that the Council may by resolution amend either or both of the Accreditation Periods at any time in future.

## **.PROCEDURE FOR APPLICATION FOR INITIAL ACCREDITATION**

### **7 Timing of Applications**

7.1 Applications for Initial Accreditation will ordinarily be made in the year preceding the Applicant's proposed intended commencement of the PLSC. However, the Accreditation Committee will consider applications up to two years in advance of intended commencement.

7.2 Applications for Initial Accreditation will not be considered earlier than 24 months prior to the Provider's intended commencement of the PLSC.

### **8 Timetable for Application Procedure**

8.1 Closing Date for applications: 28 February  
Decision by Council : 15 April

8.2 The Council (or the Accreditation Committee on its behalf) has the power to vary the dates in 8.1 where it deems it expedient to do so in the circumstances.

### **9 Application Form**

9.1 . The information to be provided in the application is set out below.

9.2 The application shall be accompanied by a cheque for the fee payable in accordance with the Schedule to these Regulations.

### **10 Identity and Details of Applicant**

The application must identify the name and business address, telephone, facsimile and email details of the applicant(s), and give other appropriate details of the legal status of the applicant(s), its directors, controllers and/or management (for example, limited company, partnership, joint venture, trust, individual).

### **11 Financial Status**

11.1 The application must provide the following details of the applicant's financial status in relation to the application to offer the PLSC, for the purpose of satisfying the Accreditation Committee that the applicant has the current financial resources, the likely projected financial resources and appropriate financial control and audit systems, to successfully run the PLSC for the Accreditation Period:

Details of Initial Working Capital  
Projected Income/Expenditure  
Projected Capital Expenditure  
Insurance Details

Proposed Fees (including actual or estimated amounts for Course Fees, Administration Fees, Materials, Certification or transcripts, Supplementary Assignments, Photocopying and any other proposed fees).

11.2 Name, address and contact details of an accountant appointed by the applicant as external auditor in relation to the PLSC, to be and remain appointed for the Initial Accreditation Period.

11.3 Details of internal financial reporting systems and personnel.

## 12 **Proposed Number of Students**

The application must specify the approximate maximum number of students for which the applicant wishes to seek accreditation. Accreditation will be given for a specific maximum number of student places, or, where applicable, a maximum at any one location or by any one delivery method.

## 13 **Accommodation**

13.1 The application must detail how and where the applicant intends to provide accommodation appropriate to the nature of the PLSC generally, the nature of the PLSC proposed by the applicant and in particular the methods of delivery, and the number of proposed students.

13.2 Applicants must give details of proposed policy and practical aspects in relation to accommodating students with disabilities. (See also Students with Disabilities in Regulation 23.)

13.3 Any lecture theatres must contain or have ability to connect with modern presentational tools (videotape, Computer-based software such as PowerPoint, Internet, CD-Rom and OHPs) and be of appropriate size and layout for the proposed learning in those theatres.

13.4 Seminar and instruction rooms must also be appropriate in number, size and layout for the type of instruction or learning to be conducted in them.

13.5 There must be an adequate number of video recorders and cameras per classroom given the size of the proposed student cohort at that location or by that delivery method.

13.6 Applicants must show that they have, or will have, systems and procedures for fire and civil emergency evacuation and safety situations, and that these are or will be clearly communicated to students at the time of enrolment, and/or by way of appropriate notices complying with relevant legislation.

## 14 **Computing Facilities**

The application must show that students will have adequate access to computers, laptop connection ports and any associated software required or recommended to be used on the

course. Computing facilities may be provided in the context of accessible library space where they are needed to access research databases. The overall ratio of computers to students will depend on the extent to which the applicant proposes to make use of computer-assisted learning or to require typed assignments, and distance learning.

## **15 Student Facilities**

- 15.1 The applicant must show that students will have adequate access to an adequate number of common rooms, wash facilities, study and discussion rooms, and basic refreshment facilities either on-site or within the vicinity of the location of classes.
- 15.2 If students are required to photocopy materials there should be access to photocopying facilities at a reasonable price to students.
- 15.3 If students are required to purchase books, statutes, or other documentation not supplied with course materials, there should be adequate and accessible facilities for purchasing of such materials, either through the applicant or some other accessible source.

## **16 Library Holdings**

- 16.1 It is recognised that Providers may supply students with most of the material that students require, or require that students purchase certain additional texts or other documents. However, given that the PLSC teaches practical legal research, it is expected that students will be required to access practitioner texts and other legal primary and secondary materials.
- 16.2 The applicant must show that students will have access to adequate library facilities (whether in print or electronic form) for the purpose of instruction and assessment in the PLSC. Where the applicant does not have a Law Library or does not intend to establish one for the PLSC, the applicant must show that there is an arrangement in place for PLSC students of that applicant provider, to belong to or access some other Law Library within walking distance of the physical location of the provider's PLSC or accessible to students electronically, and, to the extent that the provider is delivering distance education, that students learning by distance will have adequate library facilities available to them so that they will not be disadvantaged by studying at a distance from students studying at a physical location of that provider.

## **17 Organisational Structure**

The applicant must explain the managerial and organisational structure intended to be operated in respect of the PLSC.

## **18 Administrative and other Support Services**

The applicant must demonstrate that there are adequate numbers and quality of administrative support staff for the number of proposed students, such that administration of the course, student records, assessments, certification of completion and appeals

processes can all be competently managed and efficiently administered, as well the processes of internal quality assurance and liaison with external moderators and the Accreditation Committee.

## **19 Staffing**

- 19.1 The applicant must supply details of all proposed teaching staff and their qualifications, where possible, and if not all recruited at the time of the application, must supply details of the proposed job description, timetable and other aspects of proposed recruitment of other staff.
- 19.2 The Council would normally expect an across-the-board ratio of Teaching Staff: Students of 16:1, with proportionately adjusted ratios for different learning environments (for example large lecture, seminar or practical instruction). Any departure from this would have to be justified, for example by reference to alternative arrangements for distance learning.
- 19.3 All staff must have been admitted to practise as barristers and solicitors of the High Court of New Zealand or a comparable jurisdiction, and must have had experience in practice as a lawyer which amounts to at least four years (of which not more than two may be as a university law teacher). It is not necessary that teaching staff retain a current practising certificate.
- 19.4 It is expected that a substantial majority of teaching staff will be full-time engaged solely, or almost solely, on their work in connection with the PLSC. Explanation, should be given for use of staff on fractional appointments of less than 50%, for example in terms of equity, recruitment difficulties, or specialist expertise. Guest lecturers such as practitioners may be used at the discretion of the Provider, provided that they are made fully aware of the objectives and detailed procedures and methodology of instruction. The monitoring report should detail names, qualifications and teaching by guest lecturers.

## **20 Staff Training and Development**

- 20.1 The applicant must satisfy the Committee that new teaching staff are to be given induction training into the objectives, course specifications and instruction methodology of the PLSC and that all staff are provided with a manual of procedures and regulations.
- 20.2 The applicant must satisfy the Committee that there is a Staff Development Plan or Plans in place for teaching and non-teaching staff respectively, which may provide for in-house training and workshops, attendance at courses or further qualification, attendance at conferences and/or periods of secondment to legal practise. The Plans should provide for assessment and planning for each individual staff member's training and development needs, in the context of what is required for maintenance of a high-quality PLSC. Full-time staff would be expected to undertake at least 5 days a year staff development, with fractional staff undertaking a corresponding proportion. The monitoring report must detail

staff training and development activity, and detail its budget for the following year.

## **21 Student Admissions**

The applicant must provide details of proposed student admission criteria, which comply with the Human Rights Act 1993, and with the requirements for pre-admission practical legal training laid down in the Law Practitioners Act 1982 (and, when in force, the Lawyers and Conveyancers Act 2006) and Professional Examinations in Law Regulations 1987 (or any future Regulations made in substitution), and provide details of the procedure for administering admission and enrolment, including advertisement and pre-enrolment literature.

## **22 Student Support**

22.1 At the start of the course students must be given fully detailed information about the course, staff, accommodation and facilities, the course structure, timetable, assessment details, course regulations, assessment regulations, and appeals procedure.

22.2 Students are entitled to know what is expected of them by way of attendance and participation in the course, and the consequences of non-attendance and/or non-participation. Students should receive written advice at the start of the course as to the meaning of plagiarism, unacceptable copying and other dishonest conduct in relation to assessment.

22.3 Applicants must show what internal structure is proposed (for example a personal tutor system or an identified member of staff) for dealing with students' academic problems, or problems which may affect their study, and also for complaints about staff or other students, as well as a procedure for dealing with disciplinary matters against students. Such procedures must be publicised in information distributed at the start of the course.

22.4 Applicants will be expected to show mechanisms by which the views of students generally will be taken into account, by way of student evaluation of courses as well as student representation on appropriate committees or governing bodies of the PLSC.

22.5 Providers may wish to set out the mutual expectations, rights and obligations of Provider and Student in the form of a Charter, or even a Contract which not only confirms when that Contract comes into force and ends, but also incorporates other Regulations of the Provider and of the Council.

## **23 Students with Disabilities**

Applicants are expected to have a policy with regard to students with disabilities, which will not only include physical accommodation referred to in paragraph 13 above, but will also cover identification and agreement as to the needs of disabled students throughout the course and will comply with the Human Rights Act 1993 and the Privacy Act 1993.

The applicant provider will need to include a mechanism by which the Provider reaches agreement with each disabled student as to the special needs of that student and the mutual obligations of both Provider and student involved in meeting those needs.

#### **24 Administrative Record-Keeping and Procedures**

The applicant must show that it has systems in place for student enrolment and personal information records, archiving of such material, and compliance with all relevant legislation concerning staff employment and student records, including back-up risk management systems.

#### **25 Compliance with Legislation**

The applicant must show that it has systems and procedures in place for compliance with all relevant legislation including, but not limited to, Employment Relations Act 2000, Health and Safety in Employment Act 1992, Privacy Act 1993, Human Rights Act 1993, Copyright Act 1994.

#### **26 Completion and Certification Procedures**

The applicant must provide details of the process for recording and archiving student assessment results, and for issuing of certificates of completion of its course, and copies of transcripts or certificates which students may request from time to time.

#### **27 Equal Opportunities Monitoring**

Providers will be required to collect and maintain statistical information on students' admission and student results by reference to gender and ethnic origin.

#### **28 Student Fees**

Applicants must include full information about student fees in all pre-course literature or publications. Students and potential students are entitled to know the extent of any fees they will be required to pay on enrolment or during the course. In particular, where there are fees payable in addition to an initial course fee on enrolment, applicants must show that students will be provided with information broken down into any necessary components, for example where fees are for additional materials, specific texts supplied through the provider, copying, supply of transcripts and certificates, and setting of alternative or supplementary assessments.

### **INTERNAL AND EXTERNAL QUALITY ASSURANCE MECHANISMS**

#### **29 Internal Course Review**

29.1 Applicants will be required to show procedures in place for regular review of the course specification and delivery of courses in light of the required outcomes for specific modules within a provider's PLSC, and for the PLSC as a whole as set out in these Regulations and the Professional Legal Studies Course and

Assessment Standards Regulations 2002 or any Regulations passed in substitution.

- 29.2 Where the Provider is part of an academic or educational institution, applicants should explain how these procedures relate to the course review and quality assurance procedures of that institution.

### **30 Course Changes**

Applicants will be required to show procedures in place for making changes to courses or to delivery methods or assessment, and procedures for reviewing courses in light of such changes once made.

### **31 Student Evaluations**

Applicants will be required to provide for a system of confidential student evaluations in relation to each specific course and instructor (and, for the avoidance of doubt, by each separate delivery method) and at the completion of each term or intake. Applicants must indicate how this information is to be used in the context of course review and staff development. The detailed results of evaluation will also be required to be included in the Provider Monitoring Report.

### **32 Communication Between Staff**

Whether or not the Provider is to run the PLSC with the assistance of a management committee or group, procedures should be in place by which all staff, teaching and non-teaching, are able to contribute ideas and comments to course review on a regular and formal basis.

### **33 External Assessors or Moderators**

- 33.1 Applicants must provide an adequate system of external assessment or external moderation of assessments, and give details identifying external assessors or moderators and their qualifications, or if not yet identified at the time of application, giving details of the likely pool of assessors/moderators available to them.
- 33.2 For the purpose of this Regulation, 'external' means not employed by the Provider (or by an entity in a business relationship with the Provider) other than for the purposes of external assessment or moderation of assessment.
- 33.3 Applicants must give details of the method of external assessment, how it relates to internal assessment/moderation of assessment and the procedure and timetable for communicating the results of the external assessment/moderation process.
- 33.4 A mechanism must be in place for resolving disputes or differences of opinion between internal and external assessors or moderators.

- 33.5 A provider must appoint external assessors or moderators to act for at least 12 months, and must notify the Accreditation Committee of the names and qualifications of those assessors/moderators.
- 33.6 External assessors and moderators should provide a report to the Provider covering each term or intake of the PLSC, and a copy of that report or reports must be forwarded to the Accreditation Committee with the Provider's Monitoring Report (see below).
- 33.7 The applicant must satisfy the Committee that external moderators or assessors are given induction training into the objectives, course specifications and instruction methodology of the PLSC, particularly with regard to assessment.

#### **34 Confidentiality**

Subject to the public availability of reports under Regulation 39, information provided by applicants or providers for the purposes of accreditation procedures shall be treated in confidence by the Council and the Accreditation Committee and used for the purposes of these Regulations only.

#### **35 Monitoring by Council**

- 35.1 It is a condition of accreditation that the accredited Provider must agree to co-operate with Council monitoring staff and allow (if requested) examination of all facilities, teaching materials, equipment, library, and classes, arrange, for monitors, guest access to its online instruction website, and to arrange (by liaison with the monitors) meetings with teaching staff, management, administrative staff and students during the monitoring visit, or at other times that the Accreditation Committee thinks fit.
- 35.2 It is a condition of accreditation that the Provider will pay the annual monitoring fee pursuant to the Schedule to these Regulations.

#### **36 Periodic Information**

- 36.1 Initial Accreditation and Renewed Accreditation are on the basis that the Council will receive periodic information as required in Regulations 37 and 44, from the Provider during the Accreditation Period.
- 36.2 Periodic information referred to in 37.2 will also assist the Council in the early years of the new system of accreditation, and will be of benefit to the Council and to all providers in identifying, assisting and improving best practice as well as showing compliance with minimum standards.

#### **37 Monitoring Reports**

- 37.1 The provider will send a report ("Provider Monitoring Report") to the Accreditation Committee (care of the Chief Executive of the Council) at the following times:

- 37.1.1 In the case of a Provider during an Initial Accreditation Period, on the first anniversary of the commencement of that period.
- 37.1.2 In the case of a Provider during a Renewed Accreditation Period, on each anniversary of the commencement of that period.
- 37.2 The Report must include the following information:
- (a) A Statement of the Provider's own assessment of the success of its PLSC so far, in particular how far it is meeting the educational objectives of the course and the outcomes set out in these Regulations;
  - (b) A Statement of the Provider's projected plans for the following year, in particular any new initiatives in course development, new courses, staff recruitment, or other significant changes;
  - (c) Statistics showing assessment results, (where applicable, at different centres, and by different delivery methods) including gender and ethnicity breakdowns;
  - (d) Results of Course Evaluations by Students, including full results of all Evaluations (as set out in Regulation 31) received since the last accreditation application, renewal of accreditation application, or monitoring exercise;
  - (e) A Report detailing Course Review outcomes (that is, steps or decisions taken by the Provider as a result of its course review procedures) over the year;
  - (f) A copy of all reports provided by External Assessors or Moderators under Regulation 33 above;
  - (g) A Report detailing identity and number of staff in position at the date of the Report, and detailing staff training and development, including details of amount of time spent by each staff member and nature of activity, and proposed staff training and development budget;
  - (h) A Financial Report including (in relation to the running of the PLSC by the provider) the latest available balance sheet (whether externally audited or not), income and expenditure statement, budget including capital expenditure for the following year, and (if available at the date of the Provider Monitoring Report) a report by the Provider's external auditor certifying the accuracy of the Financial Report and its contents;
  - (i) A statement of student fees broken down into any specific fees charged on enrolment and during the course.
  - (j) A copy of the latest version of any Staff Manual or similar document of internal policy and procedures
  - (k) Any report concerning the particular Provider received from, or required to be sent to, the New Zealand Qualifications Authority, Tertiary Education Commission or Ministry of Education.

### **38 Monitoring Visits**

- 38.1 The Council will, by liaison with the Provider, arrange in advance for monitors nominated by the Accreditation Committee to visit the Provider at its teaching premises (including multiple locations) after receipt of the Monitoring Report from that Provider.
- 38.2 The Council appreciates that such a visit can be very disruptive to the learning environment, for staff and students, and the Council and its Accreditation Committee will make every effort to plan the visit in co-operation with the Provider in such a way as to minimise disruption as far as possible.
- 38.3 The monitoring team may arrange to examine written material (in addition to, or supplementary to, that provided with the Provider Monitoring Report under regulation 37.2) in advance of their visit in order to minimise disruption and save time. The monitoring team will wish to inspect the teaching and support premises, including lecture theatres, seminar and instruction rooms, computing and library access, student amenities and support services, and will wish to meet in confidence with students and/or class representatives, teaching staff, administrative staff and management of the Provider, by prior arrangement and scheduling of times. The team may sometimes wish to observe classes or instruction, but this will take place by prior arrangement with the management of the Provider, and in such a way as to cause minimum disruption to staff or discomfort to students.

### **39 Outcome of Provider Monitoring Report and Visit**

- 39.1 Within 21 working days of the last date of a Monitoring Visit, the Accreditation Committee or its nominees will issue a draft report ('Accreditation Monitoring Report') which will state the outcome of the monitoring process and provide comments about the course. The Committee will send the draft report to the Provider and the Provider will have 10 working days to comment on any factual inaccuracies or make other comments which it feels the Committee should take into account before sending the final report to the Council.
- 39.2 The normal outcome of the Accreditation Monitoring Report should be that it will state that the PLSC is being run satisfactorily and consistent with the initial accreditation application. The Committee will mention any significant aspects which appear to differ favourably or unfavourably from the initial accreditation application, and make comment to assist the Provider (and other providers) on aspects of the Course or its administration where it feels appropriate to do so. Since one of the objectives of the monitoring process is to ensure adequate standards between Providers and improve best practice, reports will be publicly available.

- 39.3 Where the Committee believes there are serious grounds for concern, the report may recommend to the Council that accreditation should be withdrawn and may specify the date of withdrawal. However, the Committee may alternatively recommend that accreditation should be withdrawn unless certain steps are taken by the Provider before a certain date, to rectify serious problems identified in the monitoring process. Withdrawal of accreditation is dealt with below.
- 39.4 The Committee will send the final report to the Council after considering the comments (if any) of the Provider on the draft report. The Council will consider the final report at its meeting in April or October, or any other meeting of the Council, in the relevant year. The decision of the Council on the recommendations is final.
- 39.5 Where a Provider later seeks renewal of accreditation, the report or reports of the Committee on the annual monitoring of that Provider will be taken into account by the Council and will be an important factor in considering renewal of accreditation.

#### **40 Outcome of Initial Accreditation Application**

- 40.1 The Council will notify the applicant of its decision by the date stated in Regulation 8 above. The Council will consider all the information and circumstances, including but not limited to the factors in Regulation 2 above, and may decide:
- (a) to approve the accreditation of the applicant to run the course in accordance with its application;
  - (b) not to approve the application for accreditation;
  - (c) to approve the application subject to conditions to be met to the satisfaction of the Council by a specified time;
  - (d) approve the application subject to any other conditions or restrictions the committee thinks fit.
- 40.2 In all cases the Council will issue a report giving reasons for its decision and in the case of 40.1(c), will explain in detail the conditions to be met, and will allow a reasonable period of time for the conditions to be met prior to the applicant's proposed commencement date for the PLSC.
- 40.3 In the case of 40.1(d), the Council will explain in detail the reasons for the conditions and/or restrictions, and not limiting the generality of 40.1(d), the Council may impose restrictions on the number of places to be offered on the applicant's PLSC, or the number at certain locations of the applicant's PLSC, or by certain delivery methods (for example restrictions on block course numbers).
- 40.4 The decision of the Council on the Initial Accreditation Application is final, including its decision as to satisfaction of any prior conditions in 40.1(c).

## **RENEWAL OF ACCREDITATION**

### **41 Procedure and Timing for Renewal of Accreditation**

- 41.1 A Provider under these Regulations may apply for renewal of accreditation. Neither the Council nor the Accreditation Committee will invite applications for renewal, nor will they advertise for renewal applications.
- 41.2 Application for renewal of accreditation should be made not later than 1 August of the year prior to the expiry of the Provider's current Accreditation Period (which may be an Initial Accreditation Period or a Renewed Accreditation Period). There is no limit to the number of times that an accreditation may be renewed.
- 41.3 Where a former Provider makes an application for accreditation to deliver the PLSC to commence from a date which is more than 8 months from the end of its previous delivery of the PLSC, then unless the Council in all the circumstances of the case decides otherwise, any such application shall be treated as an application for Initial Accreditation.

### **42 Documentation to be Provided with Renewal Application**

- 42.1 The documentation to be provided on an application for Renewed Accreditation should deal with all differences in all matters from those provided in the Initial Application or the previous application for Renewed Accreditation, and must deal with matters required to be provided in an Initial Application by these regulations.
- 42.2 In addition, the Provider must include a cheque for the Fee payable in accordance with the Schedule to these Regulations.
- 42.3 An update of information of the nature required to be supplied in the Provider Monitoring Report updating the information since the date of receipt of that Provider Monitoring Report by the Accreditation Committee.
- 42.4 A statement confirming that the Provider is still the same entity that applied for the previous accreditation and that the Provider seeks accreditation for the same number of students, same locations and/or delivery methods for which the Provider is currently accredited; where this is not the case the Provider must state any material differences in relation to any of these matters.

### **43 Decision on Application for Renewed Accreditation**

- 43.1 The Accreditation Committee will consider the Provider's application and issue a draft report to the Council. The Committee will send the draft report to the Provider and the Provider will have 10 working days to comment on any factual inaccuracies or make other comments which it feels the Council should take into account before issuing the final report.

- 43.2 The Accreditation Committee, after consider any comments of the Provider on the draft report, will issue a final report to the Council. The Council will make its decision on the recommendation of the Accreditation Committee no later than two months before the expiry of the period of the Provider's accreditation which is current at that time.
- 43.3 The outcomes will be governed by Regulation 40, save that in addition to the factors specified in Regulations 2 and 40.1, the Council shall take into account the contents and decision in any Accreditation Monitoring Reports in relation to the Provider.
- 43.4 A decision of the Council on the Renewed Accreditation is final.
- 43.5 Where the final outcome of an application for renewed accreditation is that the accreditation is not renewed, any future application for accreditation will be treated as an application for Initial Accreditation, save that no application will be entertained from a Provider to whom this paragraph applies, for accreditation to run the PLSC at a time commencing earlier than 12 months from the expiry of the Provider's existing accreditation period.

#### 44 **Conditions of Accreditation**

- 44.1 In addition to any specific conditions imposed by the Council, it is a condition of every accreditation or renewed accreditation that each and every one of these Regulations and in the Professional Legal Studies Course Regulations 1995 (or any Regulations made in substitution) be complied with so far as they require the Provider to do so. Failure to comply with any such Regulations may lead to withdrawal of accreditation.
- 44.2 In addition, it is a condition of every accreditation or renewed accreditation that the Provider will notify the Accreditation Committee immediately in respect of any of the following changes which entail a departure from the accredited application:
- (a) significant (more than minor) changes to the curriculum or its delivery
  - (b) changes to proposed assessment methods or weightings
  - (c) changes to staffing (including recruitment of new staff, resignations, other changes to staffing levels and staff/student ratios)
  - (d) significant (more than minor) changes to accommodation, library and other facilities
  - (e) any other proposed changes which may have significant impact on the delivery of the learning outcomes and objectives of the PLSC.
- 44.3 The assessment of what changes in the above categories are significant is that of the Council, so that Providers should operate a principle of disclosure even where they doubt whether a change is significant.

44.4 Changes should be disclosed even if the likely impact is assessed by the Provider to be a positive impact, since the purpose of monitoring and information provided to the Committee is to ensure and enhance best practice and adequate standards amongst providers, and because the information may be used in any consideration of renewal of the accreditation.

44.5 However, changes falling within the above may lead the Committee to recommend to the Council that accreditation should be withdrawn, or that unless the changes are reversed or modified, the accreditation should be withdrawn. In such a situation the Committee will discuss the situation with the Provider and where possible, attempt to agree a workable solution within the terms of the accreditation.

#### 45 **Variation of Accreditation**

In circumstances not foreseen at the time of application, the Council may accede to the application of a Provider at any time during the Accreditation Period to vary the application upon which the accreditation was approved and the application may be approved, rejected or approved subject to conditions.

#### 46 **Withdrawal of Accreditation**

46.1 The Council has discretion to withdraw accreditation from any Provider in any of the following circumstances:

- (a) where the Provider has failed to comply with any of these Regulations which impose obligations upon Providers;
- (b) where the Provider has failed to comply with any conditions or restrictions subject to which the Provider's accreditation was approved;
- (c) where, as a result of Monitoring Reports and/or Monitoring Visits, the Council has decided that serious grounds for concern warrant the withdrawal of accreditation at a date specified in the Accreditation Monitoring Report;
- (d) where, as a result of an Accreditation Monitoring Report, the Council decides that serious grounds for concern warrant the withdrawal of accreditation if specified steps are not taken by a specified time and such steps are not taken, or not taken to the satisfaction of the Council, by the specified time;
- (e) where as a result of information supplied by the Provider pursuant to 44.2 above, or as a result of changes otherwise coming to the notice of the Accreditation Committee or Council, the Committee decides that the nature of the changes are such that the current accreditation should be withdrawn.

46.2 The Council recognises that withdrawal of accreditation is a last resort, and prior to such steps, would expect the Accreditation Committee to work informally with the Provider to resolve any problems which can be overcome within the framework of the current accreditation.

46.3 Where it is not possible to reach informal resolution in relation to a decision to withdraw accreditation, or a decision to withdraw it if certain conditions are not met by a specified date, the formal decision of the Council will be given with reasons.

46.4 The formal decision of the Council on withdrawal of accreditation, or withdrawal of accreditation if certain conditions are not met, is final.

#### 47 **Effect of Withdrawal of Accreditation**

47.1 The effect of withdrawal of accreditation will be that the Provider's accreditation will expire at the end of the current intake or term of that course, thereby allowing currently enrolled students to complete the course.

47.2 Where accreditation is withdrawn, any future application by that former Provider will be treated as an Initial Application and the time restriction in Regulation 41.3 will apply to it.

#### 48 **Revocation**

The Professional Legal Studies Course Accreditation Regulations 2002 are revoked.

**All inquiries concerning these Regulations should be made to Rosemary Gordon, Chief Executive of the Council of Legal Education.**

**The commencement date of these Regulations is 1 November 2006.**

**SCHEDULE OF ACCREDITATION AND MONITORING FEES PAYABLE TO COUNCIL**

APPLICATION FOR INITIAL ACCREDITATION OR RENEWED ACCREDITATION  
(Payable by cheque accompanying application form)

**\$5,000**

ANNUAL MONITORING LEVY PAYABLE BY ACCREDITED PROVIDERS

**\$5,000**