

IN THE THIRD SESSION OF THE SEVENTH PARLIAMENT OF
THE FOURTH REPUBLIC OF GHANA

REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL
AND PARLIAMENTARY AFFAIRS

ON THE

PETITION BY PROFESSIONAL LAW STUDENTS SEEKING
REVIEW OF THE RESULTS OF THE 2017/2018 NEW
PROFESSIONAL LAW COURSE EXAMINATIONS

APRIL 2019

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL &
PARLIAMENTARY AFFAIRS ON PETITION BY PROFESSIONAL LAW
STUDENTS SEEKING REVIEW OF THE RESULTS OF THE 2017/2018
NEW PROFESSIONAL LAW COURSE EXAMINATIONS**

1.0 INTRODUCTION

- 1.1 On Tuesday, 5th March, 2019, a group of Professional Law Students of the Ghana School of Law submitted a Petition to the Rt. Hon. Speaker, in which they sought a review of the results of the 2017/2018 New Professional Law Course Examinations.
- 1.2 The Rt. Hon. Speaker subsequently referred the Petition to the Committee on Constitutional, Legal and Parliamentary Affairs for Consideration and report.

2.0 DELIBERATIONS

In considering the Petition, the Committee met with Executives of the Professional Law Students, Lecturers of the Ghana School of Law (GSL) and the General Legal Council (GLC).

3.0 REFERENCE DOCUMENTS

The Committee referred to the under-listed documents during its deliberations:

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament;
- iii. The Legal Profession Act, 1960 (Act 32);
- iv. The Legal Profession (Professional and Post-Call Law Course) Regulations, 2018 (LI 2355);
- v. The Legal Profession (Amendment) Bill, 2018;
- vi. Subject Manuals Approved by the GSL for the New Professional Law Course; and
- vii. Draft Concept Paper prepared by a Senior Lecturer of the GSL proposing for the introduction of a Qualifying Certificate for Legal Executives (QCLE); and

- viii. Proposal for drafting a Bill to establish Council for Professional Education.

4.0 BACKGROUND INFORMATION

- 4.1 The General Legal Council (GLC) is the statutory body responsible for Ghana's legal education (Section 1 of the Legal Profession Act, 1960 (Act 32).
- 4.2 The GLC delivers its training mandate through the Ghana School of Law (GSL), which has its main campus at Makola, Accra. The GSL also has campuses at the Ghana Institute of Management and Public Administration (GIMPA), Accra and at the Kwame Nkrumah University of Science and Technology (KNUST), Kumasi.
- 4.3 Prior to 2014, professional legal education was structured and delivered over a two year period, comprising Part I (one year) and Part II (one year). Under the Professional Law Course, students were taught six subjects in Part I, and five subjects in Part II.
- 4.4 Lecturers of the GSL taught all the subjects, set and marked scripts for the two sets of examinations conducted by the School.
- 4.5 Regarding examinations, students wrote two sets of examinations, one at the end of Part I and another examination at the end of Part II.
- 4.6 At the end of the Part I examinations, candidates who passed all the six courses progressed to Part II of the Course. Those who failed in only one subject were referred in those papers but were allowed to progress to Part II and later wrote supplementary examinations. Those who failed two or more papers in Part I had to repeat the entire Part I course. At the end of the Part II examinations, students who passed all papers were called to the Bar, while those referred in one paper had to wait and write supplementary examinations to be possibly called to the Bar at the mini call.
- 4.7 However, in 2015, the two year professional law course was re-structured, including a reduction in the duration of the Course to a one year period. The New Professional Law Course is run in two (2) semesters. As part of the restructuring, an Independent Examination Board was established administratively by the GLC (now the Independent Examinations Committee established under LI 2355) to take over the examination function of the lecturers of GSL. This confined the lecturers to only the teaching of prescribed subjects.
- 4.8 Under the new system, students write two separate examinations, at the end of each semester. The results for the first semester examinations are

released simultaneously with the results of the second semester examinations. The two examinations are treated cumulatively, and candidates who pass all the papers proceed to undertake the mandatory internship to be called to the Bar subsequently. Those who fail in not more than two papers, get referred in those papers and become eligible to write supplementary examinations. Those who fail in more than two papers of each semester are required to repeat the entire one year course.

5.0 REVIEW OF PROFESSIONAL LAW COURSE EXAMINATION RESULTS RECORDED BETWEEN 2014 AND 2018

- 5.1 An analysis of official results of the professional law examinations reveal an exponential drop in the performance of students under the New Professional Law Course which started in 2016.
- 5.2 Prior to the introduction of the new professional course, the average performance of students in the professional examinations stood around 70% but that reduced sharply under the new professional law course to about 15%.
- 5.3 The following Tables show the performance of professional law students from 2013 to 2018.

Table 1(A): 2013/2014 Professional Law Course Part I Examination Results

S/N	Performance Category	Number of Candidates	Percentage (%)
1.	Passed	208	63.4
2.	Referred	71	21.7
3.	Failed	49	14.9
TOTAL		328	100

Table 1(B): 2013/2014 Professional Law Course Part II Examination Results

S/N	Performance Category	Number of Candidates	Percentage (%)
1.	Passed	189	75
2.	Referred	37	14.7
3.	Failed	26	10.3
TOTAL		252	100

Table 2(A): 2014/2015 Professional Law Course Part I Examination Results

S/N	Performance Category	Number of Candidates	Percentage (%)
1.	Passed	216	70.8
2.	Referred	48	15.7
3.	Failed	41	13.5
TOTAL		305	100

Table 2(B): 2014/2015 Professional Law Course Part II Examination Results

S/N	Performance Category	Number of Candidates	Percentage (%)
1.	Passed	199	68
2.	Referred	59	20.1
3.	Failed	35	11.9
TOTAL		293	100

Table 3(A): 2015/2016 Professional Law Course Part I Examination Results

S/N	Performance Category	Number of Candidates	Percentage (%)
1.	Passed	103	36.4
2.	Referred	119	42
3.	Failed	61	21.6
TOTAL		283	100

Table 3(B): 2015/2016 Professional Law Course Part II Examination Results

S/N	Performance Category	Number of Candidates	Percentage (%)
1.	Passed	230	77.2
2.	Referred	47	15.8
3.	Failed	21	7
TOTAL		298	100

Table 4: 2016/2017 Professional Law Course Examination Results

S/N	Performance Category	Number of Candidates	Percentage (%)
1.	Passed	91	17.5
2.	Referred	179	34.4
3.	Failed	251	48.1
TOTAL		521	100

Table 5: 2017/2018 Professional Law Course Examination Results

S/N	Performance Category	Number of Candidates	Percentage (%)
1.	Passed	64	12.2
2.	Referred	177	33.7
3.	Failed	284	54.1
TOTAL		525	100

6.0 SUMMARY OF THE PROFESSIONAL LAW STUDENTS' PETITION

- 6.1 In the petition, the professional law students expressed grief and disappointment over the mass failure recorded in the 2018 New Professional Law Course Examinations conducted by the IEC in June and October 2018.
- 6.2 They emphasised that the factors which caused the mass failure go beyond poor performance of students. They partly attributed the mass failure to factors such as questions set outside the approved syllabus, disconnect between lecturers and the IEC and defects in the marking, recording and tallying of examination results.
- 6.3 They further complained about late release of results, high cost of remarking and difficulties encountered in the implementation of the repeat policy under LI 2355.
- 6.4 Based on the above issues, the professional law students sought the intervention of the House to review the results of the 2017/2018 New Professional Law Course Examinations as follows:
- i. annul questions set outside approved syllabus and remark remaining questions over 100%;
 - ii. reduce the cost of remarking from GH¢3,000 to GH¢500;
 - iii. re-open the period for remarking;
 - iv. ensure timely release of results of the remarking to coincide with this year's Call to the Bar; and
 - v. review the repeat policy under regulation 14 of LI 2355.

7.0 RESPONSE BY LECTURERS OF GSL

- 7.1 The lecturers of the GSL essentially concurred with the submissions of the professional law students.
- 7.2 They also maintained that, though they have on many occasions requested the IEC to furnish them with copies of its Examiners' Report and marking schemes, none of these critical documents have been given.
- 7.3 They further stated that the remarking fee of GH¢3,000 was too high and ought to be reduced drastically. They recalled that the GSL used to charge remarking of GH¢300 in 2015 before the IEC took over.
- 7.4 They again noted that the current failures may partly be traceable to the reduction of professional course from two years to one year, comprising the 1st semester (about eight months) and the 2nd semester which is offered within two and half months and the late release of results as well as non-release of marking schemes by the IEC.
- 7.5 They disclosed that in 2015, two lecturers submitted two proposals for the consideration of the GLC to respond to the increasing number of students seeking admission to the GSL. According to the law lecturers, the proposals comprised a multi-campus concept and creation of a professional law Council but the GLC seemed to have been implementing the proposals selectively.
- 7.6 They revealed that, prior to the current system with the IEC, the average performance of professional law students stood at 68% but that has since dipped to about 15% in the last two years.
- 7.7 They suspected that the IEC have not been releasing the professional law results timeously because the Examinations Committee have been overwhelmed by the large numbers. To buttress their suspicion, they recounted the case of a student who failed a paper with 23%, but a remarking turned that mark to 76%. In that regard, they proposed that the IEC should adopt a residential marking system, under which the IEC would lodge in a facility for about three weeks to mark all the papers.
- 7.8 The lecturers expressed grave concern over the lack of co-ordination between them and members of the IEC. This has led to the establishment of a bilateral committee comprising members of the IEC and the Faculty of the GSL to address the issue.

8.0 RESPONSE BY GLC

- 8.1 Mr. Tony Forson, the President of GBA informed the Committee that the GLC had established a Monitoring and Evaluation Committee to

investigate allegations made by the students and that Committee had been given up to 25th March, 2019 to submit its report to the Council for action.

8.2 Mr. Tony Forson also informed the Committee that the Monitoring and Evaluation Committee established by the GLC in 2018 to investigate similar allegations had submitted its report to the Council and read portions in that report.

8.3 He further noted that the GLC and the lecturers of the GSL were currently cooperating very well and believed that most of the issues being raised by the stakeholders were in the process of being resolved.

9.0 OBSERVATIONS AND RECOMMENDATIONS

The Committee made the following observations during its deliberations:

9.1 Questions falling outside approved subject manuals

The Committee took the view that once subject manuals were approved by the GLC and given to the professional law students, the IEC was expected to set the examination questions within the scope of those manuals. In that regard, the Committee urges the GLC to expedite its inquiry into the allegations and rectify any anomalies that the inquiry may reveal. This is required to be done as early as possible so that any such remedial action may reasonably be taken before this year's enrolment.

9.2 Late Release of Examination Results

The Committee was informed by the law students and lecturers of the GSL that the IEC continued to release results late, with some as late as two days before enrolment. In view of the tensions and trepidations students go through as a result of late release of results, the Committee urges the IEC to ensure early marking and release of results at least one month prior to commencement of the mandatory internship. The Committee therefore recommends to the IEC to consider adopting an off-site residential marking retreat to ensure speedy marking and release of examination results.

9.3 Re-marking Fees

The Committee is of the view that the remarking fee of GH¢3,000.00 charged by the GLC to remark one paper is high and may deny students with legitimate basis to request for remarking. Accordingly, Committee implores the GLC to reduce the remarking fee and consider re-opening the period for remarking to allow the candidates who wrote the 2017/2018 Examinations to exercise that right.

9.4 Repeat Policy

The Committee observed that the implementation of the repeat policy under regulation 14 of LI 2355 has produced some undesirable outcomes and need to be reviewed. Unlike the previous policy which treated the Part I and Part II results separately, the current policy accumulates the first semester and second semester results to determine whether a student will be repeated or not.

9.5 Marking Schemes and Examiners' Reports

The Committee was informed that the IEC had never given its examiners' reports to law students and law lecturers since it commenced its operations three years ago. The Committee considers this default quite worrying in view of the usefulness of the two documents to both lecturers and law students. The Committee therefore urges the IEC to immediately release all marking schemes and examiners' reports to professional law students and lecturers of the GSL.

9.6 Coordination between IEC and Lecturers

The Committee highly commends lecturers of GSL and members of the IEC on their ongoing efforts aimed at dealing with examination related concerns including the establishment of a bilateral committee with composition from the two groups. It is fervently hoped that these efforts be expedited and taken further.

9.7 Review of LI 2355

The Committee urges the GLC to initiate processes for the review of the Legal Profession (Professional and Post-Call Law Course) Regulations, 2018 (LI 2355) to provide for the following:

- i. procedure for the selection of examiners;
- ii. procedure for the appointment of members of the IEC; and
- iii. compulsory delivery of marking schemes and examiners' reports to the Academic Board of the GSL.

10.0 CONCLUSION

- 10.1 The Committee is concerned about the worsening performance of professional law students in the New Professional Law Course Examinations. It noted that the performance has fallen sharply from about

68% prior to 2016 to 12% in 2018, and feared that the trend would continue if urgent measures are not taken to reverse the trend.

10.2 In view of the massive failure recorded in the 2017/2018 New Professional Law Course Examinations, the Committee recommends to the GLC to consider undertaking the following actions:

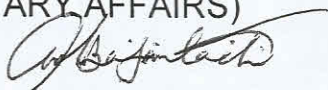
- i. reducing the current re-marking fee from GH¢3,000.00 to GH¢500.00;
- ii. re-opening the period for remarking to enable the students who could not apply for the remarking to do so;
- iii. adopting off-site marking retreat to ensure speedy re-marking of scripts;
- iv. Making all marking schemes and examiners' reports available to students and lecturers of the GSL; and
- v. The IEC to consider holding Supplementary Examinations for all referred candidates in the 2018 Professional Law Course Examinations in a timely manner to ensure that successful candidates are enrolled in this year.

10.3 The Committee has planned to engage all Stakeholders in the legal education sector to consider the Legal Profession (Amendment) Bill, 2018 which has been laid in the House and currently before the Committee.

10.4 In this regard, the Committee has already received two proposals from lecturers of the GSL for reforming professional legal education in Ghana and would consider same together with other proposals that may be submitted by other Stakeholders.

Respectfully submitted.


.....
HON. BEN ABDALLAH BANDA
(CHAIRMAN, COMMITTEE ON CONSTITUTIONAL,
LEGAL AND PARLIAMENTARY AFFAIRS)


.....
BENJAMIN TACHIE ANTIEDU
(ASSISTANT CLERK TO THE COMMITTEE)