



REPUBLIC OF GHANA

OPS 307-VOL. 36/19/559

Jubilee House

The President

7th May, 2019

Dear Chief Justice,

**REPORT ON MEETING WITH GHANA SCHOOL OF LAW STUDENT'S
REPRESENTATIVE COUNCIL**

I hope this finds you in good health and spirits.

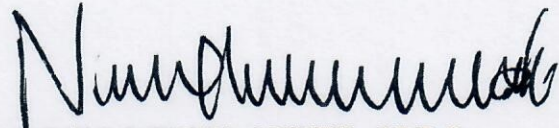
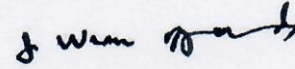
I write to you in your capacity as Chief Justice, to update you on the outcome of the visit to Jubilee House by members of the Ghana School of Law Student's Representative Council on 6th May, 2019. The purpose of the visit was to present a petition on the mass failure of students at the Ghana School of Law.

During the visit, the delegation called on me to exercise my powers under the Constitution to appoint a Commission of Inquiry into the subject matter of the petition. I declined the request to do so on the basis that the General Legal Council was very capable of addressing their concerns and that I had been informed of steps taken recently by the General Legal Council in furtherance of resolving some of the issues raised in their petition.

I, however, assured the delegation that I would convey to you, the concerns that, in my view, required the urgent attention of the General Legal Council. These concerns include: (1) the inclusion of examination questions on subject areas outside the course outline provided to students; (2) the lack of availability of marking schemes and examiners report; (3) the undue delay in the release of examination results; (4) the lack of access of actual examination scores for students; (5) the cost of remarking examination scripts; and (6) a review of the Legal Profession Act, 1960 (Act 32), to determine whether it is still effective, almost sixty years after its enactment. The details of the foregoing concerns are well set-out in the petition, a copy of which is attached to this letter.

Let me reiterate that I forward these concerns to you, with every confidence, that the General Legal Council, under your leadership, can resolve these matters as quickly as possible to bring clarity and transparency to legal education in Ghana. It would be welcome if the resolution of these matters, especially those related to the examinations, are concluded before the next set of final examinations, scheduled for June, 2019.

Yours sincerely,



**NANA ADDO DANKWA AKUFO-ADDO
PRESIDENT OF THE REPUBLIC**

**THE CHIEF JUSTICE
CHIEF JUSTICE'S CHAMBERS
THE SUPREME COURT
ACCRA**

ATTN: JUSTICE SOPHIA AKUFFO

CC: THE ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL &
MINISTER FOR JUSTICE
MINISTRIES, ACCRA

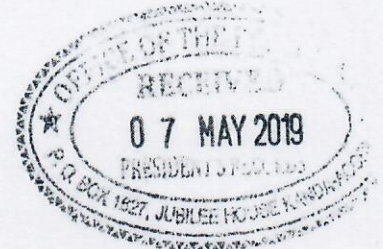


GHANA SCHOOL OF LAW STUDENTS' REPRESENTATIVE COUNCIL

P.O.Box GP179, Accra - Ghana Email: gsl2017@gmail.com Office Location: School of Law Promises, Accra

May 6, 2019

H.E Nana Addo Dankwah Akufo-Addo
President of the Republic of Ghana
Jubilee House
Accra



Dear Sir,

PETITION ON MASS FAILURE OF STUDENTS AT THE GHANA SCHOOL OF LAW

INTRODUCTION

1. We write to petition your high office to exercise your power under Article 278 of the Constitution, 1992 and the power granted the Attorney-General in Section 1(5) of the Legal Profession Act, 1960 (Act 32) to help address serious problems affecting students at the Ghana School of Law.
2. In spite of the long standing success story of the Ghana School of Law, recent reforms which began in the 2015/2016 academic year have produced and continue to produce very undesirable outcomes where the pass rate has reduced drastically from **77.2 per cent in 2015/2016 to 9.90 per cent in 2017/2018**.
3. This development has attracted a lot of concerns from key stakeholders including students, management of the Ghana School of Law, the General Legal Council as well as Parliament.

NATURE AND SCOPE OF THE REFORMS

4. Duration of Course

The recent reforms reduced the course work at the Law School from two academic years (formerly Part 1 and Part 2) to one academic year (now first and second semesters). With this development, lectures were structured to take place from as early as **7:00am to 6:00pm each day** of the week. The effect of the course structure is that students had very limited time to study. It is however gratifying to note that the General Legal Council having

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observed the adverse effect of this development on students, has reverted to the previous system of two academic years (Part I and Part II) with effect from the 2018/2019 intake.

5. Repeat Policy

Under the old system where students had a full academic year each for Part I and Part II, the repeat policy was that students who **failed more than 2 subjects in an academic year** (Part I or Part II) were made to repeat that year. However, under the new reforms, the results for the **first semester examinations conducted in May is withheld and combined with the results of the second semester examinations conducted in September**. With this, **a student who cumulatively fails more than 2 subjects is made to repeat the entire course**. The effect of this policy is that a student can make 7 'A's and 3 'C's and be made to repeat the entire course. The implementation of this policy began in 2016 but can be found in Regulation 14 of the Legal Profession (Professional and Post Call Law Course), Regulations, 2018 (LI 2355).

It is worth noting that out of the over **250** students who were repeated in 2017, **only 8** of them passed all subjects in 2018. At present, there are about 500 repeat students who are struggling to complete the Law School just because they obtained grade C or less in more than 2 subjects having combined their first and second semester results. Students contend that the repeat policy is unfair, unjust and unreasonable.

6. Poor Conduct and Management of Examinations

The General Legal Council established the Independent Examinations Committee (IEC) to be responsible for the conduct of both entrance and professional examinations at the Ghana School of Law. The IEC operates to exclude lecturers, who hitherto taught and examined students, completely from the examination process. With this, lecturers only teach students based on the course outlines given them and do not have anything to do with examinations.

7. Ramifications of the IEC's Procedure on Examinations

There is evidence to the fact that the modus operandi of the IEC coupled with a total breakdown in communication between the IEC and lecturers has had serious effects on the

conduct of examinations and this has in many ways disadvantaged students leading to mass failures in examinations. Some of these challenges include:

- a. Setting of examination questions outside of the course outline based on which students are taught. In 2017, Students of the Accra Main and Green Hill Campuses boycotted their Criminal Procedure Examinations when they discovered that questions from the Law of Evidence were included in the set of questions they were required to answer.
- b. *Non-availability of marking schemes and Examiners Reports.* As standard practice, examination bodies make available their marking schemes and examiners reports. However, the IEC does not issue examiners reports. Lecturers are on record to have requested copies of examiners reports and marking schemes to no avail.
- c. *Challenges with marking and tallying of results.* There is evidence to show that there are serious challenges with the marking of answer scripts, recording and tallying of examination results of candidates¹.
- d. The IEC engages lawyers and in some cases judges who are not examiners to set questions and mark examination scripts sometimes without marking schemes.
- e. *Undue delay in the release of examination results.* The IEC has no timelines within which to release examination results. The results of examinations conducted in May and September are only released in February the following year, about 8 months after the conduct of examinations. This is not akin to international best practice and it is quite traumatic for students to wait for such a long period of time for the release of their results. In the case of Post-Call students, results could be released on the eve of their call to the Bar.
- f. *Denial of students' access to their actual examination scores.* At present, students are not allowed to see the actual marks they obtained in the examinations. Students who desire to see their results go to the records office at the Ghana School of Law for the Records Officer to mention their grades to them; for example Civil Procedure A, Criminal Procedure B etc

8. Cost of Remarking Examination Scripts

¹ Ghana School of Law Report to the General Legal Council on the 2017 Examination Results

The cost of application for remarking examination scripts is a whopping **Gh¢ 3,000.00 per script**. Students who disagree with the results they obtained because it did not reflect their true performance in the examinations but do not have the wherewithal are unable to apply for remarking.

9. Access to Legal Education

There are serious challenges with access to justice to the effect that the lawyer citizen ratio is about 1: 10,000 coupled with the fact that the Attorney-General's Department itself requires about 600 lawyers but has just about 200. At present there is a backlog of over 2,000 LLB holders who are struggling to enter the Ghana School of Law. This number keeps increasing every year. This problem can be attributed to the limited numbers the Ghana School of Law admits each year. Again, there is poor collaboration between the National Accreditation Board and the General Legal Council. While the former continues to grant accreditation to tertiary institutions to run the Bachelor of Laws (LLB) programmes, the latter maintains a quota system for admissions which has resulted in the backlog.

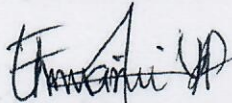
CONCLUSION AND RECOMMENDATIONS

10. In view of the above situation, it is recommended that short and medium term approaches be adopted to address the challenges facing legal education in Ghana. In the short term, steps should be taken to address the immediate challenges such as:
 - a. A comprehensive review and remarking of all failed scripts in the last examinations at no cost to students.
 - b. A comprehensive review of the procedures of the IEC on setting of examination questions, preparation of marking schemes, recruitment of examiners, the quality of persons who mark examination scripts and publication of examiners reports.
 - c. Enhanced collaboration between lecturers and the IEC to address the above challenges.
 - d. The processes of the IEC should be automated as much as possible to limit errors in the recording and tallying of examination results.
 - e. There should be an online system that enables students to access their full results and examiner's reports etc.
 - f. Students should be given statements of their results including their actual marks.

- g. The repeat policy should either be abolished or applied fairly to the 500 victims of the reforms to enable them take their outstanding subjects as re-sit papers such that successful students can be called to the Bar.
- h. The cost of remarking should be reduced from Gh ₵3,000.00 per script to Gh₵500.00 per script.
- i. Parliament's recommendations should be considered to review relevant sections of the Legal Profession (Professional and Post Call Law Course) Regulations, 2018 (LI 2355)
- j. Given the fact that the piecemeal approaches to reforms in Legal Education have not holistically addressed the challenges facing the sector, it is recommended, as a medium term measure that the President exercises his powers under Article 278 to set up a Commission of Inquiry to enquire into the state of legal education in Ghana and make recommendations for more holistic and responsive reforms.

We shall be most grateful if His Excellency will use his good office to help address the challenges facing legal education in Ghana.

Yours faithfully,



EMMANUEL KWABENA OWUSU AMOAH

PRESIDENT