

**Investigating the effect of the extended programme on the
LLB students' success**

by

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Declaration

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I hereby declare that the submission is my own independent work; the work has not been previously submitted, either as a whole or in part, to any other university, faculty or department. I also cede copyright of this work to the University of the Free State.

Signature

31 January 2013

Date

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CHAPTER 1: BACKGROUND AND ORIENTATION

1.1 INTRODUCTION

Since the establishment of a democratic government in 1994, South Africa experienced significant political and social transformation to ensure a fair and equal society for all citizens. This was accounted for by the implementation of new policy frameworks and legislation. The changed policies and regulatory environment called for specific change in the public higher education system to be representative of the South African demographic profile.

The envisaged changes in political and social environment was affected by the introduction of the Constitution (Act 108 of 1996) and the Bill of Rights. Important for this study are the changes that were introduced to what is described in Section 29 of the Constitution as a 'fundamental right', namely education. Education was recognised as a fundamental right, which means that people are entitled to have access to education. The former segregated education dispensation resulted in black and coloured students being excluded from higher education in South Africa, as the basic education system did not prepare them for higher education.

Before 1994 the South African higher education system was shaped by apartheid ideologies which promoted a division of the education system along racial and ethnic lines (Mapesela and Hay 2005:113). One of the notable changes that was made to the higher-education landscape post 1994, is increased opportunity for access to higher education for previously disadvantaged students.

"The higher education sphere has widened the access to students and students that wouldn't have had access to higher education due to their race or ethnicity pre-1994 now have access to higher education." (CHE report titled "Improving Teaching and Learning Resources" 2005:81)

Among several means to provide opportunities for widened access, the UFS Faculty of Law opted for the introduction of an extended Bachelor of Laws (Baccalaureus Legum) LLB programme. The rigorous admission requirements for the mainstream LLB programme, namely an Admission Point score (AP) of 33 (previously an M-score of 34), in combination with specific numeracy and literacy requirements, contributed to the problem that many students were not able to gain admission to the LLB programme. The need thus arose to arrange alternative routes for admission to professional law studies.

The extended programme aims to provide increased access to LLB studies through a lower AP score combined with extended studies including foundation modules and aims to rectify the past wrongs.

1.2 HISTORICAL CONTEXT

In the former higher education dispensation, all public higher education institutions were designated for a particular “race”. Students from a different “race” could not be admitted without special permits obtained by that particular higher education institution’s administering government department. This situation automatically required differentiation in terms of governance and funding arrangements.

Between 1990 and 1993 there was a National Education Policy Investigation (NEPI) which resulted in discussions between the National Education Crisis Committee (NECC) and the National Party (NP). The NEPI started the transformation debate by proposing various policies influencing almost all levels and aspects of higher education. The main purpose of their investigation was to question policy options in all areas of education within a framework derived from the ideals of the broad democratic movement. The work of the NEPI and the transformation it advocated were sustained by the National Commission on Higher Education (NCHE) which set a framework for higher education transformation in the post-1994 era (Mapesela and Hay 2005:113).

The post-1994 South African government established the South African Qualifications Authority (SAQA Act, 1995). SAQA was established to oversee the implementation of the National Qualifications Framework (NQF), which in turn was to assist in the creation of an integrated education and training framework that would overcome the fragmentation and inequalities of the previous systems (CHE document: Equity, access and success: Adult Learners in Public Higher Education 2007:126).

These above-mentioned changes brought the higher education system within a single coordinated system of qualifications that would allow students to articulate between them.

1.3 TOWARDS THE DEVELOPMENT OF AN EQUAL AND ACCESSIBLE HIGHER-EDUCATION SYSTEM

The Department of Education mentions in their document *“The Transformation and Reconstruction of the Higher Education System”* of 2002, the following concepts as their strategic objectives to transform the higher-education system: “the promotion of ‘equity of access and outcomes’ and the ‘redress of past inequalities through ensuring that student, graduate and staff profiles reflect the demographic composition of South African society”.

Access is defined by the CHE (Improving Teaching & Learning Resources: Access and Admissions 2004:81) as “(t)he widening of higher education (HE) access is an equity-driven concern and relates to the strategies and procedures that an institution undertakes to make its educational services accessible to a diversity of students. This usually involves adjusting traditional entry requirements e.g. CPP (Career Preparation Programmes), extended programmes and bridging programmes.

The modification of the entry requirements was a significant change introduced by the Faculty of Law at the University of the Free State (UFS). It also involves developing flexible entry requirements and selection

mechanisms, such as assessment for purposes of the recognition of prior learning (RPL), institutional- or programme-specific entry tests or alternative admissions procedures, and mature age exemptions.

1.4 RESEARCH PROBLEM AND OBJECTIVES

The extended LLB programme was implemented at the UFS in 2005 and delivered its first group of 'exit-level' students at the end of 2009. The first cohort exited the system and the Faculty deemed it necessary to determine whether the extended programme supports the government's objectives of widened access. This study therefore aims to establish whether the extended LLB programme yielded increased success rates and larger numbers of previously disadvantaged students that enter the legal profession. Success in terms of this study refers to the question of whether or not the additional capacity invested in students in the extended LLB programme has a positive impact on their academic performance and throughput. The following research questions framed the research:

- a) To what extent does the UFS achieve the national goals of widening access with its extended LLB programme?
- b) How do the success rates of the mainstream LLB programme compare to that the extended LLB programme?
- c) What is the impact of the additional capacity and learning opportunities on the performance of students in the extended LLB programme?

In order to determine the effect of the extended programme on the LLB students' success, various aspects had to be carefully investigated. The research therefore aims to:

- 1) Determine if the goals of widening access is achieved by the UFS' extended programme;
- 2) Determine whether the additional capacity invested into students have an impact on student performance;

- 3) Compare the success rates of the mainstream LLB programme with that of the extended LLB programme;

1.5 RESEARCH DESIGN AND METHODOLOGY

This study employs a quantitative research method in order to determine if the goals of widening access have been achieved, to determine the students' average results per module (module mark) in comparison to those students in the mainstream programme and therefore determine the impact of the additional capacity invested. This research will be performed from a positivistic stance where the researcher will use statistical data to test the hypothesis.

McMillan (2004:11) defines quantitative research as 'non-experimental research'. His explanation for the name is as follows: "In non-experimental research, the investigator has no direct influence on what has been selected to be studied, either because it has already occurred or because it cannot be influenced. In other words the investigator is unable to manipulate or control any factors or phenomena that may influence the subjects' behaviour or performance."

Quantitative data will be used for statistical analysis of the individual students' results per module to provide a comprehensive picture as well as to indicate if there is any correlation between the AP-score and the success/performance of the student. This data was obtained from the University's ICT (Information and Communication Technology) services and the necessary deductions and statistical conclusions were derived from it.

The researcher uses convenience sampling to collect the data, as she used the entire population of students registered for both the mainstream and extended LLB programme (Mertens 2010:325).

1.6 DEMARCATION OF THE STUDY

The research will be conducted in the higher education domain as the University of the Free State is a higher education institution. The extended programme of the UFS's Faculty of Law will serve as the focus of the study.

1.7 VALUE OF THE RESEARCH

This research serves as a means to determine whether the Faculty of Law supports the national objective of widened access and a demographically representative student population and graduates in Law.

The study may yield possible areas for improvement in the existing extended LLB programme. The introduction of the extended LLB programme contributed to a number of adjustments to the programmes already operational in the faculty as well as the accompanying need for additional capacity. In view of the fact that very few other law faculties offer such an extended programme, the faculty deemed it necessary to determine if the extended programme had the desired effect on its competitive basis and/or on the quality of its teaching and learning.

1.8 ETHICAL CONSIDERATIONS

1.8.1 Validity

Important aspects in ethics are the confidentiality of the results and the protection of the participants' identities (Maree 2008:43). Only allocated student numbers are reported in both the quantitative and qualitative evaluations. Student numbers are only of importance to distinguish between different year groups and to prevent duplication. However, interpreting the study's data, no further reference is made to a specific student or student number, only success rates will be reported on. The data is thus anonymously applied.

1.8.2 Reliability

Another ethical aspect that will be adhered to is that of ethical clearance. The necessary clearance will be obtained from the Faculty of Education. The data will be collected from the University's Peoplesoft® database which is a reliable and acknowledged database.

1.9 LIMITATIONS OF THE STUDY

The success of widened access can be influenced by various factors. The limited scope of a master's script only allows the researcher to select certain factors. The basis for further research is to determine the success of the extended LLB programme. In this study the researcher chooses the success rates of both programmes as the main factor to determine if the student population and graduates are representative of the South African demographic profile. The researcher will focus on the success rates of the foundational modules as well as first and second year modules, the demographics of the undergraduate enrolments, the number first-time entering students and graduation rate.

1.10 LAYOUT OF THE STUDY

Chapter 1: Orientation

Chapter 2: Literature review

Chapter 3: Research methodology

Chapter 4: Interpretation of findings

CHAPTER 2: LITERATURE REVIEW

2.1. INTRODUCTION

This chapter focuses on the historical and policy changes in the higher education sphere that preceded the strategies devised to widen access to higher education. An analysis of literature provides an overview of national and international strategies towards widening access. This is followed by an in-depth look at various interpretations and implementations of policy to widen access to HE in South Africa and the LLB degree in particular.

The pre-1994 era in South Africa was characterised by racial segregation. National policy excluded certain groups from higher education on the basis of racial class. One of the aims of the post-1994 higher education landscape was to rectify past imbalances by opening access to HE to South African citizens, irrespective of their race, language or culture. Since the pre-1994 higher education system was not based on the principles of an open and democratic society, i.e. human dignity, equality and freedom, those inequalities needed to be rectified by not only providing access, but by extending the existing opportunities for access to universities. One of the strategies to widen opportunities for access to higher education in South Africa is to institute alternate routes for admission into further study. The University of the Free State endorses this national imperative by offering various extended programmes. This study will specifically focus on the extended LLB programme, through which students with a low AP score can also gain access to higher education.

2.2. HISTORICAL AND POLICY DEVELOPMENT IN SOUTH AFRICAN HIGHER EDUCATION SINCE 1994

The National Commission of Higher Education (NCHE) was established at the end of 1994 to develop a strategy to transform higher education. The result of

the NCHE investigations was a report titled, “A Framework for Transformation” that was published in September 1994. A result of this report was the introduction of the NQF in South Africa in 1995 and this was an 8-level framework in terms of which all higher education qualifications were constructed. The NQF was passed into law as the SAQA Act and the objectives of the NQF were outlined in the Act. Therefore, in 1996, the NCHE responded to these transformation needs in higher education by laying down a framework and identifying some fundamental principles to guide and direct the process of transformation. These principles included: equity and redress, diversity, quality, institutional autonomy and public accountability. The principle of equity and redress had the biggest impact on historically “white” universities, which only served the needs of a homogeneous group of students and staff cohorts, since they had to widen their access to other race groups and increase their enrolments of previously disadvantaged students.

In terms of the Constitution 108 of 1996, specifically section 29, education at all levels except tertiary level became a functional area of concurrent and provincial competence. Thus the Department of Education (DoE) held administrative responsibility for higher education at national level and established a Higher Education Branch (HEB, 1995) to provide much-needed capacity. This was followed by the Green Paper on Higher Education Transformation in December 1996 and a draft White Paper in April 1997. The DoE managed to forge consensus in the new higher education policy published in July 1997 as “Education White Paper 3: A programme for the Transformation of Higher Education”. The White Paper formulated policy in support of an intention to transform higher education through the development of a programme-based higher education system that is planned, funded and governed as a single coordinated system. The Higher Education Act 101 of 1997 gave legal form to the values, principles and core concepts of the policies.

The aforementioned initiatives culminated into the publication of the National Plan for Higher Education in 2001. The National Plan referred to this implementation vacuum as having risen from an incremental approach to the

execution of policy instruments. The National Plan was in part a response to the CHE report (A Framework for Transformation: September 1996) and it provided the framework and mechanisms for restructuring the higher education system to achieve the vision and goals of the White Paper (National Plan for Higher Education 2001:2).

In April 2001 a study team was appointed by the Minister of Education and Labour to review the implementation of the NQF. Their report was published and drew a vigorous response (SAQA website). A consultative document was only published more than a year later. In late 2007 the Ministers of Labour and Education published a joint policy statement on “Enhancing the Efficacy and Efficiency of the National Qualifications Framework”. This brought an end to the review of the NQF-implementation that had been running since 2001. The NQF now provides for three Quality Councils: General and Further Education and Training (UMALUSI); Higher Education (HEQF); Trades and Occupations (QCTO).

Qualifications that were approved prior to 2009 were subject to approval by the Interim Joint Committee, established by the Department of Higher Education and Training (DHET), HEQC and SAQA. The Interim Joint Committee acted as a transitional structure that facilitated the approval, accreditation and registration of qualifications prior to the official implementation of the HEQF; a process that is facilitated by the Higher Education Quality Committee (HEQC). The committee was responsible for Programme Qualification Mix (PQM) approval (DoE), standards generation and setting for qualifications (CHE), programme accreditation (CHE via HEQC), and registration of HE qualifications (SAQA). These processes were dealt with simultaneously for a specified period. A number of qualifications were approved by this committee and then captured in an Interim Report on the Registration, Accreditation and Approval of new Learning Programmes and Qualifications.

In 2008 the Higher Education Amendment Bill was published to make provision for the implementation of the HEQF in higher education institutions in South Africa.

The HEQF was implemented in January 2009 and this policy applies to both public and private institutions. On June 1, 2009 the new National Qualifications Framework Act 67 of 2008 came into effect. This repealed the SAQA Act. This new act is a result of the review of the implementation of the NQF. The review necessitated changes to the governance and organisation of the framework so its objectives may be more effectively realised. All the above-mentioned changes also contributed to increase widening access in higher education by addressing the past wrongs and opening the way for previously disadvantaged students to enter into higher education.

2.3. TRANSFORMATIVE CONSTITUTIONALISM

To investigate the concept of widening access in higher education and the impact such widening access programmes have on the success of students, it is important to also understand the concept of education in a legal sense. Education is a second-generation human right; second generation rights are fundamentally socio-economic rights and often relate to equality. They also impose upon government the duty to respect, promote and fulfil them, but it depends on the availability of resources (Liebenberg 2010:228). In light of how the constitution is interpreted, the gap between first- and second generation human rights are ever more decreasing and interdependence between all rights in the Bill of Rights is emphasised (Liebenberg 2010:52). Therefore it is necessary to investigate the concept of widening access in higher education in light of transformative constitutionalism. A constitution transforms a society by correcting the wrongs of the past, but also looking forward by creating a just society based on social justice, democratic values and fundamental human rights.

Klare (1998:150) defines transformative constitutionalism in the following manner: "Transformative constitutionalism connotes an enterprise of inducing

large-scale social change through nonviolent political processes grounded in law". A constitution provides a legal framework within which the past injustices are rectified and a more fair and just society is created for the future (Liebenberg 2010:25).

As stated above, the Constitution also had a big impact on the transformation of the education system in South Africa. In Section 29 in the Bill of Rights as contained in Chapter 2 of the Constitution of the Republic of South Africa 1996, it states that:

- “1) Everyone has a right-
 - a) to basic education, including adult basic education; and
 - b) to further education, which the state, through reasonable measures, must make progressively available and accessible.
- 2) Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account:
 - a) equity;
 - b) practicability; and
 - c) the need to redress the results of past racially discriminatory laws and practices.
- 3) Everyone has the right to establish and maintain, at their own expense, independent educational institutions that-
 - a) do not discriminate on the basis of race;
 - b) are registered with the state; and
 - c) maintain standards that are not inferior to standards at comparable public educational institutions.
- 4) Subsection (3) does not preclude state subsidies for independent educational institutions.”

It is important to note that this section only refers to basic education, basic adult education and further education. Although higher education is not

mentioned specifically in subsection 1, it can be argued that it can also be applied to higher education and therefore higher education should also be accessible and be made progressively available to those who intend on furthering their education, since more people have the right to basic and further education, the need will increase for people to also enter into higher education. Liebenberg (2010:247) agrees with Veriava and Coomans who argue that despite legislative distinctions relating to further and higher education, the right should be interpreted to include all education on a higher level than basic education. This statement could lead to an argument that the courts will likely apply a similar standard of 'reasonableness' review to evaluate compliance with this obligation and therefore it could be argued that higher education will, if it is tested in court, be included in the concept of further education. The fact that more people have access to basic and further education led to the increased need for higher education and thus the need for widening access is emphasised. Genuine and substantiated resource constraints have an influence on the State's acts or omissions.

Section 7(2) and (3) of the Constitution state that the state must respect, protect, promote and fulfil the rights in the Bill of Rights and these rights are subject to the limitations contained or referred to in section 36. Section 36 of the Constitution is known as the "limitation clause". This section clearly states under which circumstances the rights granted by the Bill of Rights may be limited. Section 36(1) states that "the rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including-

- a) the nature of the right;
- b) the importance of the purpose of the limitation;
- c) the nature and extent of the limitation;
- d) the relation between the limitation and its purpose; and
- e) less restrictive means to achieve the purpose."

Therefore, it is important to understand that learners do not automatically have this access to further education, and arguably including higher education, but that there are certain requirements they must adhere to. Higher education should be equally accessible to all students on the basis of academic capacity (potential and aptitude) (UN Committee on Economic, Social and Cultural Rights, General Comment No. 13 1999:5)

The pre-1994 system also created another set of divisions between institutional types in the pre-1994 era: that of universities (now known as traditional universities), technikons (now known as universities of technology) and colleges. Legally, each university was a “corporation” founded by an act of Parliament – meaning that its functions were prescribed and could be terminated by the state, but, in policy terms, a university was “an independent sphere of societal relationships”. This means that as long as the university existed the state could not interfere directly and neither could a university interfere in the affairs of the state (CHE publication 2004: 23), however it was still subject to the national regulatory framework, meaning that although it existed independently, it existed within the ambit of the governmental ideologies and policies at the time. The Higher Education Act (101 of 1997) defines higher education in section 1 as: “all learning programmes leading to qualifications higher than grade 12 or its equivalent in terms of the National Qualifications Framework.” This then includes universities of technology and traditional universities. All forms of education should be subject therefore to reasonable and appropriate admission criteria and policies (Liebenberg 2010:248).

The preamble of the Constitution proclaims to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights. It also proclaims to improve the quality of life of all citizens and free the potential of each person. One way to realise this is through education and widening access in order for more people to have the privilege to study at a higher education institution. Liebenberg (2010:26) states “the legacy of apartheid’s social and economic policies is still deeply inscribed on the landscape of South African society”. One of the areas in

which this is evident is in the higher education and basic education sphere with historically black schools operating under conditions of severe resource and infrastructure backlogs (Liebenberg 2010:245). Due to the severe resource and infrastructure backlogs of historically black schools, many prospective students cannot access higher education, since they do not have the adequate AP (Admission Point) score.

Liebenberg (2010:256) goes further and states: “The post-apartheid society failed to transform the education system in accordance with the constitutional dictates of social justice...the South African education system still manifests deep, systematic inequalities based largely on class and race”. This disadvantage can be argued to be a reason why certain students underperform at school level and are not obtaining high enough marks to gain access to higher education institutions.

Although strides have been made to overcome this injustice, Judge O’Regan notes in the case *MEC for Education: Kwazulu-Natal v Pillay* (2008 (1) SA 474 (CC)) as cited by Liebenberg (2010:245): “Although the position of black children in the post-apartheid period has improved somewhat, the pattern of disadvantage engraved onto our education system by apartheid has not been erased...although the law no longer compels racially separated institutions, social realities by and large still do.”

Therefore it is important to ensure widening access to higher education.

2.4. WIDENING ACCESS

The decision for learners to enter into higher education is not only influenced by government policies and institutional requirements, but it is also influenced from a young age and by a number of different factors including socio-economic background, and good educational outcomes for disadvantaged learners also depends on the realisation of a number of other rights for example, adequate nutrition, decent housing and a safe and secure learning environment. This emphasised the interdependence of the different rights and the fact that none of the rights contained in the Bill of Rights can be realised in

isolation (Liebenberg 2010:256). It is evident that there is a link between socio- economic rights and equality and that all of these factors have an influence and therefore need to be considered when investigating widening access in higher education.

As mentioned before, basic education became a human right, but that does not automatically imply that higher education can also be regarded as a human right in terms of the Constitution. Therefore, the National Plan and other policy developments advanced access to higher education and another method to address the segregation and inequality that existed in higher education is through widening access.

Widening access is about increasing opportunities for people from a diverse range of backgrounds to benefit from higher education (HE) and gain access to it.

2.4.1 Widening access internationally

Although widening access is an international phenomenon that has gained interest in several higher education systems worldwide (Gallacher 2006:349), it is not implemented for the same reason or in the same manner in all higher education systems. This section discusses some international examples of widened access, its purpose and how it was implemented in the respective higher education systems.

In a White Paper on the future of higher education in Britain it stated that: “All those who have the potential to benefit from higher education should have the opportunity to do so” (Straw 2003: 34). In the United Kingdom, widening access gathered great attention since 1998, due to the increasing global trade pressures (Watt & Paterson 2000:108). In England, widening participation combines widening access and improved student success in higher education and it is defined as follows: “helping more people from under-represented groups, particularly low socio-economic groups, to participate successfully in higher education” (Thomas 2009:53).

The employment patterns in London are shifting and multi-skilling requirements encourage employers to hire a knowledge-based workforce (Watt & Paterson 2000:108). In Scotland there are a number of courses open to students requiring non-traditional access to education and six universities offer Summer Schools. Summer school is a short intensive university-style study period and if students complete this successfully, they gain university access (Watt & Paterson 2000:109). This is another method to implement widening access and to ensure that more students gain access to higher education.

Widening access, in Scotland specifically, is mostly focused on attracting students from disadvantaged backgrounds (Watt & Paterson 200:109). The same applies to South Africa and the attention is also in rectifying the past issues that segregated the education system along the lines of race, socio-economic backgrounds, etc. Some of the main barriers to accessing higher education in Scotland as stated by Mullen (2010:2) are the following: First-chance barriers (those barriers that affect young people's initial decisions to enter higher education while in compulsory education, for example, the parents' occupation, income and social backgrounds of the prospective student.); second-chance barriers (those barriers faced by individuals who may wish to return to higher education at a later stage in life, or who wish to enter higher education via an alternative learning route); geographical (where the student lives, ability and desire to learn); social (socio-economic background and status); course provision (students' more diverse personal circumstances, such a working full-time, different learning styles and the types of learning they require is changing and the way higher education courses are delivered could be seen as a barrier); financial (costs of studying are increasing); enrolment and admissions practices (proportion of students from deprived areas are unlikely to attend some of the most highly sought after courses at HEI's, due to the admission requirements and recruitment practices); articulation and transition (the importance to be able to make the transition easily from one learning route to another). It is clear from the above-mentioned that these barriers apply to South Africa.

The same concern of HE institutions in the UK is applicable to South African HE institutions, namely the desire to maintain academic standards on the one hand and to widen access on the other. One of the recommendations they suggested to combat this concern was “in making institutions accountable for monitoring and reporting on requirements of non-traditional students...suggestions to reduce attitudinal barriers among students themselves included short induction programmes to demystify HE, student-placement schemes and mentoring...” (Watt & Paterson 2000:113).

An example of an initiative to ensure widening access to HE is the University of Glasgow’s Top-up programme. The Top-up programme runs for 17 and 18 year old pupils, who come from schools that have low-participation rates in higher education (Walker *et al* 2004:43). They are running the programme on behalf of the West of Scotland Wider Access Forum. The aim of the Top-up programme (Walker *et al* 2004:43) is to counteract the effect of disadvantage through being academically prepared. During a study done of the effectiveness of the Top-up programme, the students in the programme indicated that it provided highly relevant preparation and eased the transition from school to higher education. The Top-up programme is facilitated by post-graduate tutors, who tutor a maximum of 15 pupils (Walker *et al* 2004:46). There are certain skills that this programme wishes to instil in learners, namely critical thinking, deep and active learning, conceptual thinking, and a well-developed writing style. All these skills are necessary to succeed in higher education studies. A study conducted on the Top-up programme concluded that a programme like this that concentrates on preparation skills and attitudes that are relevant and important to a student’s higher education experiences, can combat educational underachievement and student non-completion (Walker *et al* 2004:58). The extended programme of the UFS has the same goals and ideas as this programme, since the aim is also to concentrate on preparation skills and attitudes that are relevant and important to ensure the students’ success in their studies.

According to Watt & Paterson (2000:115) the future of wider access lies in better communication, sensitive guidance and consistent financial and

strategic collaboration among providers and policy-makers. It is not the students that are stopping the flow of new students into the institutions, but the system itself.

The University of Cape Coast in Ghana uses distance education to widen access to quality higher education (Koomson 2009:1). This is another method for students to participate in higher education if they are unable to attend physical classes, but in the context of widening access with the aim to rectify the past inequalities, offering a degree through e-learning alone is not enough.

It is evident that widening access and rectifying past wrongs in terms of higher education is not a uniquely South African challenge and many countries all around the world are dealing with this issue in one form or the other. While the aforementioned countries successfully implemented and reaped the benefits of widened access, the South African higher education system faces specific barriers to eradicate the effects of the former segregated education and higher education systems. It is therefore necessary to look at the South African context to establish what widening access means for universities in South Africa, and to look into some strategies applied to create alternate means of access to higher education for previously disadvantaged and minority groups.

2.4.2 Widening access in South Africa

Widening access, the implementation thereof as well as the challenges South Africa is facing regarding widening access, corresponds with the international higher education sphere. Although the principle is common practice in many countries, South Africa does face a challenging socio-political and economic context that may complicate access to higher education. This historical context of South African higher education has already been discussed in much detail in the previous section and the complexities that resulted from the former segregated and non-democratic system is evident.

As stated previously, the changes made post-1994 brought the higher education system within a single coordinated system of qualifications that would allow students to articulate between them. The implementation of the NQF-level descriptors widened access to higher education, because it made it possible for students to articulate into different qualifications. The level descriptors also assist students to gain admission through RPL (Recognition of Prior Learning) at an appropriate level on the NQF, and therefore also widening the access to higher education (SAQA document: Level descriptors for the South African Qualifications Framework, 2011). It is important to take note that RPL and widened access are two different concepts. RPL is not widened access, but it gives recognition to prior learning without formal qualification that provides the student with a certain NQF-status. On the basis then of this recognition and the NQF-status the student then gains access into a qualification.

According to Griesel, as cited in Rantangee (2006:9), the Senior Certificate pass rate improved over the last few years, but the throughput and participation rates in higher education remains too low. It is a concern that the results reflect socio-economic inequalities and the legacy of apartheid. Bamber and Tett (2000:57) indicate that there is a clear correlation between increasing access to poorer students and high dropout rates. According to Rantangee (2006:11) the school-leaving certificate may not be the best predictor of tertiary success, due to the unreliable relationship with higher education academic performance, especially in cases where this certification intersects with factors such as mother tongue versus second language medium-of-instruction differences, inadequate school backgrounds and demographic variables such as race and socio-economic status.

A concern for widening access is what the White Paper (1997) states: “equity of access must be complemented by a concern for equity of outcomes. Increased access must not lead to a ‘revolving door’ syndrome for students with high failure and drop-out rates”. One must be careful to not only admit students for the sake of widening access and rectifying past wrongs, without

giving them adequate support to ensure they succeed with their studies. According to Ratangee (2006:13) higher education policy, driven by access demands, necessitate institutions to broaden access through secure entrance testing procedure to enhance success rates in higher education through academic development. Many students in higher education come from a school background that was characterised by under-resourcing, inappropriate approaches to teaching and learning or socio-economic inadequacies and many of them do not possess the language proficiencies necessary for them to engage meaningfully in learning in a language that may not be their mother tongue (Ratangee 2006:14).

Mainstream higher education programmes generally treat the student intake as homogeneous in that, once admitted, all students are exposed to the same educational process (CHE 2007:41). The diversity in student intake, particularity in respect of inequalities in educational background, challenges the validity of traditional, unitary educational processes and therefore furthers the past inequalities. The 1997 White Paper included recognition of foundational provision and extended programmes as key means of addressing the articulation gap. This recognition was confirmed in the National Plan for Higher Education in 2001 and the government provided funding for extended/foundation programmes to motivate higher education institutions to implement foundation programmes to widen access to higher education in South Africa.

2.5 FOUNDATION PROVISION AND EXTENDED PROGRAMMES

The primary purpose of foundation provision is to improve the academic performance of students who are at risk due to their educational backgrounds (DHET 2012:1) and to ensure that these students who are at risk of failing are given the necessary academic support to succeed in becoming a graduate (DHET 2012:2). The Department of Education and Training (2012:3) further define foundation provision as: “the offering of modules, courses or other curricular elements that are intended to equip underprepared students with academic foundations that will enable them to successfully complete a

university qualification that has been approved by the Minister of Higher Education and Training. Foundation provision also focuses particularly on basic concepts, content and learning approaches that foster advanced learning. Even where the subject matter is introductory in nature, foundation provision must make academic demands on the students.”

Higher education performance patterns show that the majority of students who are at risk because of disadvantaged educational backgrounds are submitted to mainstream programmes (DHET 2012:1). Therefore one of the key functions of the foundation provision is to support those educationally disadvantaged students who are underprepared, despite meeting the minimum statutory admission criteria, by enabling them to be placed in the extended programme to help them succeed in their studies. The foundation programme focuses on students entering university for the first time. As is usually the case, a significant proportion of the mainstream intake is also at risk despite formally qualifying for entry, since many of these students are also underprepared in relation to the requirements of the programme (DHET 2012:2).

Foundation provision is directly linked to government’s performance-based funding framework for universities as an earmarked funding allocation (DHET 2012:3) and it is therefore important to look at the different extended programmes offered in South Africa.

2.6 EXTENDED PROGRAMMES IN GENERAL

In the early 2000’s, thanks to this ‘redress funding’ from the South African Department of Education, “extended programmes with an Integrated Foundation Phase” began to develop (Boughey 2011:1). Extended programmes as they are known admit students who do not meet usual university entrance requirements and prolongs the years of study needed for completion of the degree with one year. This additional year’s worth of instruction is used to provide learning opportunities that either lay a foundation for mainstream learning or support in some way (Boughey 2011:1). Not all additional instruction needs to be take place in the first year of study, since

funding rules allow it to be provided throughout the curriculum. Through extended programmes the pace of learning is slowed and more time is available for foundations/skills to be built and for language and literacy to be developed. Funding for the extended programmes allows a mix of different kinds of courses providing these additional skills/instruction. The integration of this support and development with mainstream teaching is challenging for the faculty involved and one of these challenges is the need for academic staff to adapt their teaching and assessment approaches and methods to accommodate both the mainstream and extended programmes students (Boughey 2011:2).

'Extended curriculum programme' is used to refer to a whole degree in which foundation provision is present. Foundation courses can be found in various models that are valid for different educational purposes and target groups. The four models of extended curriculum programmes are (DHET 2012:11-18):

- 1) Extended curriculum incorporating a 'fully foundational year'. This model comprises a full year of foundation courses followed by the regular curriculum;
- 2) Regular first-year curriculum taken over two years with incorporation of substantial foundational provision. This model entails an extended curriculum where the content of the regular first-year curriculum is taken over two years, interwoven with substantial foundational work in both years;
- 3) Regular first-year curriculum taken over two years with combination of foundational and regular courses (this is the model currently used by the UFS). This model is where the content of the regular first-year curriculum is taken over two years through a combination of foundation and regular courses;
- 4) Using an 'augmented' course. This fourth model is similar to models 2 and 3 in that the content of the regular first-year curriculum is taken over two years, but there is a combination of augmented and regular courses. An augmented course covers all the material of a regular course and has the same duration, but is taught separately and integrates substantial foundational material through additional formally timetabled contact time (DHET 2012:9). A result of such augmented course would thus be that it involves additional staff time and notional learning hours as the corresponding regular course (DHET 2012:9).

Only a small number of universities in South Africa offer extended programmes and even fewer of them provide an extended LLB programme.

As mentioned above, widening access is about increasing opportunities for people from a diverse range of backgrounds in order for them to gain access to and benefit from higher education. Therefore, one of the ways in which the University of the Free State is trying to rectify the wrongs of the past is through widening access, specifically through the extended LLB programme. The extended 5-year LLB programme at the UFS was implemented in 2005. There are only two other universities in South Africa that presents an extended LLB programme; 1) The University of the Western Cape (UWC) and 2) Nelson Mandela Metropolitan University (NMMU). This research will only briefly discuss UWC's and NMMU's extended LLB programme with reference to the admission requirements and the composition of the modules in the first year of study.

2.6.1 The 5-Year foundation (Extended) LLB at the University of the Western Cape

To be admitted to the 5 year foundation LLB, a prospective student who matriculated after 2008 must have a National Senior Certificate for Bachelor's Degree study plus a score of no less than 27 points calculated according to UWC's approved points system as well as other specific mathematical and literacy requirements. Students also need to write the National Benchmark Test (NBT). Prospective students who matriculated before 2008 need to have a matriculation exemption with a minimum of a D aggregate, conditional exemption or an age exemption. These students also need to write the National Benchmark Test (NBT). Students at the University of the Western Cape who successfully complete the foundation year will be allowed to commence with the first year of the four-year LLB programme. If a student does not pass all the required modules at level 1 / 1st year (foundation modules) he/she will not be permitted to renew his/her registration the following year. The admission of students to the five-year stream is made on the basis of a complete assessment of the student's academic potential for

law studies. Their first year modules are divided over a two year period (Yearbook of the University of the Western Cape for 2012).

The modules at Level 1 / 1st year include: Foundations of Legal Study, Private Law Studies, Public Law Studies, Humanities Foundation, Cultural Studies. There are no additional foundation modules in their second year of study.

2.6.2 The extended LLB programme at the Nelson Mandela Metropolitan University

To be admitted to NMMU's LLB extended curriculum a student must have a AP score of 28-37 points. The minimum National Senior Certificate requirements for a degree must be met as well as additional mathematical and literacy requirements. Prospective students who have an APS of 28 and higher will be referred to write an NMMU access assessment test. The outcome of the test will determine whether a person can be accepted or not and whether it would be for the 4-year or 5-year LLB. Their first year of study is also done over a period of two years.

The modules in the 1st year of study are: Academic and Life Skills Development (Year), Computer Literacy (Year), Introductory Statistics (Semester 2), Augmented Research and Reading Skills (Term 1), Augmented Writing Skills (Term 2), Augmented Introduction to Law (Semester 1 & 2), English for Humanities (Year), Augmented Law of Persons (Semester 1), Academic English (Semester 1). They also have foundation modules in their second year of study. Students will only be permitted to register for modules in the second year of study if they passed at least 8 of the modules prescribed in the first year of study.

2.7 THE EXTENDED (FIVE-YEAR) LLB PROGRAMME IN COMPARISON TO THE MAINSTREAM (FOUR-YEAR) LLB PROGRAMME AT THE UNIVERSITY OF THE FREE STATE

To be admitted to the four-year LLB a candidate must:

- i) be in possession of an endorsed Senior Certificate (until 2007) with an M-score of at least 34 points; or
- ii) be in possession of a National Senior Certificate (from 2008) with an AP score of at least 33 points with (1) a minimum performance mark of 70% (performance level 6) in one of the official teaching languages of the UFS, and (2) a minimum performance mark of 70% (performance level 6) in mathematical literacy or a minimum performance mark of 50% (performance level 4) in maths.

Notwithstanding this, a candidate with either a three-year higher education qualification, or who is at least 23 years old and has applicable work experience may, at recommendation of the dean, be admitted to the four-year curriculum of the LLB.

The strict admission requirements of the 4-year LLB programme, contributed to the problem that many students were not able to gain admission to the LLB programme. The extended programme aims to provide greater access to the LLB studies through a lower AP score and other requirements, combined with extended studies including foundation modules.

To be admitted to the extended LLB programme a student must be in possession of an endorsed Senior Certificate (until 2007) with an M-score of at least 28 points; or be in possession of a National Senior Certificate (from 2008) with an AP score of at least 28 points, with a minimum performance mark of 50% in one of the official teaching languages of the UFS. Notwithstanding the above-mentioned requirements, a prospective student in possession of an endorsed Senior Certificate or a National Senior Certificate:

- i) with an M-score of 24-27 (AP score of 25-27) and who successfully completed the first year of study of an extended degree programme; or
- ii) with an M-score of less than 24 points (AP score of less than 25 points) and who successfully completed the entire University Preparation Programme (UPP)

can, at the recommendation of the dean, be admitted to either the first or second year of study of the five-year LLB.

The extended LLB programme’s first year modules are divided over a period of two years. The modules in the first year of study are (First Semester): Academic Language Course, Computer Literacy, Introduction to Legal Science, Legal History, Mathematical Literacy and Skills and Competencies in Lifelong Learning; (Second Semester): Academic Language Course, Computer Usage, Introduction to Legal Science, Mathematical Literacy, Roman Law, Skills and Competencies in Lifelong Learning. The only foundation module they have in their second year of study is: Legal Skills (RVD). This is also the only foundation module that is presented by the Law Faculty. The mainstream LLB students do not have these additional modules.

This is a schematic presentation of the module composition of both LLB programmes:

*The foundation modules are in ‘*italics*’ and only the extended programme students have these modules.

Table 1: Schematic presentation of the module composition of both LLB programmes

	4-year LLB (Mainstream programme)	5-year LLB (Extended programme)
1 st year of study’s modules: First and Second semester	<ul style="list-style-type: none"> • Criminal Law (SFR 114) • Historical Foundations of the South African Law (RGK 114) • Introduction to Legal Science (ILR 114) • Law of Persons (PSN 	<ul style="list-style-type: none"> • <i>Academic Language Course (ALC 108) or Afrikaans for Academic Purposes (AFA 108) – Year module</i> • <i>Computer Literacy (BRS 111)</i>

	<ul style="list-style-type: none"> 114) • Legal Practice (RPK 112) • UFS 101 (UFS 101) • Criminal Law (SFR 124) • Family Law (FAM 124) • Introduction to Legal Science (ILR 124) • Legal Practice (RPK 122) • Roman Law (ROR 124) • UFS 101 (UFS 101) • A language elective module in both the first and second semester 	<ul style="list-style-type: none"> • <i>Mathematical Literacy (MTL 108) – Year module</i> • <i>Skills and Competencies in Lifelong Learning (VBL 108) – Year module</i> • Historical Foundations of the South African Law (RGK 114) • Introduction to Legal Science (ILR 114) • <i>Computer Usage (BRS 121)</i> • Introduction to Legal Science (ILR 124) • Roman Law (ROR 124)
2 nd year of study's modules: First and Second semester	<ul style="list-style-type: none"> • Criminal Law (SFR 214) • Labour Law (ARR 214) • Law of Contract (KON 214) • Legal Interpretation (ULL 214) • Legal Practice (RPK 214) • Criminal Procedure (SPF 224) • Labour Law (ARR 224) • Law of Evidence (BWR 224) • Law of Succession and Administration of Estates (ERF 224) • Legal Pluralism (RPL 224) • An elective in both the first and second semester 	<ul style="list-style-type: none"> • Criminal Law (SFR 114) • Law of Persons (PSN 114) • Legal Practice (RPK 112) • Legal Skills (RVD 134) • UFS 101 (UFS 101) • Criminal Law (SFR124) • Family Law (FAM 124) • Legal Practice (RPK 122) • UFS 101 (UFS 101) • <i>Legal Skills (RVD 144)</i> • A language elective module in both the first and second semester
3 rd year of study's modules: First and Second semester	<ul style="list-style-type: none"> • Law of Business Enterprises (ONR 314) • Law of Delict (DEL 314) • Legal Practice (RPK 312) • Commercial Law Contracts, Consumer and Insurance Law (HRO 314) • Public Law (PBR 314) • Tax Law (BLR 314) • Instruments of Payment and Immaterial Property Law (BIR 324) • Law of Business 	<ul style="list-style-type: none"> • Criminal Law (SFR 214) • Labour Law (ARR 214) • Law of Contract (KON 214) • Legal Interpretation (ULL 214) • Legal Practice (RPK 214) • Criminal Procedure (SPF 224) • Labour Law (ARR 224) • Law of Evidence (BWR 224)

	<p>Enterprises (ONR 324)</p> <ul style="list-style-type: none"> • Law of Obligations (VBR 324) • Law of Property (SAK 324) • Legal Practice (RPK 322) • Public Law (PBR 324) 	<ul style="list-style-type: none"> • Law of Succession and Administration of Estates (ERF 224) • Legal Pluralism (RPL 224) • An elective in both the first and second semester
4 th year of study's modules: First and Second semester	<ul style="list-style-type: none"> • Capita Selecta from Private Law (CPR 414) • Civil Procedure (SVP 414) • Jurisprudence (RGL 414) • Legal Practice (RPK 412) • Public Law (PBR 414) • International Law (INR 424) • Jurisprudence (RGL 424) • Law of Insolvency and Liquidation (LIR 424) • Law of Third Party Compensation (MMF 424) • Legal Practice (RPK 422) • Mini-Thesis • Public Law (PBR 424) • An elective in both the first and second semester 	<ul style="list-style-type: none"> • Law of Business Enterprises (ONR 314) • Law of Delict (DEL 314) • Legal Practice (RPK 312) • Commercial Law Contracts, Consumer and Insurance Law (HRO 314) • Public Law (PBR 314) • Tax Law (BLR 314) • Instruments of Payment and Immaterial Property Law (BIR 324) • Law of Business Enterprises (ONR 324) • Law of Obligations (VBR 324) • Law of Property (SAK 324) • Legal Practice (RPK 322) • Public Law (PBR 324)
5 th year of study's modules: First and Second semester	NONE	<ul style="list-style-type: none"> • Capita Selecta from Private Law (CPR 414) • Civil Procedure (SVP 414) • Jurisprudence (RGL 414) • Legal Practice (RPK 412) • Public Law (PBR 414) • International Law (INR 424) • Jurisprudence (RGL 424) • Law of Insolvency and Liquidation (LIR 424) • Law of Third Party Compensation (MMF 424)

		<ul style="list-style-type: none"> • Legal Practice (RPK 422) • Mini-Thesis • Public Law (PBR 424) <p>An elective in both the first and second semester</p>
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2.7.1 First year of study of both mainstream and extended programmes

As stated before, the extended programme students' first year is divided into two. During the first year of study, the extended programme students only have three law modules, namely Introduction to Law, Roman Law and Historical Foundations of the South African Law. All the other modules are foundational modules. They have four foundational modules.

The mainstream programme students have no foundational modules, except if they did not pass the National Benchmark Test (NBT-test) for literacy skills, in which case they will need to take either the Afrikaans or the English literacy course.

2.7.2 Second year of study of both mainstream and extended programmes

In their second year of study, the foundation programme students have only one foundational module (Legal Skills) and the Faculty of Law also presents that module. Other faculties present all the other foundational modules. The rest of their modules are first-year law modules. The mainstream programme students continue with the second-year modules.

2.7.3 Third to fifth year of study of both mainstream and extended programmes

In their third year of study the extended programme students only have second year modules. They then slot in with the mainstream programme students and curriculum. From their third year onwards they slot in with the mainstream students. They receive no foundational support from their third

year and only receive the same support as the mainstream students in the form of tutorials provided by the Faculty of Law.

The tutorials in general are not compulsory, except for the tutorials of Legal Skills in their second year. Students in both the programmes should have a semester mark of 40% in order to be allowed to write examination. If a student fails to comply with the 40%, the module needs to be repeated in the following year.

2.8 ADJUSTMENTS MADE TO THE EXTENDED LLB PROGRAMME AT THE UFS

Since 2010 various adjustments have been made in the extended LLB programme to ensure that students are optimally supported in their foundation modules and in specific Legal Skills:

- In 2010 the study guide of Legal Skills 134 and -144 was amended to make certain improvements that were necessary at that stage. Among other things, it included the introduction of more practical units for the students;
- In 2011, the study guides for Legal Skills 134 and -144 were further amended. It can be seen that the emphasis of the content is now on legal skills and that students get more use out of the module and also more support. Before redesigning the RVD study guide, students were assessed by means of two semester tests. However, it is not sufficient to test for skills only and consequently a continuous assessment approach is being used instead;
- In 2012, the module Legal History (RGK 114) was redesigned and renamed to Historical Foundations of South African Law. These changes were implemented to incorporate a foundational element to the module in order for the extended programme students to grasp the content of the module better.
- A reading guide was developed for the students of Legal Skills, which mainly includes law articles and texts;

- The other foundational modules were also redesigned. The lecturer of one of the foundation modules, namely mathematical literacy, has already designed the study guide in such a way that it is specifically aimed at law students and the activities are designed to emphasise law skills and law principles;
- The Afrikaans language module content was adapted so that it now contains law content;
- Students will also be trained in the use of the library to enable them to do better research for purposes of their assignments;
- As a first step in improving students' technological skills, they were trained in the use of Blackboard and were sensitised to plagiarism through the *Turn it in* option which is currently available on Blackboard;
- The skill of working in groups is also attended to, seeing as students have to complete some of their assignments in groups;
- A video recording was also made of the UFS moot court competition and this is used to train Legal Skills students in argumentation skills and general court practices and etiquette.
- From 2014 the students in the Legal Skills module will also have extensive writing sessions and the *Write Site* of the UFS. They will attend at least two sessions (one formal and one informal) at the site during which they will be assisted in the writing process.

These are some of the changes made to ensure that the students in the extended programme achieve success in their studies and to try to safeguard them from not completing their studies.

2.9 CONCLUSION

The extended programme can thus be seen as a developmental phase, which begs the question, is the extended programme helping students to succeed in their studies, in other words, is it effective? This research will aim to answer this question in the chapters to follow.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

The literature review in the previous chapter pointed out that the success of widened access depends on a number of various factors. The primary purpose of extended curricula is to provide opportunities for widened access into higher education as a means to address historical disadvantages (cf. section 2.4). The limited scope of a Master's script prohibits an in-depth investigation into all the possible aspects referred to in the literature study. For the purposes of this study, the researcher opted to look into success and throughput of students in the extended LLB programme at the University of the Free State. The rationale behind selecting the mentioned aspects, relates to the researcher's interest to determine whether the extended programme is successful as a method to widen access and admit previously disadvantaged students into Law studies. More importantly, it also determines whether the students admitted into the programme succeed and graduate with an LLB.

This study is exploratory in nature as the purpose of the investigation is only to determine the success of the extended programme. Success in terms of this study refers to the question of whether the additional capacity invested into students in the extended LLB programme does have a positive impact on their academic performance and throughput.

The researcher utilised the institutional database to obtain data on the enrolments, success and graduation rates to look into the demographic profile and academic success of the LLB extended programme. Subsequently it was possible to determine whether extended curricula do advance participation of previously disadvantaged groups in higher education, and furthermore looks into the success rates of an extended programme. The data covers information on all the students enrolled in the extended programme from 2005 to 2012, as well as enrolments in the mainstream programme students from 2005 to 2012. The researcher selected to look into the following aspects to

determine whether widened access is the actual outcome of the extended LLB programme:

- a) The demographics of all the enrolments of the student population in the extended LLB programme;
- b) Comparing the graduation rates of the mainstream and extended LLB programmes from 2005 – 2012;
- c) Success rate of the extended programme modules from 2005 - 2012;
- d) Success rate of the 1st year modules of the extended programme students in comparison to the mainstream programme students from 2005 – 2012.

The subsequent sections of this chapter outline the research design, data collection and an analysis of the findings.

3.2 RESEARCH DESIGN, METHODOLOGY AND RESEARCH METHODS

This chapter provides a statistical overview of the extended LLB programme in terms of student demographics, throughput and success. The data was collected from the entire student population that was enrolled for the extended LLB programme from 2005 – 2012. For comparative purposes, data from enrolments in the mainstream LLB programme from 2005 to 2012 were also used. The data was analysed and interpreted to determine whether the additional capacity invested into students in the extended LLB programme, do have an impact on their academic performance and effects into more LLB graduates from previously disadvantaged backgrounds.

3.2.1 Theoretical framework

This study employs quantitative research methods in order to determine the demographic profile and academic success of students enrolled in the extended LLB programme. Quantitative research methods follow a positivistic approach, where the researcher is hypothetically detached from the respondents and will attempt to act as an “objective” observer (Maree & Van der Westhuizen, 2007:33; Terre Blanche & Durrheim, 2006:6). The

researcher accordingly attempted to play a neutral role in the quantitative research process. Positivism is furthermore based on the assumption that the research problem should be studied objectively with the goal of obtaining a single true reality, or at least reality within known parameters (McMillan, 2008:4).

For the purposes of this investigation, the researcher adopted a neutral role and obtained data from the UFS institutional database. The data was analysed to explore general trends that could explain the demographic profile of the student population in the extended LLB programme. The researcher furthermore explores students' academic performance and graduation rates to determine the success of the LLB extended programmes as a means to widen access for students from previously disadvantaged groups.

3.2.2 Population and sampling

The researcher uses non-probability sampling and identified a convenience sample to collect the data. According to McMillan (2008:118) convenience sampling is a group of subjects selected because of availability. This method is applicable since data on the population of students registered for the extended and mainstream curriculum LLB from 2005 to 2012 will be drawn from the institutional database and analysed to investigate the research questions.

In non-probability sampling the odds of selecting a particular individual are not known, because the researcher does not know the population size or the members of the population (De Vos *et al* 2009:201). The criticism towards non-probability sampling implies that this approach might be subjective and arbitrary (Cooper & Schindler 2006:407). However, in this research, data for all the students that enrolled for the LLB extended programme from 2005 - 2012 are used. At this point it is important to note that any student adhering to the admission requirements may apply for admission into this programme. Although a convenient sample, the selection of participants and collection of data were not influenced by the subjective choice of the researcher. No

person was deliberately excluded from the investigation, and the sample reflects the entire population of students in the extended LLB programme. In terms of the exploratory nature of this study, the results from this investigation provides adequate findings to determine the extent to which extended curricula serves the intended purpose.

3.2.3 Ethical considerations

Important aspects in ethics are the confidentiality of the results and the protection of the participants' identities (Maree 2008:43). For this study, no student's identity was revealed. Data was not analysed per student, but per programme or module. The essence was not to determine individuals' results, but to determine a general trend that could possibly explain student performance in the extended LLB programme.

Another ethical aspect that was addressed is that of ethical clearance and the necessary clearance was obtained from the Faculty of Education.

3.2.4 Validity & Reliability

The data was be collected from the university's Peoplesoft® database which is a reliable and acknowledged database. The entire student population in the extended LLB programme was used to obtain the conclusion/findings. The aim is not to evaluate the extended programme in general but to determine the impact of an extended programme at a specific institution within a specific field of study.

3.3 METHODS

For the purposes of this study, the researcher employs descriptive statistics to describe the demographics and performance of students in the extended LLB programme. The results of the descriptive analyses enables the researcher to form an informed opinion on the impact of an extended programme in terms of the specific goals of widened access at a South African university. Descriptive

research methods are appropriate in this case, as the researcher aims to describe the trends in terms of the entire cohort of LLB students as a means to evaluate the efficiency of an extended programme. (MacMillan 2009:186). Babbie (2010: 467) distinguishes between descriptive and inferential studies: “Descriptive statistics merely summarize a set of sample observations, whereas inferential statistics move beyond the description of specific observations to make inferences about the larger population from which the sample observations were drawn.” Since descriptive statistics make no inferences or predictions and simply report what has been found in various ways, it is applicable to perform the empirical research applicable for this investigation (Cohen *et al* 2010:504).

3.4 DATA ANALYSIS

3.4.1 A demographic reflection of undergraduate enrolments in the LLB Mainstream and Extended programmes

The figures in this section reflect the demographic composition of the student population of both the mainstream and extended LLB programmes at the UFS from 2005 – 2012. The paragraphs below describe the headcount enrolments of students in the mainstream and extended LLB programmes, looking into enrolments per gender, race and first-time entering students. With this data, the researcher intends to determine whether the enrolment profile in the extended LLB programme are different from the mainstream, specifically from the perspective of admitting students from previously disadvantaged groups into higher education studies.

Table 2: Total headcount enrolment in the Mainstream and Extended LLB programmes

	2005	2006	2007	2008	2009	2010	2011
LLB Mainstream programme	179	303	422	430	470	461	467
LLB Extended programme	104	188	253	271	324	387	473
TOTAL LLB enrolments	283	491	675	701	794	848	940

The total headcount enrolments in the both the extended and mainstream LLB programmes increased from 283 in 2005, to 1055 in 2012. Although the sum of enrolments in the LLB programmes (mainstream and extended) increased, figure 1 below illustrates that the number of enrolments in the mainstream decreased from 2005 to 2012, whereas the total number of enrolments in the extended increased. This points towards a proportional change in the LLB cohort. An increasing number of students are admitted into the extended LLB programme. In 2005, the total LLB population comprised of 63.3% mainstream enrolments and 36.7% enrolments in the extended programme. Increasing enrolment figures in the extended LLB programmes gradually shifted the proportion towards 46.5% in mainstream, while enrolments in the extended LLB programme compose 53.5% of the LLB student population at the UFS.

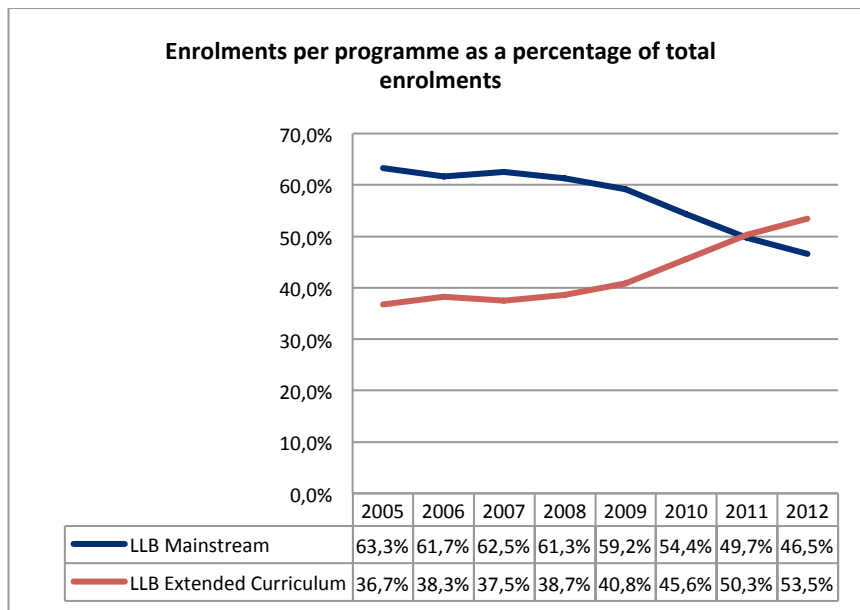


Figure 1: Enrolments per programme as a proportion of total enrolments

The data in figure 1 reflects increasing enrolments in the LLB extended programme, but it deems necessary to determine the demographic composition of the group to establish whether the extended programme do support the rationale for widened access and subsequently holds a demographically representative student population.

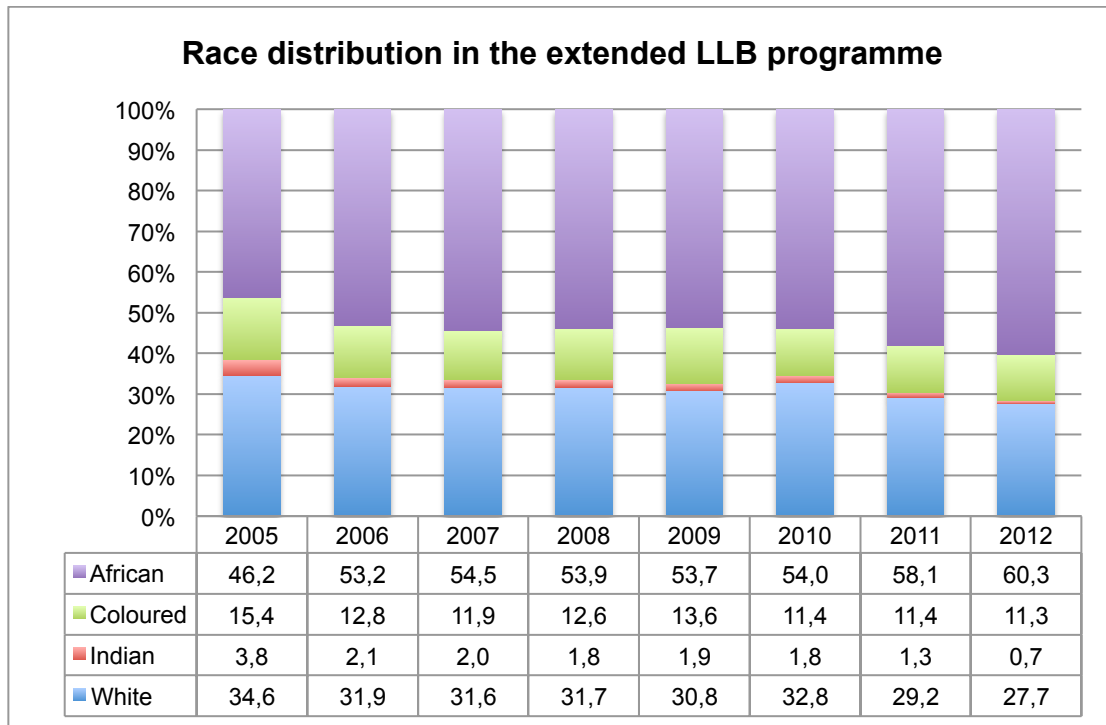


Figure 2: Race distribution of students in the extended LLB programme

The steady increase of enrolments in the LLB extended programme resulted in more students from racially diverse groups accessing LLB studies. Figure 2 reflects a 14,1% increase in the proportion of African students in the extended LLB programme, while the proportion of white and coloured students decreased. Figure 2 only reflects enrolments in the extended LLB programme. Since the purpose of an extended programme is to allow alternative access routes for previously disadvantaged students, the changed demographic profile was expected. The more important finding is to determine the impact of enrolments in the extended LLB programme on the entire LLB group.

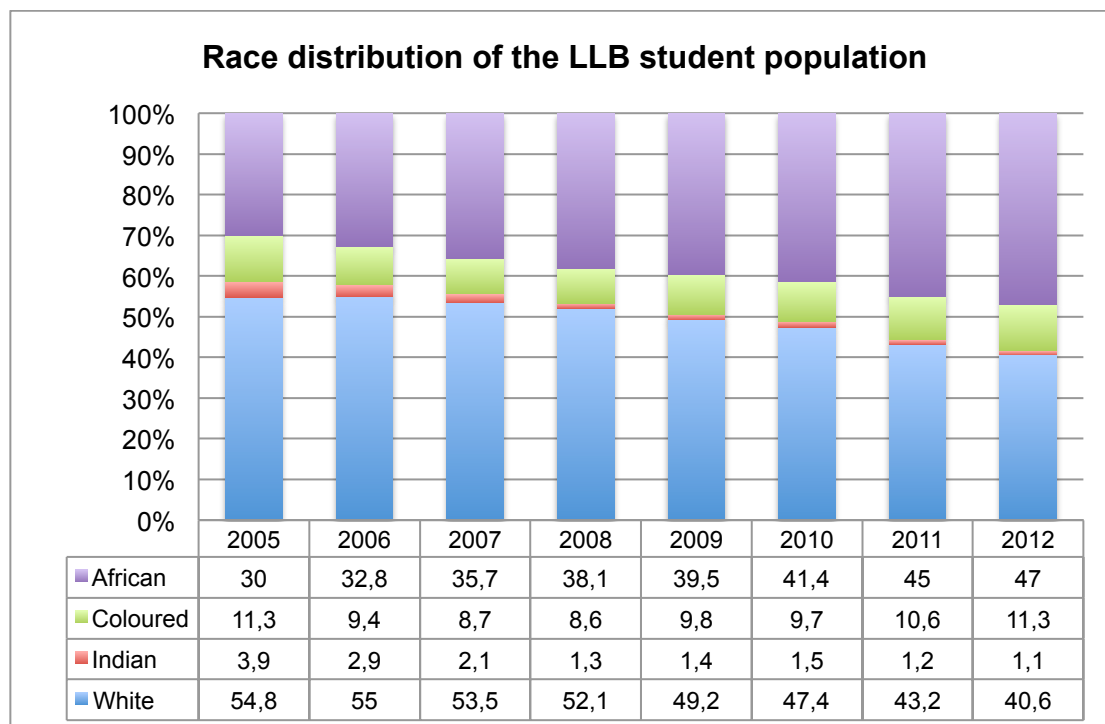


Figure 3: Racial distribution of LLB students at the UFS

Figure 3 reveals that the extended programme did change the profile of LLB students at the UFS. Enrolments increased in both the mainstream and extended LLB programmes (cf. table 1). The increased enrolments were concomitant to a shift towards a racially diverse student population. While white students historically dominated the LLB programme, a proportional shift occurred towards a student population that better reflects the demographics of a democratic South Africa.

3.4.2 First-time entering students in the LLB extended programme

The previous section indicates a growth in headcount enrolments for the LLB extended programme. A growth in numbers does however not reflect a growth in first-time entering students. A steady percentage of first-time entering students indicates that the programme continues to attract new students into the programme, while existing students complete their studies.

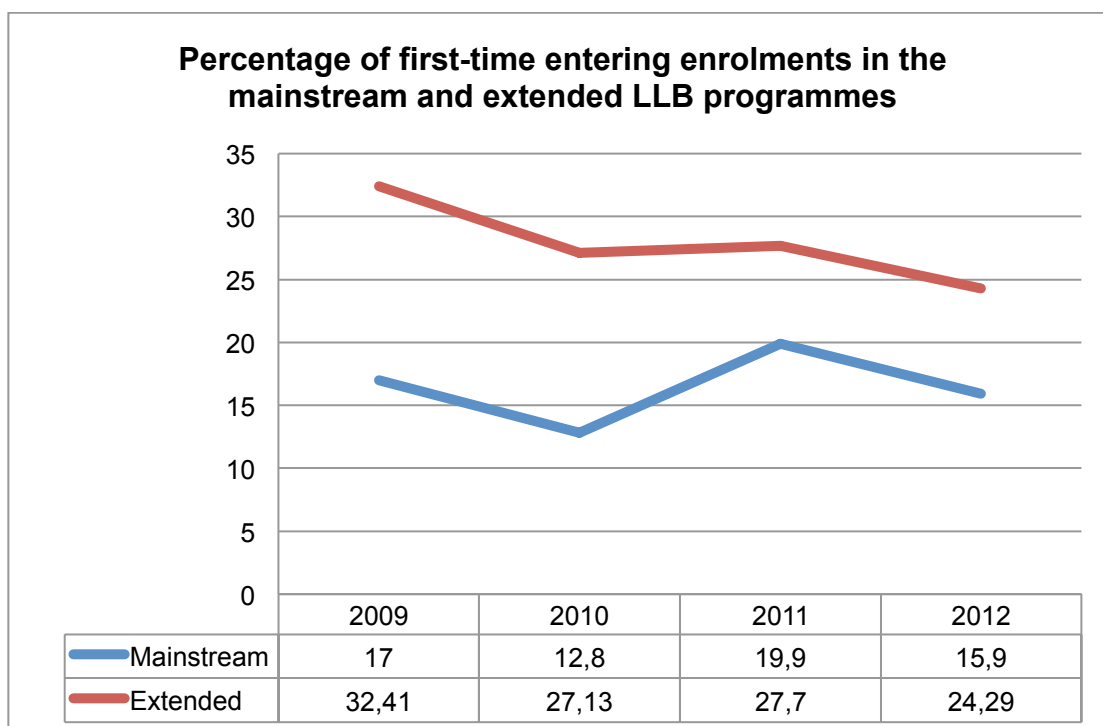


Figure 4: Percentage of first-time entering enrolments in the mainstream and extended programme¹

The first time entering enrolments in both the mainstream and extended LLB programmes reflects a downward trend over the past five years. This means that although the number of enrolments increases, the percentage of new students decreases. Students pile-up in the system as they take longer than the minimum period of study to complete their studies. Although decreasing, first-time enrolments in the extended programme are much higher than the mainstream.

The Ministerial statement on student enrolment planning 2011/2012 – 2013/2014 (DHET, 2011:6) sets a national target of 19,6% first-time entering students. Compared to the national benchmark, the extended LLB programme seems to have an acceptable number of first-time enrolments.

¹ The extended programme was introduced in 2005. The first-time enrolments during the first four years would therefore not be a realistic reflection, as most of the students must be 'new' students. Since 2009, there was a cohort of final year students in the programme. Therefore, figure 4 only represents first-time enrolments since 2009.

3.4.3 Graduation rate

The number of students enrolled for a programme only tells one side of the story. The fact that students enrol for the programme does not mean that they graduate and advance into the profession. To really determine the impact of an extended programme on widened access, it is necessary to look into graduation rates. The question is whether students who enrol for the extended programme succeed in their studies and graduate with an LLB degree.

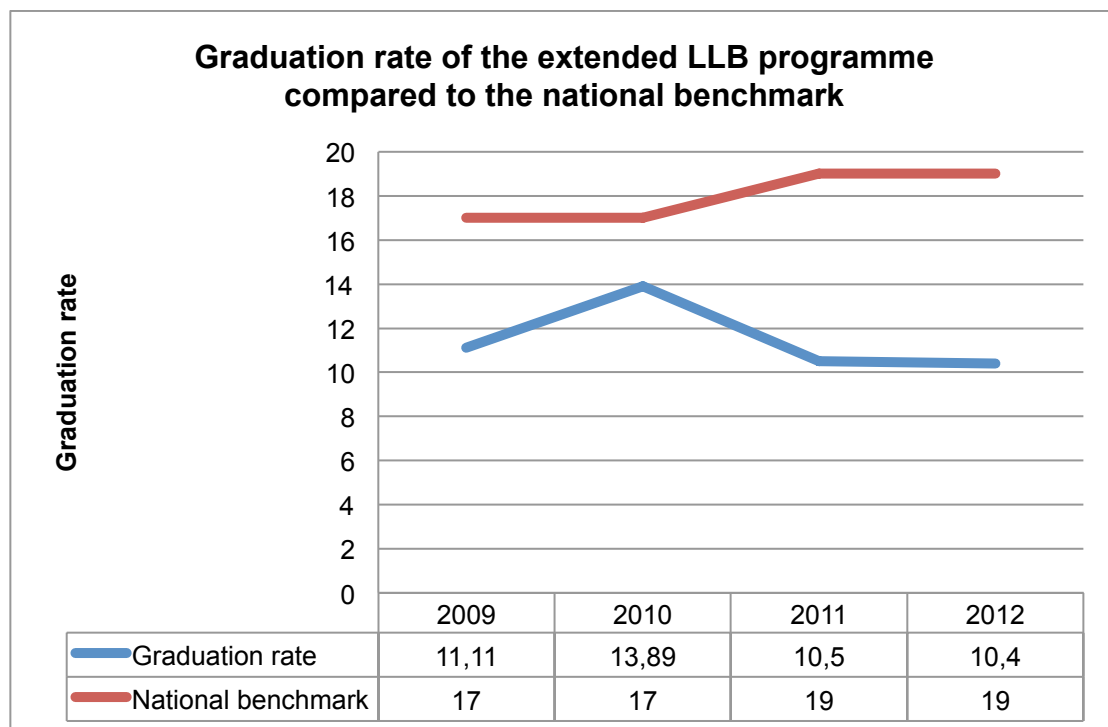


Figure 5: Graduation rate of the extended LLB programme compared to the national benchmark

The graduation rate of the extended programme increased from 11,11% in 2009 to 13,89% in 2010. In contrast to the slight improvement, 2011 and 2012 indicates lower graduation rates. Graduates from the extended LLB programmes decreased to 10,4% in 2012, that is more than 8% below the

national benchmark determined by the DHET in the prior national enrolment planning cycle (DHET, 2011)².

This programme has only been offered since 2005 and the first group of students graduated in 2009. This is a relatively short time with a small dataset to determine graduation rates. However, the trend that is evident from figure 5, indicates decreasing graduation rates and therefore fewer students who graduate from the extended programme.

On the basis of the findings from sections 3.5.2 and 3.5.3, it is evident that an increasing number of students enrol for the extended LLB programme, while the graduation rate reveals a decreasing number of graduates. This means that the rationale for widened access is supported in the sense that more students from disadvantaged groups are allowed into higher education. However, they do not graduate. It is therefore necessary to investigate students success on a yearly basis to determine where these students drop-out or pile-up in the system.

3.4.4 Success rates in the foundation modules of the extended programme

The tables below indicate the success rates in the foundation modules that form part of the first two years of extended programme. These modules are the 'foundation' modules, which are offered as developmental modules to those students that enrol for the extended programme (cf. Table 1). Students are admitted into the programme on the basis of lowered admission points, but are supported by means of foundation courses to account for a possible deficit in academic competency.

² Department of Higher Education and Training (DHET). 2011. Ministerial Statement on Student Enrolment Planning 2011/2012 – 2013/2014. cf. Section 2.4 – Student Outputs

3.4.4.1 **Success rates in the foundation modules in the first year of study**

Table 3: Success rates of foundation modules in the first year of study

Module (course)	2005	2006	2007	2008	2009	2010	2011	2012
Afrikaans for Academic Purposes	80,6	75	63	76,7	91,2	70,7	80	74,2
Academic Language Course	83,3	71,9	71,6	84,4	83,1	78,4	75,7	80,3
Computer Literacy 1	81,3	77,6	66	77,1	81,3	82,4	81,3	86,7
Mathematical Literacy	63,1	82,3	62,6	66,9	63,9	59,3	67,7	81,6
Skills and Competencies for Lifelong Learning	79,8	74,5	69,8	81	80,3	78,5	78,7	78,4

The success rates for the developmental modules in the first year are relatively high. Although the success rates fluctuate from year to year, the overall trend reflects that students perform well in the developmental modules. The high success rates indicate that students seem to cope with the demand of the foundation modules in the extended LLB programme, in spite of their lower admission mark.

3.4.4.2 **Success rates in the foundation modules in the second year of study**

During the second year of study, students in the extended programme enrol for 2 foundational modules and 5 mainstream modules. This means that they are exposed to the greater demand of mainstream modules, while the additional support gradually decreases. Although the demand is higher, Table 3 points out that students still perform very well in the foundation modules.

Table 4: Success rates in the foundation modules in the second year of study

Module (course)	2005	2006	2007	2008	2009	2010	2011	2012
Legal Skills (first semester)		97,2	86,6	89,7	96,1	89,1	89	91,1

Legal Skills (second semester)		92,9	88,7	91,2	82,6	82,5	75	82,2
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3.4.5 Success rates in mainstream programme modules first year and second year mainstream modules (third year for the extended programme students)

Students in the extended programme complete the first year of the mainstream programme over two years.

The sections below compare the success rates of students in the extended programme to those in the mainstream. With this comparison, the researcher will be able to determine whether the students who were admitted into the extended programme with lower admission points, do succeed in the mainstream modules.

3.4.5.1 Success rates of both the mainstream and extended programme students in mainstream modules in the first year of study

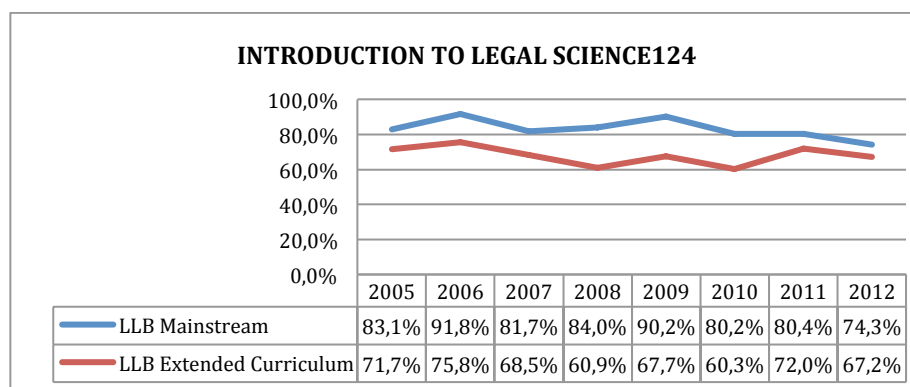
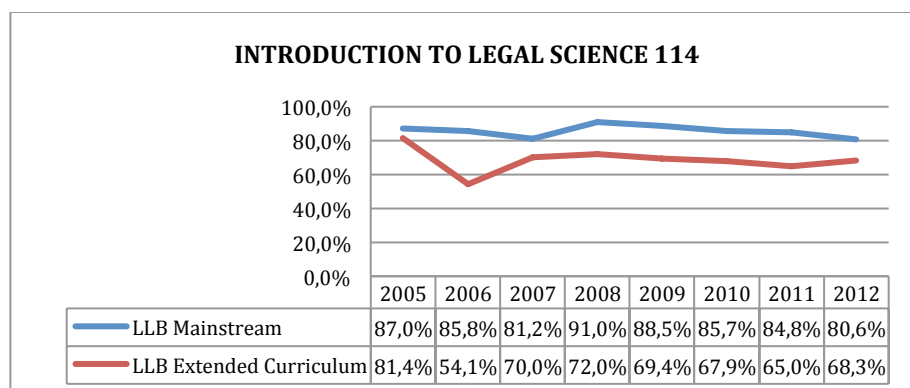


Figure 6: Introduction to Legal Science 114 & 124

Introduction to Legal Science is the first module in the first semester of the mainstream and extended programme. The extended programme students enrol for this mainstream module, in addition to the foundation modules in their first year. The success rate between the two groups reveals a big difference in performance. In the first semester, the success rate of this module in the extended programme is 17,08% lower than the mainstream. This improves slightly in the second semester, but the extended programme students still have a 15% lower success rate than the mainstream. It is evident that students in the extended programme perform well in the foundational modules, but seem to struggle in the mainstream modules.

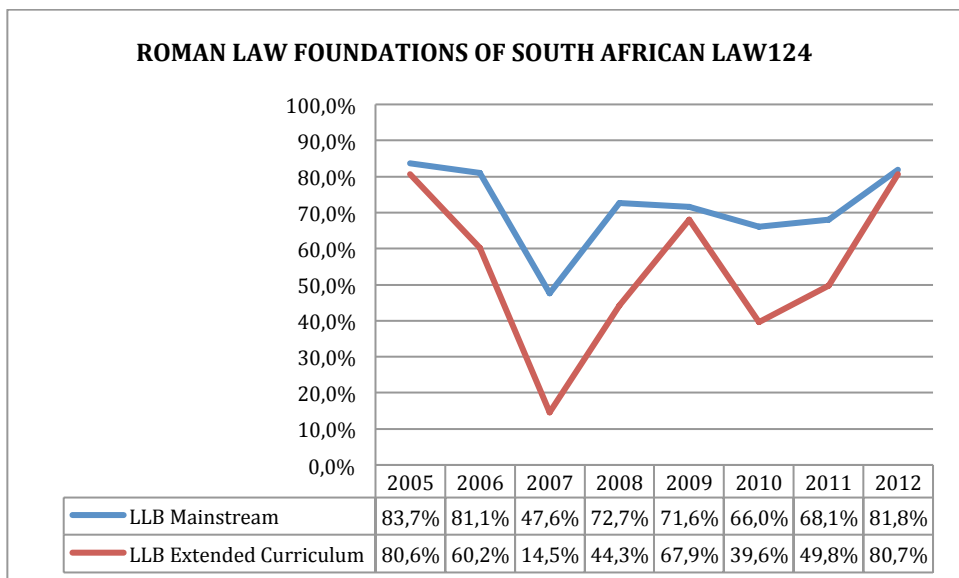
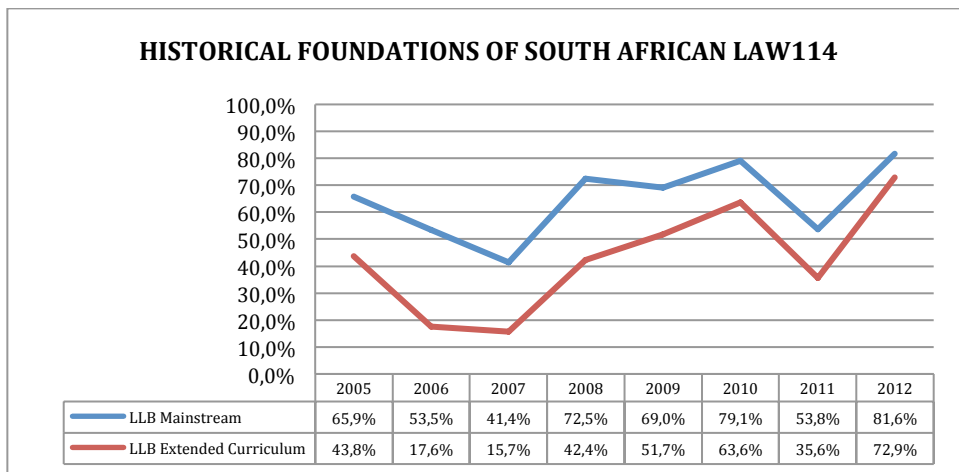


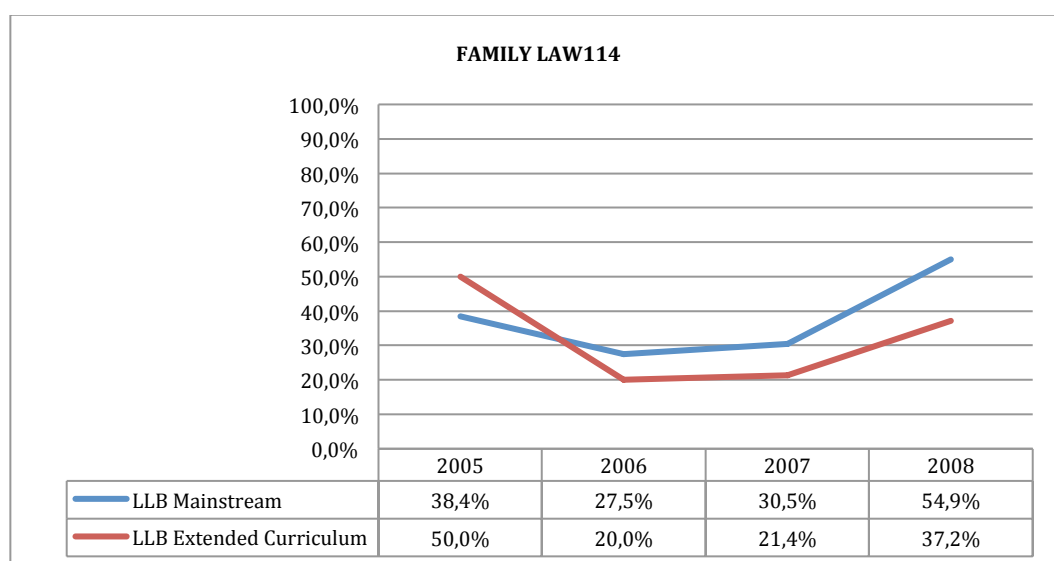
Figure 7: Historical Foundations of South African Law 114 & 124

Roman Law Foundations of South African Law (ROR 124) is presented in the second semester in their first year of study. The mainstream students have a better success rate (71.58%) than the extended programme students (54.7%) with a drop in 2007, 2010 and 2011. In 2012 there was only a difference of 1.1% between the two groups.

Historical Foundations of South African Law (RGK 114) is the mainstream module with the lowest success rate in all the mainstream modules taken in their first year of study. The extended programme students' average success rate is 42.9% in comparison to the mainstream programme students' average success rate of 64.4%. That is a huge difference of 21.5%.

Therefore in their first year of study, the figures show that the success rate of the extended programme students in the two mainstream modules are very low in comparison to the foundation modules as well as the other mainstream students in those modules. It is also necessary to look at the success rate in the mainstream modules taken in their second year of study when they have mainly mainstream modules and only one 'foundation' module, namely Legal Skills.

3.4.5.2 Success rates in first year mainstream modules taken in their second year of study, both first and second semester:



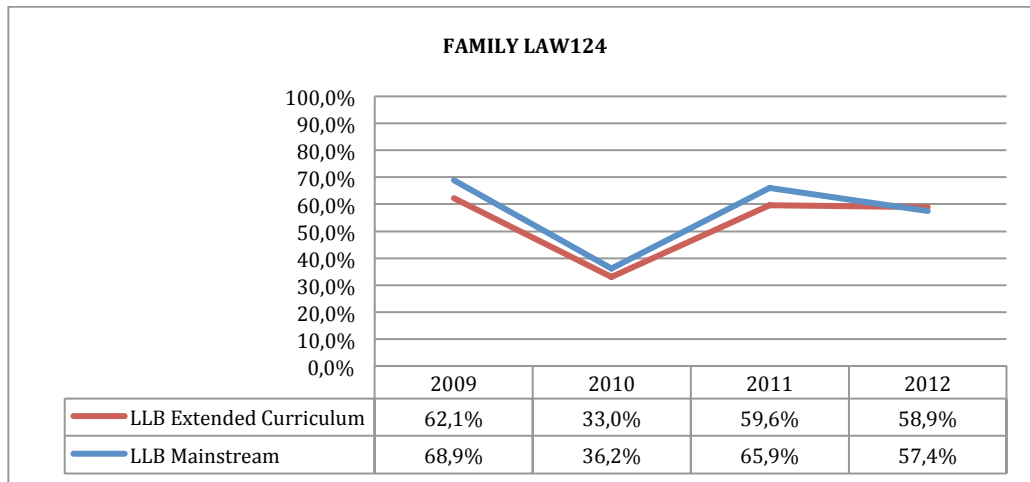


Figure 8: Family Law 114 & 124

Family Law (FAM 114 and FAM 124) was offered in the first semester until 2008, when it was moved to the second semester. In 2005, the extended programme students performed better than the mainstream students (11.6%), however from 2006 to 2008, they performed much lower than the mainstream students (average difference of 11.4%). Since this module was moved to a second semester module in 2009, the extended programme students performed better. Their (extended programme students) success rate average changed from 32.15% to 53.4%. The difference between the two groups also lessened from 5.68% to 3.7%. It is clear that the change from a first semester module to a second semester module had a great impact on both groups of students' success rate, as they were academically stronger and therefore able to manage the demand of this module better.

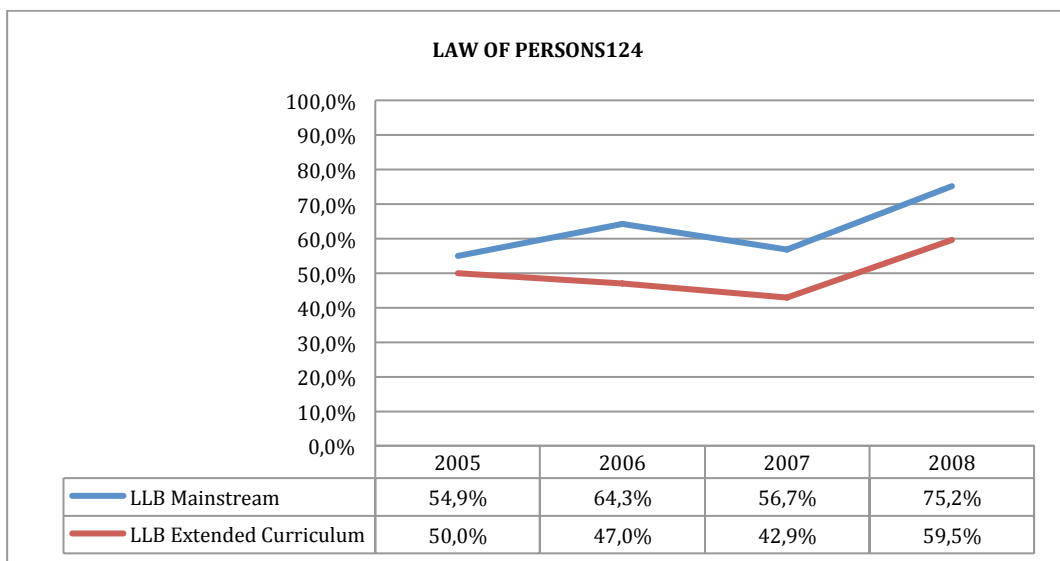
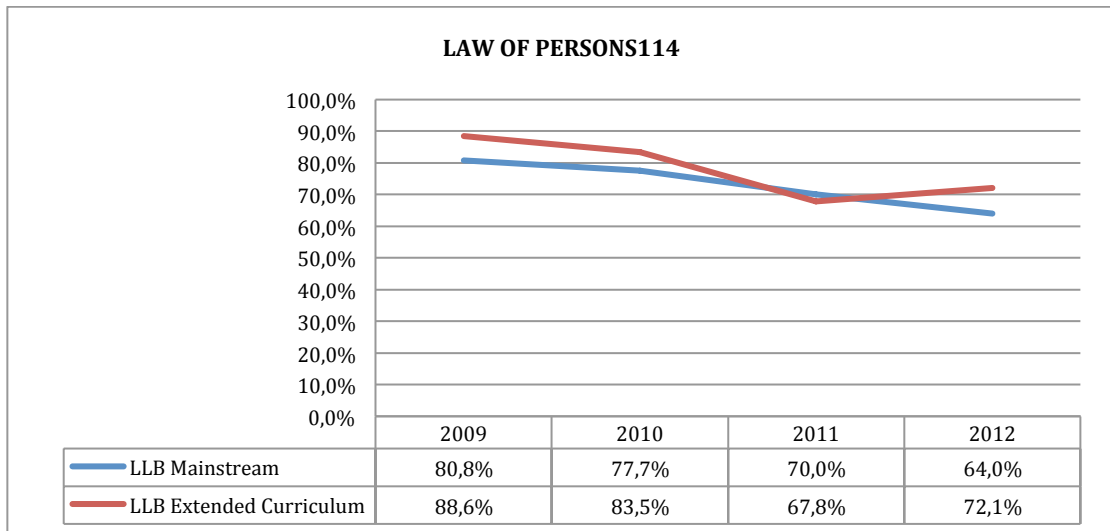


Figure 9: Law of Persons 114 & 124

The module, Law of Persons (PSN 124 and PSN 114), changed to a first semester module in 2009. The students' success rate improved drastically when this module was changed to a first semester module. The extended programme's students' success rate increased from 49.85% to 78%. On average their success rate from 2009 to 2012 was better than the mainstream students' success rate of 73.13%. The structural change in the programme subsequently had positive results on students' success.

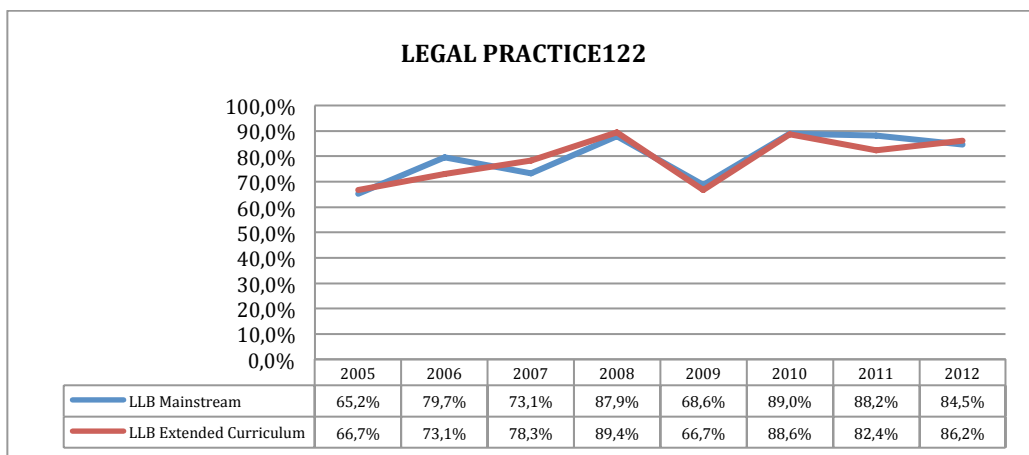
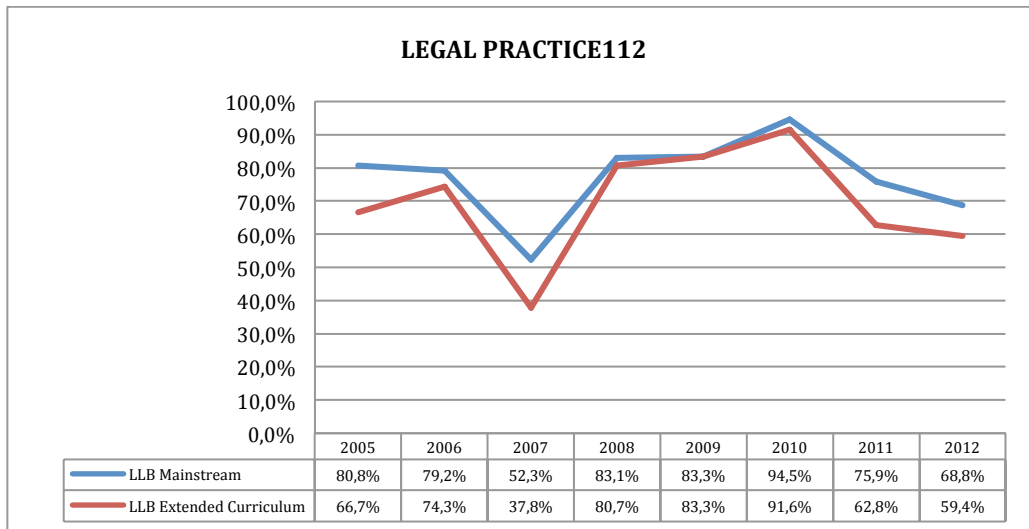


Figure 10: Legal Practice 112 & 122

The module Legal Practice (RPK 112 and RPK 122) is presented in the first and second semesters. The statistics and data on this module indicate an increase in the average success rate of the extended programme students from 69.58% in the first semester to 78.93% in the second semester. The difference between the mainstream and extended programme students' success rate also decreased from 7.66% in the first semester to 0.6% in the second semester.

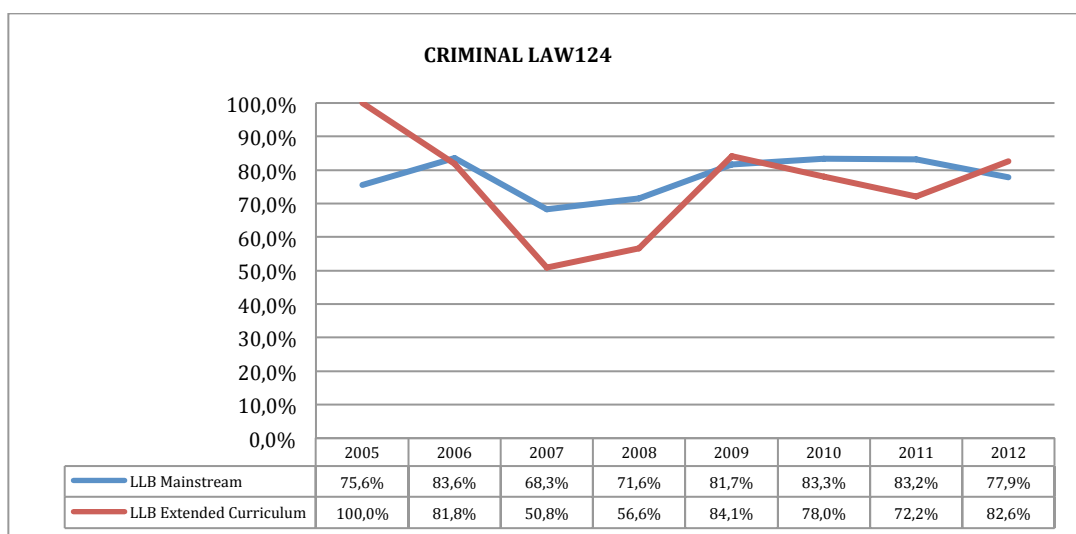
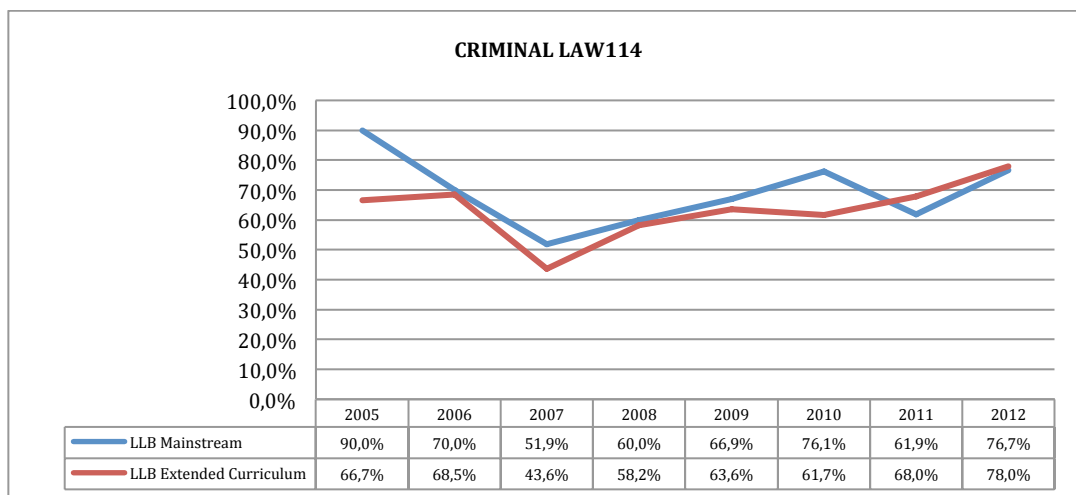


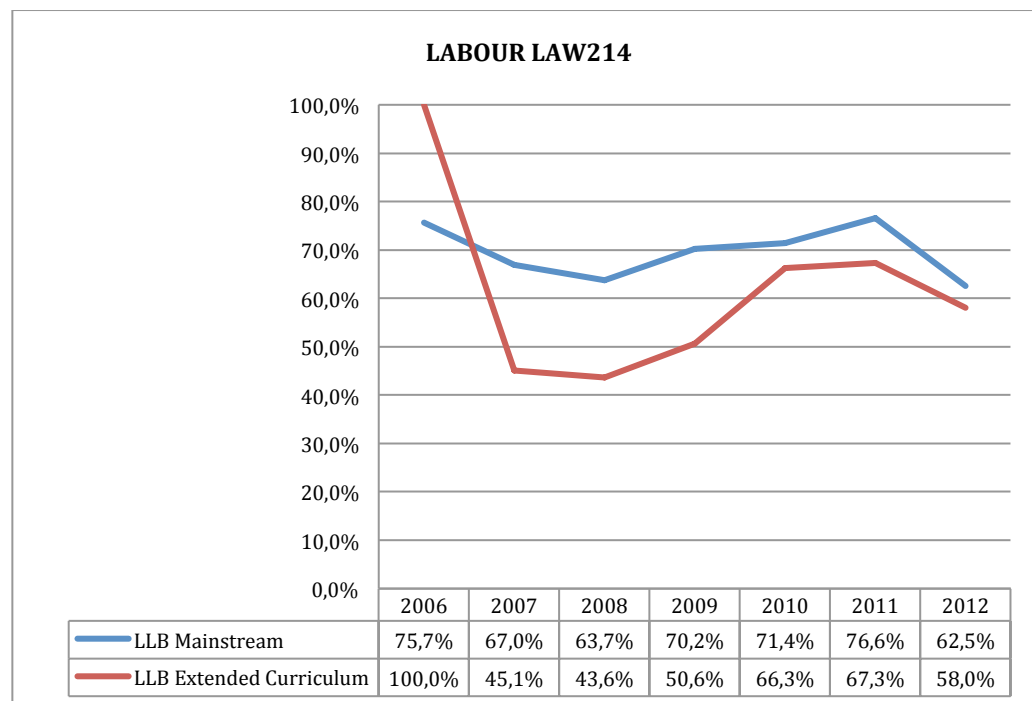
Figure 11: Criminal Law 114 & 124

In the Criminal Law (SFR 114 and SFR 124) module, which is presented in both the first and second semester, the average success rate of the extended programme students are respectively 63,53% and 75,76%. The difference in success rates between the mainstream programme and extended curriculum programme are 5,65% and 2,39% respectively. In the second semester module, SFR 124, the extended programme students have a high success rate.

From the above figures it is evident that students perform better in the second semester mainstream modules (except for Law of Persons), than those offered in the first semester. On average the difference between the two groups in all the first year modules is 9,25%, with the mainstream programme

students performing better than the extended programme students. The average difference between the two groups average success rates in the mainstream modules take in their first year of study are 17.61%, while the average difference between the two groups in the first year modules taken by the extended programme students in their second year of study is 2.56%. This is significantly lower than in their first year of study. It is important to note that while the students are enrolled for these modules, they still have ‘foundational’ support and their first year modules are divided over two years. Keeping this in mind, it is important to monitor their success rates when they merge with the mainstream students during their third year and no additional ‘foundation’ support is provided.

3.4.5.3 SECOND YEAR MAINSTREAM MODULES IN THE EXTENDED PROGRAMME STUDENTS’ THIRD YEAR OF STUDY



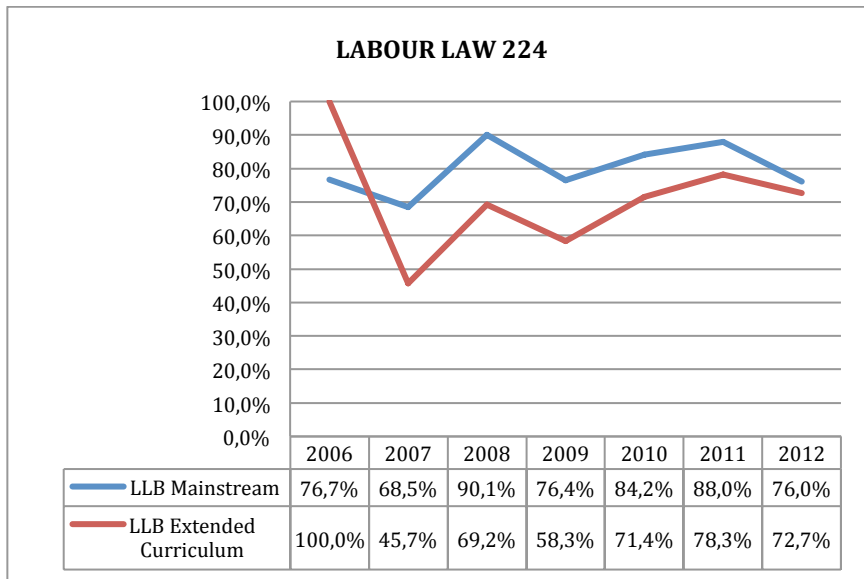


Figure 12: Labour Law 214 & 224

Labour Law (ARR 214 and ARR 224) is presented in both semesters. The average success rate in the first semester for the extended programme students is 61.58% and for the mainstream students it is 69.59%. That is a difference of 8.01%. In the second semester the success rate of the extended programme students is 70.8% and for the mainstream it is 79.99%. That is a difference of 9.19% between the two groups.

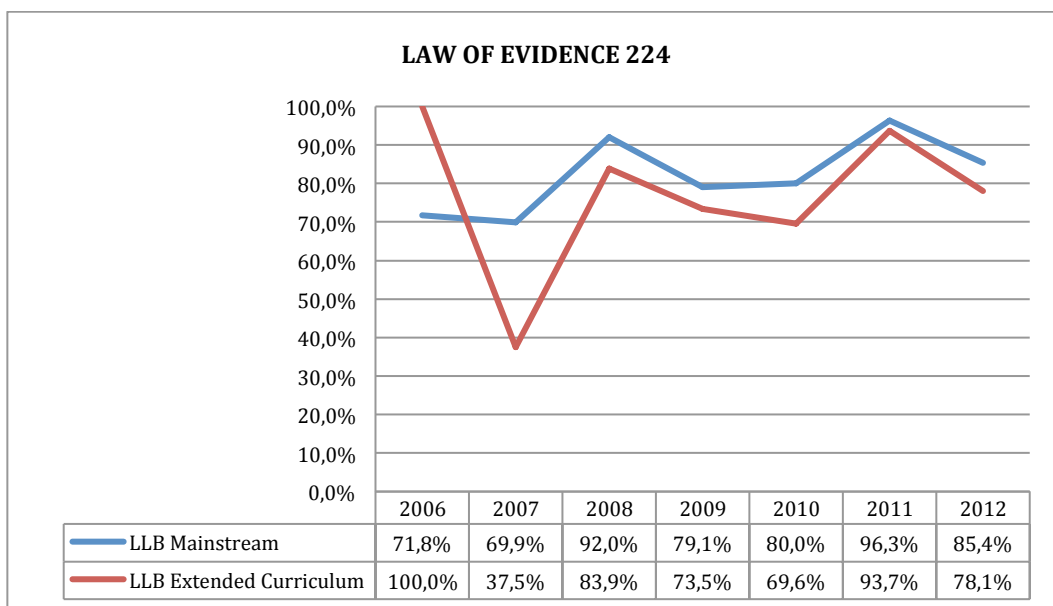


Figure 13: Law of Evidence 224

Law of Evidence (BWR 224) is a second semester module. The average success rate of the extended programme students is 76.6% and 82,07% for the mainstream. This is a difference of 5.46%. Although not a big difference in success, the students in the extended programme do not perform as well as those in the mainstream.

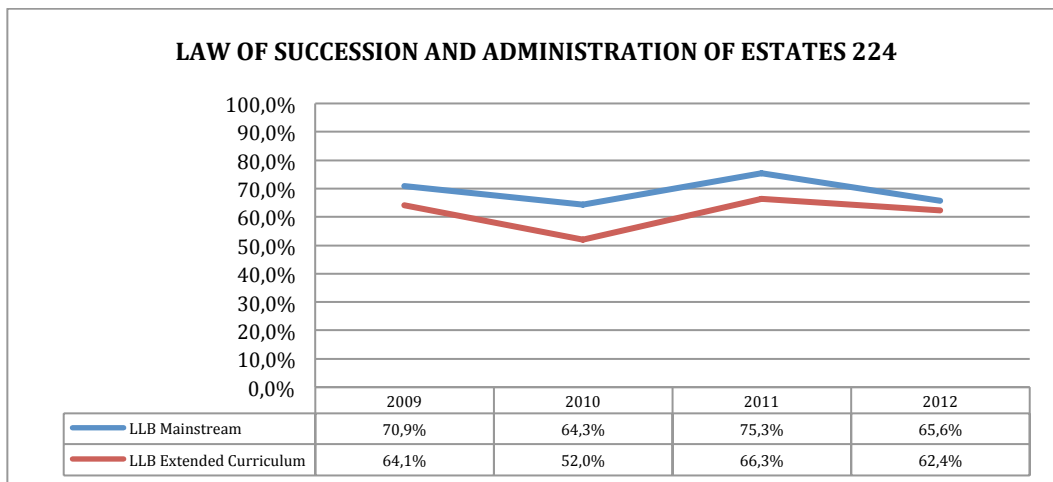
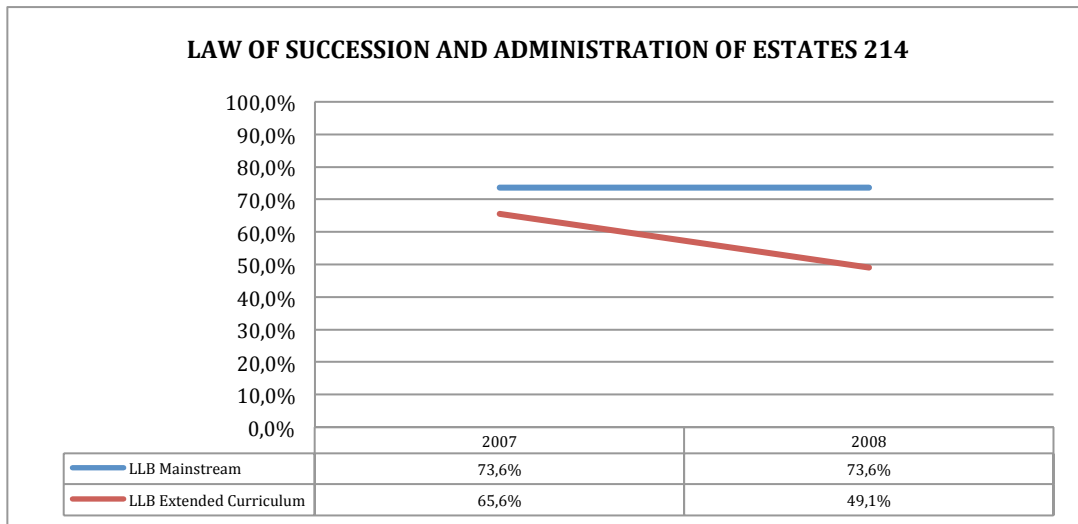


Figure 14: Law of Succession and Administration of Estates 214 & 224

This module, Law of Succession and Administration of Estates (ERF 214 and ERF 224) was a first semester module in 2007 and 2008. From 2009 the curriculum structure has been changed and this module was offered in the second semester. The result of this structural change was a higher success rate for the students in the extended programme, and a subsequent smaller difference between the successes of the two groups. The average success rate of the extended programme students when this module was still a first

semester module was 57.35% and the mainstream students success rate was 73.6%, which is a difference of 16.25%. When this module became a second semester module, the average success rate of the extended programme students is 61.2% and the mainstream students success rate is 69.02%. This is a difference of 7.82%.

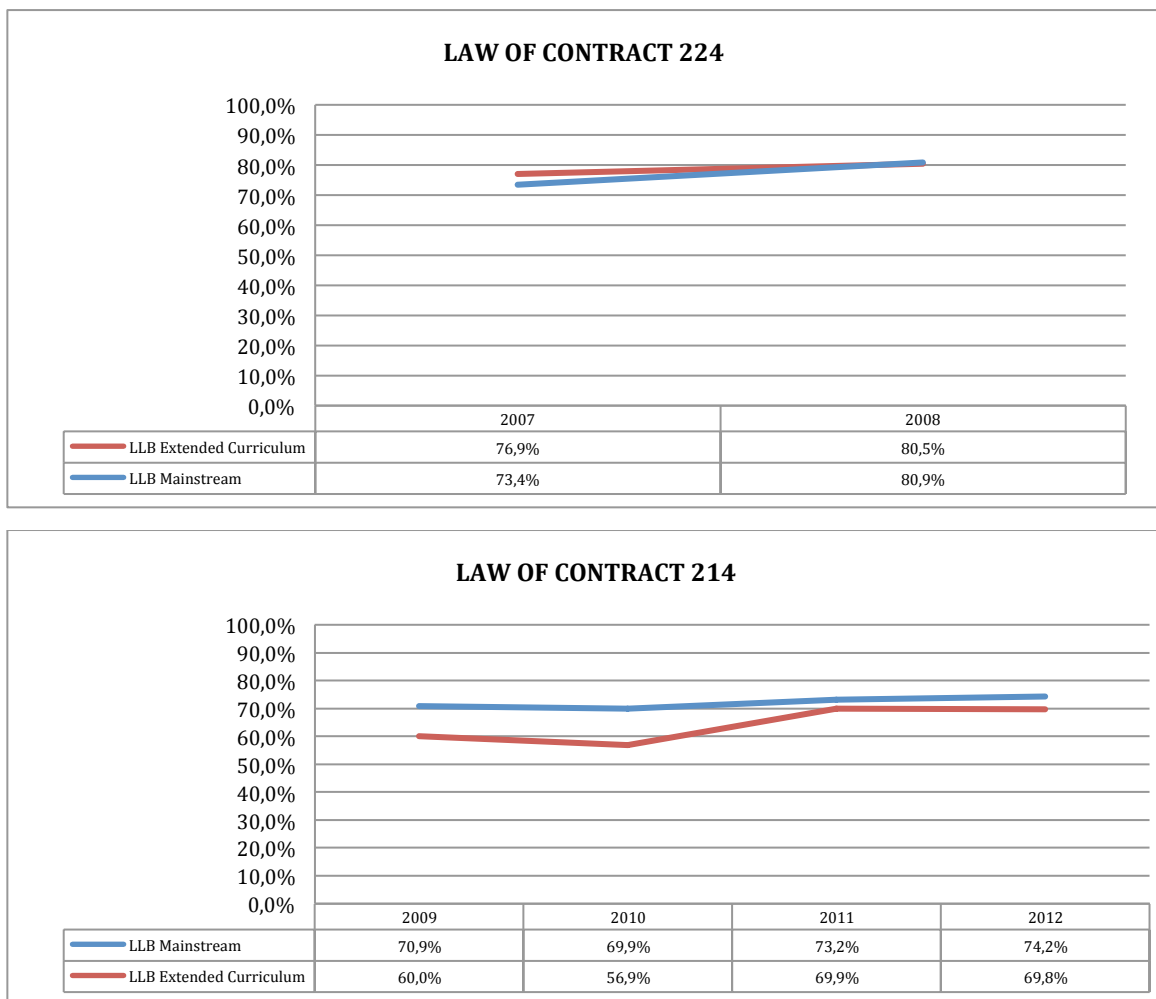


Figure 15: Law of Contract 214 & 224

The Law of Contract (KON 214 and KON 224) module was moved from being a second semester module to a first semester module in 2009. When this module was still being presented in the first semester the extended programme students had a better success rate. Their average success rate was 78.7% and the mainstream students' average success rate was 77.15%, which indicates that the extended programme students had a better success rate than the mainstream programme students. When this module was

presented in the first semester, both the mainstream and extended programme's students success rate dropped and the extended programme students performed worse than the mainstream programme students. The average success rate of the extended programme students is 64.15% and the mainstream programme 72.05%. That is a difference of 7.9% between the two groups. The extended programmes' students success rate tumbled from 78.7% to 64.15%.

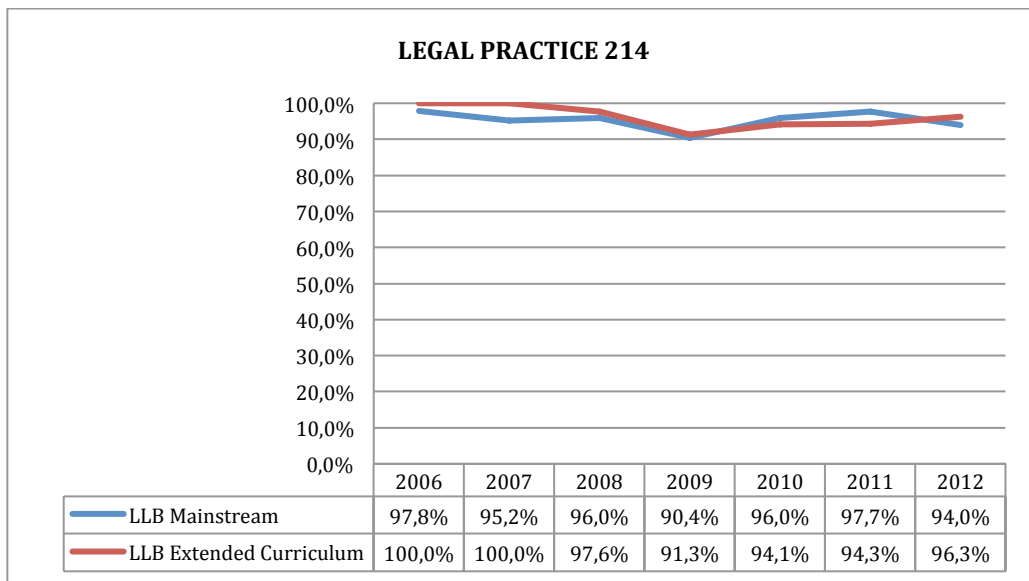


Figure 16: Legal Practice 214

In Legal Practice (RPK 214), which is presented in the first semester, the extended programme students perform slightly better than the mainstream programme students. The average success rate of the extended programme students is 96.23% and the mainstream programme students' success rate is 95.3%. That is a 0.93% difference.

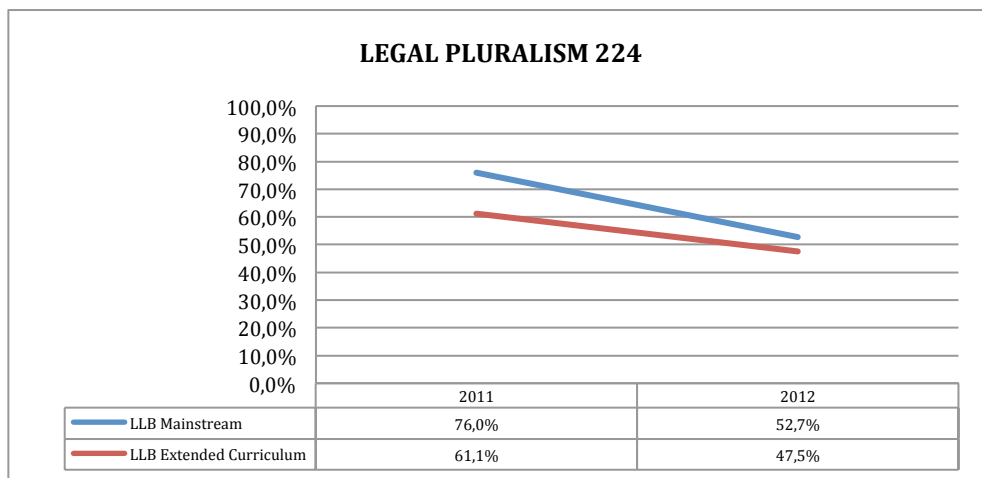
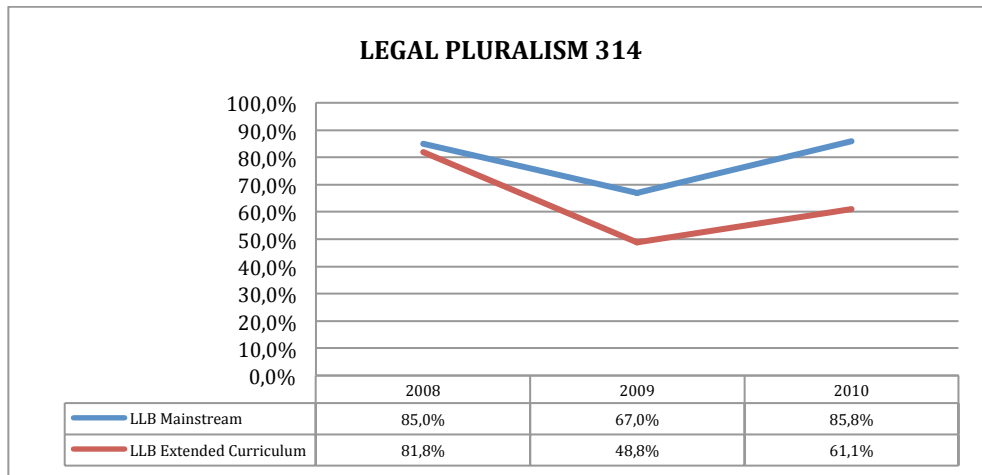


Figure 17: Legal Pluralism 314 & 224

Legal Pluralism (RPL 224 and RPL 314) was moved from a third year module to a second year module in 2011. The students (both groups) performed better in this module when it was still presented as a third year module. The average success rate for the extended programme students was 63.9% when it was a third year module, in comparison to 54.3% while it is a second year module. That is a decrease of almost 10% in the success rate. The mainstream programme students' success rate also dropped from 79.2% to 64.35%.

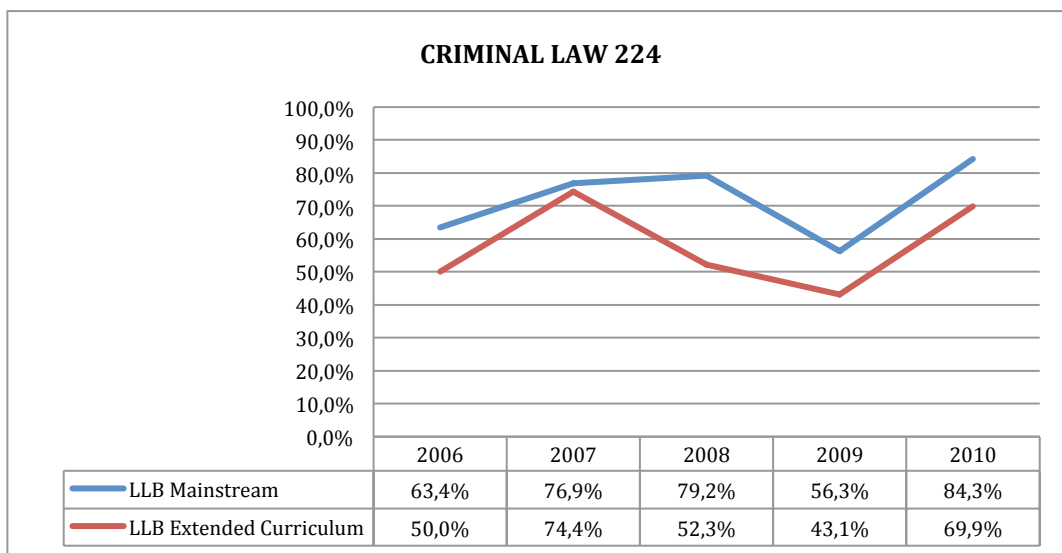
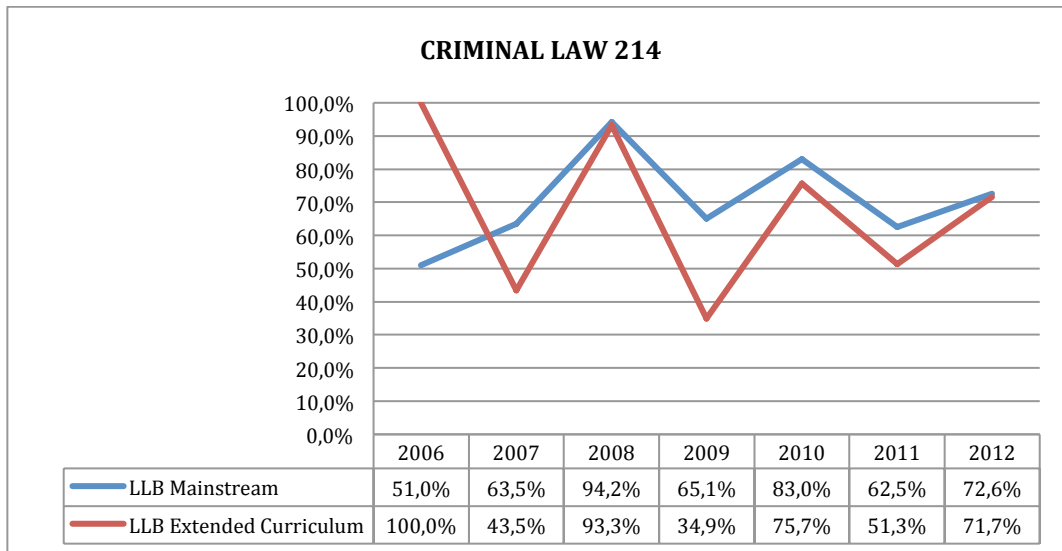


Figure 18: Criminal Law 214 & 224

Criminal Law (SFR 214) is presented in the first semester. The average success rate of the mainstream programme students is 70.3% and the extended programme students' success rate is 67.2%. This is only a difference of 3%. The Criminal Law (SFR 224) was discontinued from 2011. There was a difference of 14.26% in success rate of the two groups when this module was still presented.

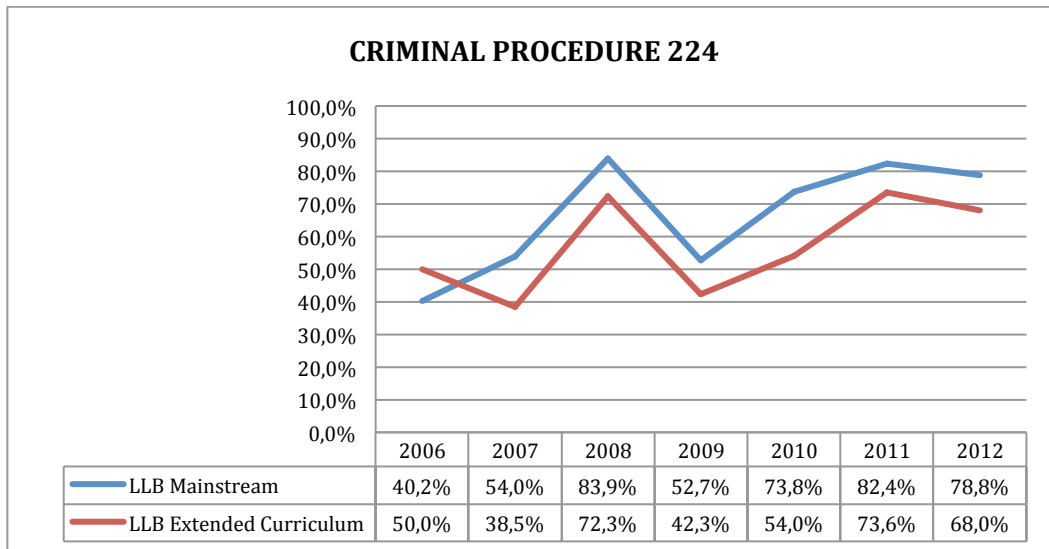


Figure 19: Criminal Procedure 224

The module Criminal Procedure (SPF 224) is presented in the second semester. The average success rate of the extended programme students is 56.9%, which is very low, and the success rate of the mainstream programme students is 66.54%. That is a difference of 9.58%.

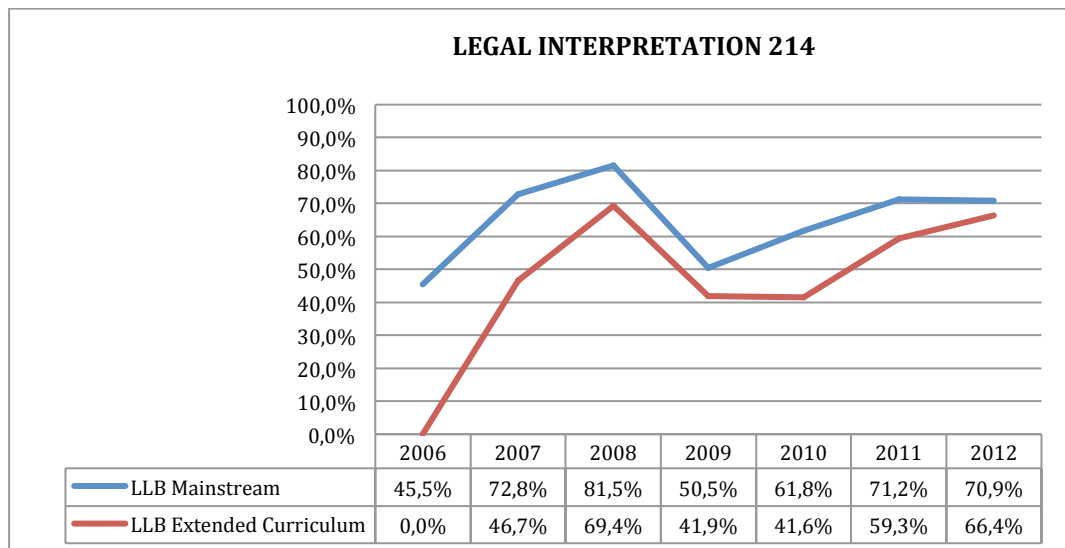


Figure 20: Legal Interpretation 214

Legal Interpretation (ULL 214) is presented in the first semester. This module is the module in which the extended programme students have the worst success rate in. Their average success rate is 46.47% in comparison to the

mainstream programme students' average success rate of 64.89%. That is a difference of 18.42%.

An important trend that emerges from the findings in the previous sections is that the performance of students in the extended programme is lower than those in the mainstream. During the first and second years of study, while the additional support is still built into the curriculum, students seem to cope relatively well with the academic demands of the course. This changes drastically once the foundational modules have been completed and students merge with the mainstream. This raises concerns on the purpose and outcome of the foundational modules, but more importantly, it asks for a review of the curriculum structure to ensure adequate support to students with lower admission marks throughout their studies.

When taking into account the abovementioned figures, it begs the question do students with a better AP score perform necessarily better than those with a lower AP score? The next section will look at the average AP scores of the two groups as well as the impact it has on the success of students.

3.4.6 Average AP scores

As mentioned in the previous chapter widening access concerns increased opportunities for people from a diverse range of backgrounds to benefit from higher education (HE) and gain access to it. One of the methods in which this is done, is through lowering the AP score in order for more students to gain access. Also mentioned previously is that the AP score for admission to the mainstream programme is 33 (before 2008 it was an M-score of 34) and the AP score of 28 for admission to the extended programme. The graph will show the average AP scores per programme.

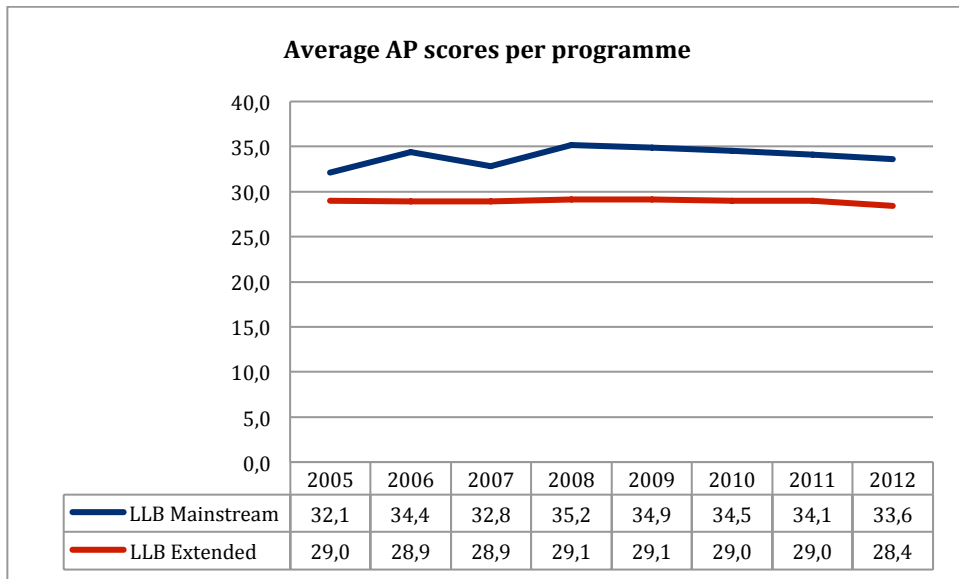


Figure 21: Average AP scores per programme

It is clear from this table that the extended programme has a significantly lower AP score. This is correct since one of the main differences between the programmes is the AP-score.

3.5 Conclusion

From the abovementioned data it is evident that the students in the extended programme do not necessarily perform better than students in the mainstream programme, although they do not perform exceptionally lower in their first year modules. It must be kept in mind that during their first two study years the extended programme students have far less mainstream modules, since it is divided over the two years, and more ‘foundational’ modules to help these students. In their third year of study, the extended programme students slot into the mainstream programme and no division is made between the two groups.

The only module in which the extended students performed consistently better than the mainstream students is Legal Practice. Although the extended programme students does not overall perform better than the mainstream programme students in the mainstream modules, it is significant that they perform, on average, better than the mainstream programme students in the Legal Practice modules from 1st year till 3rd year. What’s interesting about this

observation is the fact that Legal Practice is a more skills module than it is a purely theoretical. This can maybe be explained due to the fact that the extended programme's students support modules in their first two years of study is mainly skills modules and could therefore prepare then better for the skills modules in the other study years.

CHAPTER 4: INTERPRETATION OF FINDINGS

4.1. INTRODUCTION

The aim of this chapter is to integrate the objectives with the findings of this study to determine whether the offering of an extended LLB programme does support the national priority to widen access to higher education. Widened access provides opportunities for entry to higher education studies for those students who did not meet the minimum admission requirements due to the former disparate political and economic landscapes. Since widened access provides previously disadvantaged students access into higher education, we can assume that an institution that provides for widened access has a demographically representative student population, as well as graduates. One of the means to establish if widened access does serve its intended purposes, is to establish whether or not the additional capacity invested in the extended LLB programme, has a positive impact on students' academic performance, and whether or not a more demographically representative sample of students is admitted and graduate with an LLB degree. The findings will be utilised to review the existing extended LLB programme and to make possible recommendations to restructure and/or improve the programme.

The literature and policy review in Chapter 2 explored the historical and policy changes in the higher education sphere, specifically to investigate national and international strategies towards widening access. It was followed by an in-depth investigation at selected interpretations and implementations of policy to widen access to higher education in the context of South Africa. This was followed by looking at foundation programmes in general, other extended law programmes as well as an in-depth look at the extended LLB degree of the University of the Free State. When the findings of Chapter 3 were compared to the interpretations and implementations of policy investigated in Chapter 2, it became clear that although widening access allows for a demographically representative student population, not all of these students successfully complete their studies. Furthermore, it was established that the curriculum structure does not provide adequate support throughout the

programme towards those students that entered the higher education system with lower admission points. It is therefore necessary to evaluate why students are not successful and how the programme can be changed to improve the graduation rate.

4.2 OVERVIEW OF THE STUDY

The focus of this study was to investigate the effect of the extended programme on the LLB students' success. Widening access is applied in the extended programme with previously disadvantaged students being admitted into the programme. This is done through the lower AP score of the extended programme. To be admitted to the mainstream programme, students must have an AP score of at least 34. To enter into the extended LLB programme, students must have an AP score of at least 28 points. This lower admission requirement provides greater access into higher education for previously disadvantaged students. The findings in chapter 3 reflects relatively high success rates during the first two years of study (cf. Figure 8 & 9), but from the third to final year, student success deteriorates and result in a poor graduation rate as very few students complete the programme within the minimum period of study. (cf. Figure 5). This indicates that students are entering higher education through widening access and during the first two years when they receive adequate support they do succeed in their studies. However in their third, fourth and final year the success rates are low (Addendum A) and the graduation rate poor, which indicates that when these previously disadvantaged students do not receive adequate support they fail, and this results in the aims of widening access not being achieved. Although the population of students are representative, very few do graduate.

The aforementioned scenario calls for a review of strategies to widen access into South African higher education. Although widened access is being applied and institutions alternate entry requirements in their rulebooks, it is not necessarily true for graduation. Students are admitted, but the graduation rate reflects that very few of these students complete their studies and move into the profession. This has a negative impact on the positive goals of widening access. As stated previously, widening access should not result in

being a revolving door where there is a high intake that results in a high drop-out too. This study subsequently scrutinised some aspects of widened access to determine the impact of widened access on students' success.

4.3 OBJECTIVE 1

To determine if the goals of widening access is achieved by the UFS's extended LLB programme.

Widening access concerns increasing opportunities for people from previously disadvantaged backgrounds to benefit from higher education (cf. 2.6). It is one of the strategies of the post-1994 higher education landscape to address the former segregated system by increasing opportunities for gaining access to higher education. This was done by the provision of alternative routes for admission into further and higher study. One of these strategies is through extended programmes. An extended programme is based on the same curriculum than the mainstream, but students are granted an additional year of study and supplementary learning opportunities and student support.

The findings from the data in Chapter 3 clearly indicate that the extended LLB programme does indeed widen access for students to enter the higher education arena (cf. section 3.5.1 & 3.5.2). The number of previously disadvantaged students significantly increased from 2005 to 2012, it increased from 36.7% to 53.5% of the total enrolments and the largest proportion of enrolments in the extended programme is comprised of African students with 281 students being African (cf Figure 1 & 3).

Figure 4 reflects the percentage of first-time entering enrolments in the extended programme from year to year. In 2005 the percentage of new enrolments was 47.7% and it decreased to 19.5% in 2012. The enrolments in 2005 are high, since it is a new programme, however, there is a steady decrease towards 2012. The percentage of new students in the LLB extended enrolments is 27.9% which is a good indication (cf Figure 4). This means that students do not get 'caught-up' in the system, but do indeed graduate, although the graduation rate overall is still low. There has to be a steady intake of first-time entering students, but in an effective system, there

must be a steady output of graduates at the same time. Unfortunately, this seems to not be the case in the LLB.

Although the enrolments increased in the extended programme it does not necessarily indicate that the extended programme advances the goals of widening access, because a high intake take also have a high drop-out rate. This is an indication that students do not succeed in their studies. One of the goals of widening access is not only for students to enter into higher education, but also to succeed in their studies. Therefore it was necessary to look at the graduation rate of the students.

The graduation rate of the extended programme students is significantly lower than that of the mainstream programme students (cf Figure 5). This indicates that the students are not adequately supported in the extended programme to obtain success. Initially the students perform very well and then start to perform poorly from their third year of study. This shows that the students need more support and that the support should gradually become less towards their final year of study. It is important to determine why the graduation rate is low, since the first-time entering enrolments are high in the extended programme. The total number of graduates in 2012 was 22 students in the extended programme, whereas the number of enrolments in 2008 (the group that graduated in 2012) was 271 (cf Figure 3 & 6).

More female students graduate than male in both programmes (cf. Figure 6). This signifies that the goals of widening access are achieved in the extended programme's graduation profile, since minority groups are also included and given opportunities into higher education.

4.4 OBJECTIVE 2

To compare the success rates of the LLB mainstream programme with the LLB extended programme.

One of the key functions of foundational provision is to support educationally disadvantaged students who are underprepared, by placing them in the extended programme to help them succeed in their studies.

From the data in Chapter 3, it is clear that the success rates of the foundation modules in the extended programme students are high (cf Figure 8 & 9). The foundational modules are modules taken only by the extended programme students. These modules help students bridge the gap that they have, as well as gain generic skills needed to succeed in their LLB studies and in higher education. The Legal Skills module in the first and second semester (RVD 132/134 and 142/144) is the foundation module in which the extended programme students perform best (cf Figure 9). The average success rate of this particular module is 91%.

It is clear that the extended programme students perform well in the exclusive foundational modules, but it was necessary to also look at their performance in the mainstream modules to determine if the additional capacity invested in these students does indeed have an impact on their performance.

The data in Chapter 3 indicates that in some of the mainstream modules the extended programme students perform better than the mainstream students (cf Figure 11). One of these modules is: Law of Persons (PSN 114). In 2009 the mainstream LLB students had a success rate of 80.8%, whereas the extended programme students had a success rate of 88.6%. The extended students also performed better in 2010 and 2012 with success rates of 83.5% and 72.1% respectively in comparison to the mainstream programme students' success rates of 77.7% and 64% respectively. Legal Practice (RPK 122) is another module in which the extended programme students perform better. In 2005 the extended students had a success rate of 66.7% in comparison to mainstream students' success rate of 65.2%. In 2007 the extended students' success rate was 78.3% with the mainstream students having a success rate of 73.1%. In 2008 and 2012 they also performed better with the extended students' success rates being 89.4% and 86.2% respectively in comparison to the success rates of the mainstream students being 87.9% and 84.5% respectively. In Criminal Law (SFR 124) they also

perform better in 2005, 2009 and 2012. The average success rate for the mainstream students over these three years is 78.4% and the extended students' average success rate over these three years is 88.9%. As indicated these are first-year mainstream modules in their second year of study when they still have foundational support in the form of additional modules.

When the success rates of the second-year modules (that the extended programme students take in their third year of study) are compared to the first-year mainstream modules, it is clear that there is a much bigger difference in terms of success between the mainstream and extended programme students from the second-year modules and onwards. An explanation for this could definitely be that there is not 'foundational' support for these students from their third year (for second-year modules) onwards. The only support these students receive are tutorials in selected modules. The tutorials are also available for mainstream students.

This finding is very important since it indicates where the extended programme students start to struggle. They struggle when the support they receive falls away and they are left on their own and treated in the same manner as the mainstream students. This is an indication that the structure of the extended LLB programme should be revised, not only at university level but on national level as well. Provision should be made for support for these students through-out their study years.

Although the success rates are high in the first two years of study, it is not an indication that these students succeed in their studies, since the graduation rate is very low (cf Figure 5). It is therefore important to look at the impact of the additional capacity invested in these students.

4.5 OBJECTIVE 3

To determine if the additional capacity invested in students have an impact on their performance

The aim of the foundation modules is to help these students with a lower AP-score to also succeed in their studies. It provides the students with additional support to succeed in the LLB degree, but also provides them with generic skills to succeed in higher education in general. As stated in Chapter 2 (cf. Section 2.4), higher education performance patterns show that the majority of students who are at risk because of disadvantaged educational backgrounds are admitted to mainstream programmes (DHET 2012:1). Therefore, one of the key functions of the foundation provision is to support those educationally disadvantaged students who are underprepared, despite meeting the minimum statutory admission criteria, by placing them in the extended programme to help them succeed in their studies.

The success rate of the foundational module RVD is exceptionally high with an average of 91% in the first semester and 82.7% in the second semester (cf Figure 9).

The extended programme students are encouraged to attend tutorials that are presented in most of their modules, both foundational and mainstream. These students also attended the Reading Lab which enabled them to improve their reading speed, comprehension and overall reading skills.

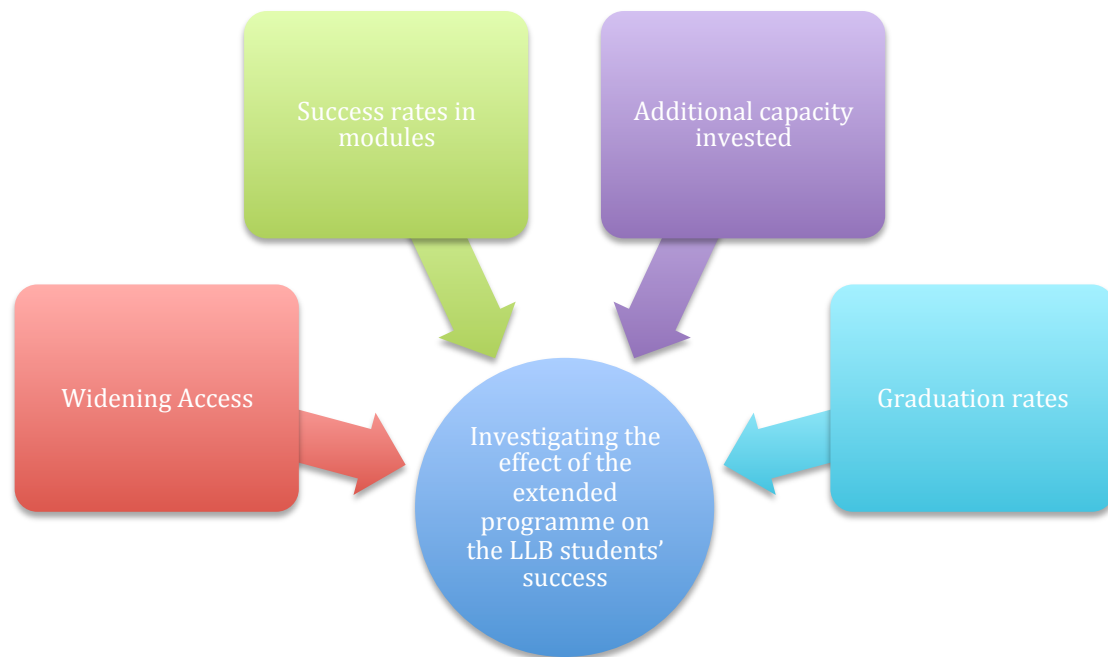
The whole foundational component of the extended programme is focused on improving the students' skills and knowledge that will help them succeed in their LLB studies. The mathematical and language modules both adapted their content to make it more law specific and students indicated that it helped them to perform better (cf Figure 8).

Overall the success rates in the foundational modules are high (cf Figure 8 & 9) and the high success rate is an indication that the students do benefit from the additional foundational modules. Although additional capacity invested is not the only factor influencing success rate, it is a strong contributor.

Since it is clear from the findings that the students do benefit from the additional capacity invested during the first two years of study, it is important to revisit the programme design at both university level and nationally. Suggestions for such improvements will be addressed in 4.7. This will improve

the amount of support these students receive after their second year of study to ensure that they will graduate at the end of the five years.

4.6 SYNTHESIS OF FINDINGS



It is clear from this study that there is a dynamic interaction between widened access, success rates and graduation rate. Widening access is implemented by the UFS's Faculty of Law. Much more students from previously disadvantaged backgrounds are accepted into the extended programme and the enrolments increase each year. It is also evident from the research that the students have a high success rate in their modules over their first two years of study when these students receive additional support. However, the success rates in the second, third and fourth year modules are significantly lower and the difference between the mainstream and extended programme students are significant. The graduation rate is also low which means that very few of the extended programme students graduate. This impacts negatively on the goals of the extended programme.

This interaction along with the findings have a great influence on the structure of an extended programme as well as on the support of these students. Support needs to be provided throughout their five years of study.

4.7 OVERARCHING RECOMMENDATIONS

Findings from the quantitative investigations and literature review indicate that although the extended LLB programme students do not perform better than the mainstream programme students in most of the modules, they do not perform exceptionally worse. One has to also keep in mind that it is not expected from these students to perform better than the mainstream programme students, because they have a lower AP score. The main aim of the foundation programme is to ensure that these students succeed in their studies and graduate. Although various factors influence a student's success rate, additional capacity invested in one of the contributing factors.

The following are recommendations to enhance the extended programme and ensure that students succeed in their LLB studies.

- It is suggested that the UFS's extended LLB programme should move to model 4 (cf Section 2.5), which is similar to the current programme, but contains a combination of augmented and regular courses. As stated previously, the UFS makes use of model 3 which is the regular first-year curriculum taken over two years with a combination of foundational and regular courses. This model is clearly reflected in the composition of the extended LLB programme that is stated above. The UFS Law faculty must be changed to an augmented model, but that has its own unique challenges for faculty and staff such as the amount of extra work and classes. An augmented course covers all the material of a regular course and has the same duration, but is taught separately and integrates substantial foundational material through additional formally timetabled contact time (DHET 2012:9). An example of such an augmented course in Legal practice is a course that covers the same content as the regular Legal practice module, but uses twice

as much contact time per week in order to incorporate substantial foundation work. A result of such an augmented course would thus be that it involves twice as much staff time and notional learning hours as the corresponding regular course (DHET 2012:9). It is suggested that the augmented courses are not limited to only the first-year modules but also be incorporated into all the remaining study years. This change will enable the extended programme law students to cope better with regular content and also provide substantial foundational scaffolding as well as more time on task to succeed, since law is a programme that is founded on well-defined disciplinary building blocks.

- It is suggested that during their first two years of study they do not have any lectures with the mainstream programme students. They should be separate for at least the first two years and they should also have more contact time with the lecturer. This is the essence of the augmented model (cf. Section 2.5). Currently these students are in the same lectures as the mainstream programme. However, it is suggested that they should rather be taken out of the same lecture and placed in a separate lecture as well as additional contact time with the lecturer. For example, instead of only two lectures per week, like the mainstream students, these students should have three lectures per week.
- The above-mentioned recommendation is currently being implemented during the first semester of 2014. One module was chosen, namely, Foundations of the South African Law (RGK 114). The mainstream and extended programme students will be separated and extended programme students will have lectures separate from the mainstream students. This will include additional lectures. Instead of two lectures per week, they will have three. This will give the lecturer time to go through the work more thoroughly and more slowly to enable these students to grasp the difficult content better. This will have an effect on notional learning hours as well as the number of credits of these modules. This will have to feature in any future curriculum design.
- It is also suggested that they receive additional support from their third till fifth year of study, since they only receive support during the first two

years, when they only have first-year modules. After their first two years they are completely on their own as they slot in with the mainstream programme students. Additional support could include more compulsory tutorials and extra lectures in the more complex higher NQF level modules.

- Additional reading and writing sessions to enhance these students' legal and general skills is also advisable. Considering the latter recommendation, the extended programme students should also attend the UFS's *Write Site*, from the first semester in 2014. The *Write Site* is a centre that assists students in the writing process. This recommendation is already implemented. The students in the Legal Skills module will attend the *Write Site* twice a week. At the *Write Site* they would have to complete various assignments, for example, an argumentative essay, formal letter, etc., which all directly link to the content of the foundational module, Legal Skills.

4.8 CONCLUDING REMARKS

One of the concerns of widening access is that students with low AP scores enter higher education, but then find it difficult to manage all the modules (courses) and fail to complete the programme. The latter causes a high failure and drop-out rate. It is therefore important to note that if students with a low AP score are admitted to rectify past wrongs, those students should receive adequate support throughout their studies to ensure that they succeed. It is important to look at the success rates of the mainstream LLB programme in comparison to the extended LLB programme. This will give an indication of where the students start to struggle and fail, since the graduation rate of the extended programme is so poor.

The findings in this research makes it clear that more previously disadvantaged students are admitted to the extended LLB programme even though they have lower AP scores. The success rates are high in the first two years of study, but from their third year the success rates drop and the difference between the two groups become more significant. The graduation

rate is also poor and this indicates that the students fail to obtain their degrees. This impacts negatively on the goals of the UFS's extended programme. The support for these students is adequate during their first two years of study, however more support is needed in all their study years and structural as well as support changes need to be made in order to achieve the goals. Changes are required at both national and tertiary level to ensure the success of these students and to ensure that the goals of both the extended programme and widening access are achieved.

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