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SOUTH AFRICAN QUALIFICATIONS AUTHORITY (SAQA)

In accordance with regulation 24(c) of the National Standards Bodies Regulations of 28 March 1998, the Standards Generating Body (SGB) for

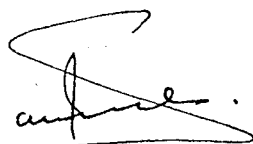
Legal Education and Training

Registered by NSB 08, Law, Military Science and Security, publishes the following qualifications and unit standards for public comment.

This notice contains the titles, fields, sub-fields, NQF levels, credits, and purpose of the qualification and unit standards upon which qualifications are based. The full qualification and unit standards can be accessed via the SAQA web-site at www.saqa.org.za. Copies may also be obtained from the Directorate of Standards Setting and Development at the SAQA offices, 659 Pienaar street, Brooklyn, Pretoria.

Comment on the unit standards should reach SAQA at the address ***below and no later than 21 October 2002***. All correspondence should be marked **Standards Setting – SGB Legal Education and Training** and addressed to

The Director: Standards Setting and Development
SAQA
Attention: Mr. D Mphuthing
Postnet Suite 248
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PP SAMUEL B.A. ISAACS
EXECUTIVE OFFICER

Title:	Bachelor of Laws, NQF Level 7 (NLRD ID: 22993)
Field:	Law, Military Science and Security
Sub-field:	Justice in Society
Credits	480

RATIONALE

There is a crucial need in South Africa for capacity building in the sub-field of Justice in Society to promote the principles contained in the Bill of Rights in the Constitution with a view to addressing past and current injustices and to ensure the sustained development of a just and democratic society based on the rule of law. The generation of a generic LLB qualification will provide an opportunity to promote the establishment of curricula with an innovative approach to legal education in order to achieve the aims of not only inculcating knowledge in a learner, but also imparting skill and values essential for lawyers living in a democratic society.

THE PURPOSE OF THE QUALIFICATION

The purpose of this generic LLB qualification is to assist employers, professional associations, curriculum developers and learning-programme providers, education and training bodies, accrediting bodies and moderators, and students and their families, to understand factors determining the level and nature of the LLB qualification.

The term 'generic' is not synonymous with 'general'. The term generic means that the essential minimum-required outcomes and their assessment criteria have been identified in an abstract way, and are not linked to a preconceived curriculum (content). The qualification, therefore, sets a minimum standard of outcomes with which all LLB qualifications of at least 480 credits¹ within the 'career-focused track' of the NQF would have to comply for accreditation.

This qualification does not seek to make all LLB degrees identical but rather to provide a framework within which providers can be innovative and stakeholder-driven in a liberated way.

¹480 credits are made up of 120 credits per year for four years, Each credit amounts to 10 notional hours of work which includes contact time, preparation time, assignments, tests, mentoring, and on the job training where applicable.

Further aims of the qualifications are:

To produce law graduates who have a systematic and coherent body of knowledge and an understanding of relevant concepts and principles; a high level of cognitive and other generic skills including problem-solving and the practical application of principles; written and spoken communication and computer literacy; and competence in applying knowledge through basic research methods and practice.

To equip the law graduate for employment:

- in legal practice, either in the public or private sector;
- as legal advisors in the commercial or public sector or in non-governmental organisations; or
- in an academic career.

To provide law graduates with sufficient depth of knowledge and skills for continued and lifelong personal intellectual growth, including postgraduate study.

To provide suitably qualified law graduates having initiative, responsibility, and the requisite ethical standards to participate in promoting the administration of justice and the development of legal institutions in South African society.

To provide the South African community with lawyers who are empowered to accept their responsibility towards the realisation of a just society based on a constitutional democracy and the rule of law within an international legal order.

ACCESS TO THE QUALIFICATION

Access to the qualification must be strongly guided by the learning assumptions in place, and can be based on a minimum of a formal qualification equivalent to a Senior Certificate, usually with endorsement, or a Further Education and Training Certificate at NQF Level 4 (see NOTE). Other qualifications, which may be developed in the future, may be suitable for recognition for access to this qualification e.g. Bridging or Foundation Certificates. The level of achievement in a language of instruction in HET is essential (see NOTE). Recognition of prior learning (formal, informal or non-formal) must be included in the consideration of access to the qualification

The normal minimum duration of a programme leading to the LLB qualification is four years. However, accredited providers may stipulate that learners holding any bachelor's degree qualification can undertake an appropriate programme meeting the exit-level outcomes and assessment criteria of the LLB qualification, in order to acquire the LLB qualification with only three years of learning after access. Learners holding a bachelor's degree qualification with sufficient credits in the discipline of law may be permitted to complete a programme for the LLB qualification with only two years of learning after access.

Learners who have successfully completed the National Diploma or National Certificate in Paralegal Practice at an accredited higher education service provider can access the qualification and will be given appropriate recognition for the applicable prior learning thus obtained.

NOTE:**MINIMUM FORMAL QUALIFICATIONS REQUIRED MAY BE CURRENTLY DEMONSTRATED BY:**

1. A SENIOR CERTIFICATE WITH MATRICULATION ENDORSEMENT WITH MINIMUM LEVEL OF **ACHIEVEMENT EQUIVALENT TO AT LEAST 50% AT STANDARD GRADE IN AT LEAST ONE LANGUAGE;**
2. **SUCCESSFUL COMPLETION OF A RECOGNISED ACCESS, BRIDGING OR FOUNDATION COURSE AT AN ACCREDITED HIGHER EDUCATION PROVIDER AT AN ACHIEVEMENT LEVEL EQUIVALENT TO 1 ABOVE;**
3. **SUCCESSFUL COMPLETION OF A FURTHER EDUCATION AND TRAINING CERTIFICATE WITH AT LEAST ONE LANGUAGE AT NQF LEVEL 4 AT A LEVEL OF ACHIEVEMENT EQUIVALENT TO 1 ABOVE**

LEARNING ASSUMED TO BE IN PLACE

Learners who register for this qualification must:

- possess or have sufficient potential to develop good communication skills, both orally and in writing;
- be able to learn from predominantly written material and have basic information-gathering, analysis and presentation skills;
- be able to communicate what they have learned coherently, accurately, and comprehensively in the required medium of instruction;
- be able to take responsibility for their own learning and its progress within a well-structured and managed learning environment;
- have some ability to evaluate their own performance against given criteria.

LEVEL, CREDITS AND LEARNING COMPONENTS ASSIGNED TO QUALIFICATION

There will be a minimum of 480 credits awarded for the qualification from an entry level at Level 5 (immediately post-Level 4). There should be a minimum of 120 credits at the exit level, that is, at Level 7 on the NQF

It is expected that programmes of learning for the LLB Qualification will also give due consideration to the learner's breadth of knowledge and an appreciation of how the discipline of the law interacts with other academic disciplines and the general needs of society.

The curriculum of the programme of any accredited provider leading to the LLB qualification must comply with the exit-level outcomes and assessment criteria of this qualification. These providers are best placed to decide on the final number of credits to be allocated to *fundamental learning*, *core learning* and *elective learning*, based on the broad allocation indicated under Core, Fundamental and Electives in the included

matrix and the best combination of these three components of learning in the light of the purpose, exit-level outcomes and degree of specialisation of their specific learning programmes². In writing this qualification the breaking down of the qualification into the three learning components and tying these to specified credit ratings has therefore been avoided, as this would amount to over-specifying curriculum design for what is a generic qualification. However, as well as the need to ensure that learners have a breadth of knowledge (see above), students must satisfy minimum standards in legal reasoning, communication skills in the context of the discipline of law and associated skills. These competencies are fundamental to achieving the purpose of this qualification.

EXIT-LEVEL OUTCOMES

Note:

An LLB graduate is a well-rounded, educated person who is prepared for further study or the professional work environment. Key attributes of an LLB graduate can be defined in terms of both specific outcomes and critical cross-field outcomes. Both these types of outcomes describe the meaning of the achievement of becoming a law graduate and include discipline knowledge, skills and values, and general personal developmental outcomes that should be integrated into the LLB qualification. In this qualification the critical cross-field outcomes and the specific outcomes are integrated and designated as exit-level outcomes. However, some specific outcomes are mentioned so as to distinguish the qualification from other generic qualifications. These exit-level outcomes are contextualised in terms of this qualification by their associated assessment criteria. Providers of programmes leading to this qualification should ensure that all critical cross-field outcomes are appropriately embedded in the modules which constitute those programmes.

These exit level outcomes will be measured by the performance of tasks such as written and oral assignments, tutorials, projects, case studies, moot courts, examinations, role plays, mock trials, client counselling exercises, observation of work in live client clinics, assessment of written work done in live client clinics, all with an emphasis on problem solving.

² There is no specific ratio stipulated for the number of credits to be allocated to each category (fundamental, core and elective) for NQF post level 5 qualifications, however, it is recommended that there is a balance between them. Since the LLB falls within this category, this rule applies.

EXIT LEVEL OUTCOMES

Exit level outcomes 1

The learner will have acquired a coherent understanding of, and ability to analyse fundamental legal concepts, principles, theories and their relationship to values critically

Supporting specific outcomes

- 1.1 The learner has acquired knowledge and understanding of the law.
- 1.2 The learner has acquired the ability to analyse and comment upon the law critically.
- 1.3 The learner has acquired knowledge and understanding of, and ability to critically analyse and comment upon current and controversial legal issues.
- 1.4 The learner has developed an understanding of how legal principles operate in practice.
- 1.4 The learner has developed the ability to explain, critically analyse and comment upon the relationship between law and society.

ASSOCIATED ASSESSMENT CRITERIA

- The learner can demonstrate an integrated understanding of legal principles, concepts, theories and values also in relation to societal issues.

Exit level outcomes 2

The learner will have acquired an understanding and application of the relevant methods, techniques and strategies involved in legal research and problem solving in theoretical and applied situations.

Supporting specific outcomes

- 2.1 The learner can conduct research using different methods, such as comparative, historical and empirical, research in a social context.
- 2.2 The learner can use research using appropriate techniques such as review written and oral literature, electronic information search and retrieval and statute and case analysis.
- 2.3 The learner can act responsibly and ethically as researcher and a scholar.
- 2.4 The learner can understand, interpret and apply relevant conventions and guidelines applicable to research and scholarship.

Associated Assessment Criteria

The learner can demonstrate an understanding and application of legal research responsibility and ethically using different research methods and techniques.

Exit level outcomes 3

The learner is able to collect, organise, analyse and critically evaluate information and evidence from a legal perspective.

Supporting specific outcomes

- 3.1 The learner can use library, internet facilities and other resources effectively to locate relevant material.
- 3.2 The learner can analyse and critically evaluate all relevant material and to sort and select relevant material applicable to the particular legal issues.
- 3.3 The learner can act responsibly and ethically, with due regard for applicable conventions.

Associated assessment criteria

The learner can demonstrate the ability to research, analyse and evaluate information from a legal perspective.

Exit level outcomes 4

The learner will have acquired the ability to communicate effectively in a legal environment by means of written, oral, persuasive methods and sustained discourse.

Supporting specific outcomes

- 4.1 The learner is able to analyse, communicate, understand, argue different points of view coherently and persuasively, evaluate and substantiate legal argument by using relevant authorities.
- 4.2 The learner is able to take and record instructions and counsel client.
- 4.3 The learner is able to draft relevant legal documents.

Associated assessment criteria

The learner can demonstrate that he/she can effectively communicate by written and oral means as required in the legal environment.

Exit level outcomes 5

The learner can solve complex and diverse legal problems creatively, critically, ethically and innovatively.

Supporting specific outcomes.

The learner is able to:

- 5.1 Find the relevant sources and authorities to solve legal problems.
- 5.2 Select the most authoritative legal sources to solve problems.
- 5.3 Consider and critically evaluate different solutions to a problem having regard to practical considerations, legal policy, systems and problems do not exist in isolation.

Associated assessment criteria

The learner demonstrates professional responsibility, creativity and innovation when providing appropriate legal advice.

Exit level outcomes 6

The learner is able to work effectively with colleagues and other role players in the legal process as a team or group and contribute significantly to the group output.

Supporting specific outcomes

- 6.1 The learner will be able to use effective communication skills within the group.
- 6.2 The learner will have respect and tolerance for the legal opinion of others.
- 6.3 The learner will be able to communicate the deliberations of group work effectively.
- 6.4 The learner will be able to work effectively with members of other professions or disciplines.

Associated assessment criteria

The learner provides evidence of successful interaction with colleagues, other role players in the legal process, members of other professions and disciplines, and demonstrates the ability to report effectively on group work without bias.

Exit level outcomes 7

The learner will have acquired computer literacy to effectively communicate, retrieve and process relevant data in a legal environment.

Supporting specific outcomes

- 7.1 Communicate by using electronic mail.
- 7.2 Search and retrieve information over the Internet using search engines and electronic facilities.
- 7.3 Use word-processing software
- 7.4 The learner will be able to:
 - 7.4.1 Manage and organise advanced electronic systems

- 7.4.2 Use advanced word-processing features as well as spreadsheet programmes.

Associated assessment criteria

The learner can demonstrate the computer skills required in a legal environment.

Exit level outcomes 8

The learner is able to manage and organise her or his life and professional activities in the legal field responsibly and effectively.

Supporting specific outcomes

- 8.1 The learner is able to assess their own strengths and weaknesses and develop coping strategies.
- 8.2 The learner is able to use creatively various learning strategies which suit their personal situations and contexts.
- 8.3 The learner is able to cope with a variety of different areas of law and to effectively integrate these areas.
- 8.4 The learner has acquired ethical standards and values to guide and assist him or her to organize their life and professional conduct.

Associated assessment criteria

The learner demonstrates the different learning strategies and is able to integrate these strategies and organize his or her own life.

Exit level outcomes 9

The learner can participate as a responsible citizen in the promotion of a just society and a democratic and constitutional state under the rule of law.

Supporting specific outcomes

- 9.1 The learner has understood that the law has to balance the competing interests of the state, individuals and groups in society.
- 9.2 The learner is able to promote the constitutional principles and values.
- 9.3 The learner is able to promote tolerance of diversity within their community and South Africa.
- 9.4 The learner is able to respect different opinions.
- 9.5 The learner is able to explain the functions of all the role players in the legal processes in a constitutional state.
- 9.5 The learner is able to accept his/her responsibility to take part in legal development at a local, provincial, national, regional and international sphere.

Associated assessment criteria

- The learner can demonstrate the ability to promote a just society in which diversity and different opinions are tolerated and to participate in the development of the law in all spheres.
- The learner can demonstrate an understanding of how the law balances competing interests in society and the functions of all the role players in the legal processes in a constitutional.

Exit level outcomes 10

The learner has acquired legal skills and knowledge which enable him or her to solve problems responsibly and creatively in a given legal and social context.

• Supporting specific outcomes

- 10.1 The learner has the ability to identify the legal principles and their underlying values applicable to a given situation.
- 10.2 The learner has the ability to relate everyday situations to the law.
- 10.3 The learner is able to identify legal problems in real-life or simulated factual situations.
- 10.4 The learner is able to present different perspectives on the same legal problem.
- 10.5 The learner is able to use his or her knowledge base to evaluate critically different options in solving a practical legal problem.
- 10.6 The learner is able to appreciate problems at a community, national, regional and international spheres and is able to suggest a responsible course of action in order to solve the problems.

Associated assessment criteria

The learner demonstrates the ability to:

- Identify legal problems in the South African context;
- Apply their understanding of relevant South African legal principles and their underlying values to resolve these problems;
- Compare and critically evaluate solutions in other legal systems, as well as international trends, in order to resolve the identified problems.

Exit level outcomes 11

The learner is able to understand the different employment and income generating opportunities in the legal field, including outside the legal profession.

Supporting specific outcomes

11.1 The learner is able to understand the relationship between the knowledge, skills and attitudes acquired in studying towards the LLB degree and educational, career and entrepreneurial opportunities.

11.2 The learner will have a realistic view of his or her own worth and value to contribute to society, and project that value, confidently, to others.

Associated assessment criteria

- The learner demonstrates that he/she can describe the different educational, career and entrepreneurial opportunities in the legal field, including outside the legal profession.
- The learner is able to formulate personal development plans that demonstrate that he or she understands the relationship between the knowledge, skills and attitudes acquired in studying towards the LLB degree and educational, career and entrepreneurial opportunities.
- The learner demonstrates that he or she has a realistic view of their own ability to contribute to society.

INTERNATIONAL COMPARABILITY

The Level Descriptors for NQF Level 7, which have been agreed by SAQA as internationally benchmarked criteria, were used for the initial phase of the design of this qualification standard. These Level Descriptors have been based upon published work of the National Quality Assurance bodies in England, Scotland, Northern Ireland, New Zealand and Australia. The Draft Level Descriptors in the NAP Document for NQF Level 8 PG1 have also been consulted.

Attempts to date to locate comparable qualification standards for the LLB approved by foreign National Quality Assurance Bodies have been unsuccessful. Nevertheless, in drafting this standard, access requirements, duration and level of studies and credits required for the LLB qualification at reputable Australian, New Zealand and Scottish universities have been taken into account.

There is extensive international experience in the South African university sector through, *inter alia*, many universities having specific formal agreements with reputable foreign universities which promote active staff and student exchange programmes in the field of legal studies. Student exchange includes credit accumulation and transfer where international students at South African universities are given credit by their 'home' university for the courses taken at South African universities. Furthermore, many of the academic staff in Law Faculties in South African universities have taught and worked in foreign universities. This collective experience of universities and individual South African academic lawyers has been used to produce this LLB Qualification Standard.

INTEGRATED ASSESSMENT

Learning and assessment should be integrated. Ongoing formative assessment is required so that learners are given feedback on their progress in the achievement of

specific learning outcomes. Summative assessment is concerned with the judgement of the learning in relation to the exit-level outcomes of the qualification. Such judgement must include 'integrated assessment(s)' which test the learners' ability to integrate the larger body of knowledge, skills and attitudes, which are represented by the exit-level outcomes as a whole. Integrated assessments must be designed to achieve the following:

- an integration of the achievement of exit-level outcomes in a way which demonstrates a 'deep' approach to learning and shows that the purpose of the qualification as a whole has been achieved;
- judgement of learner performance which can provide evidence of applied competence or capability;
- an emphasis on criterion-referenced assessment which is more transparent to the learners and which is capable of being applied to the recognition of prior learning.

NOTE: THE INTEGRATION OF KNOWLEDGE, SKILLS AND ATTITUDES HAPPENS MOST NATURALLY IN SUPERVISED SIMULATED REAL-WORLD LIVE CLIENT CONTEXTS AND IN PROBLEM-BASED RESEARCH SITUATIONS. THESE, AMONGST OTHERS, WOULD PROVIDE, UNDER CAREFUL SUPERVISION, SUITABLE VEHICLES FOR INTEGRATED ASSESSMENTS IN THE LLB QUALIFICATION.

ARTICULATION POSSIBILITIES

Articulation by learners who have commenced a programme for the LLB at one provider to the programme of another provider prior to obtaining the LLB qualification and recognition of credits already obtained will depend on the requirements for access and recognition of credits of the latter provider³.

Learners with the LLB qualification will be able to articulate vertically to programmes for the LLM qualification and appropriate postgraduate diplomas.

Entry into the legal profession in the private or public sector is subject to further entry requirements regarding practical legal training, which are set by the branch of the profession concerned.

RECOGNITION OF PRIOR LEARNING (RPL)

Formal prior learning

Prior accredited learning of a learner at the FET or HET level in relevant domains which constitute credit-bearing units or modules should be recognised if evidence can be produced that shows that the learner has achieved, at a satisfactory level, the outcomes and associated assessment criteria specified for the Bachelor of Laws and, if appropriate, allow the recognition of prior learning for the achievement of the qualification in part or in full.

³ As the generic LLB is a level 7 qualification, it does not matter whether a student achieves a particular exit level outcome in year one, two, three or four of the LLB. It also does not matter in which year a student studied a particular course. In all cases a student should be given relevant credit and exemption for courses equivalent already completed at other institutions.

Non-formal and informal prior experiential learning

An applicant who falls outside of the formal qualifications system but who can demonstrate (through the production of substantial and satisfactory evidence) experiential or work-based learning or a non-formal qualification (or a combination) which has taken the learner to a level equivalent to a qualification specified in Section 5 Note 1 above, may be considered for admission and/or for the recognition of prior learning for the achievement of the qualification in part or in full. An applicant who, after such assessment, is deemed to have sufficient potential but is in need of further academic development, must be directed to other suitable learning programmes prior to admission or to parallel programmes after admission.

NOTE: THE NATURE OF RPL IS BOTH A LEARNING-PROGRAMME ISSUE AND ONE WHICH MUST BE APPLIED TO POTENTIAL LEARNERS AS INDIVIDUALS. THIS QUALIFICATION STANDARD PROMOTES THE FLEXIBLE USE OF RPL WHERE IT REFLECTS THE PRINCIPLES OF THE NQF AND IS TO THE BENEFIT OF THE LEARNER.

MODERATION

The ETQA system for HET (the HEQC) is not fully developed but moderation procedures for learner achievement must be fully compatible with such national systems as they evolve. Moderation of learners' achievements and the overall award of the qualification at the exit level must be based on the well established procedures of using accredited/registered external examiners (external to the provider). The external examiners should be recognised experts in their field with qualifications in the relevant discipline at least at Master of Laws level or equivalent⁴.

1. Notes

Computer Literacy and practical training will be offered within three models:

- Institutions may have the capacity and facilities to provide the full training service as an "in house" / residential service
- Cooperative agreements may be reached with other institutions, should the required capacity and facilities not be available "in house". In such instances, the required training may be offered as a joint venture between the relevant institutions.
- Learners may receive the requisite training at the work place, at practicing attorneys or Legal Aid centres. In such instances, the onus will be on the learner to provide acceptable proof of learning and competence.

⁴ This aspect might change depending on the outcome of the provisions in the proposed Legal Practice Bill concerning the Legal Practice Council.