

**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

Justice in Society

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.saqqa.org.za. Copies may also be obtained from the Directorate of Standards Setting and Development at the SAQA offices, Hatfield Forum West, 1067 Arcadia Street, Hatfield, Pretoria.

Comment on the unit standards should reach SAQA at the address *below and no later than 13 March 2004*. All correspondence should be marked **Standards Setting – Justice in Society** and addressed to

The Director: Standards Setting and Development
SAQA

Attention: Mr. D Mphuthing

Postnet Suite 248

Private Bag X06

Waterkloof

0145

or faxed to 012 – 431-5144

e-mail: dmphuthing@saqa.co.za

JOE SAMUELS

DIRECTOR: STANDARDS SETTING AND DEVELOPMENT

SOUTH AFRICAN QUALIFICATIONS AUTHORITY



Established in terms of Act 58 of 1995

TITLE: National certificate in Attorneys Practice
FIELD: NSB 08 - Law, Military Science and Security
SUB FIELD: Justice in Society
LEVEL: NQF 7
CREDIT: 135
ISSUE DATE:
REVIEW DATE:

1. THE PURPOSE OF THE QUALIFICATION

The purpose of the qualification is to provide learners with practical legal knowledge, specific skills and applied competence to be admitted as attorneys by the High Court of South Africa.

This qualification will provide South Africa with a significant number of admitted attorneys who are responsible members of the legal society, officers of the court and practitioners who serve their clients with integrity and contribute to the economic activity of the country. These practitioners are trained to perform work of a specialised nature and are bound by rules of professional conduct.

It will also provide the South African and the global community with lawyers who are empowered to accept their ethical responsibility toward the realization of a just society based on constitutional democracy within a world legal order. The qualifying learner will have the ability to work as a team member or individually, thereby employing other people and reducing unemployment.

The unit standard based nature of the qualification will facilitate the accumulation of credits through institutionalised and workplace learning as provided for in learnership structures. Also, any credits achieved through assessed competence in these unit standards may be applied towards other qualifications, should such unit standards be required to this end.

2. RATIONALE FOR THE QUALIFICATION

This qualification is intended primarily to allow persons having complied with the requirements for an acknowledged law degree to gain professional licensing, thus allowing them to practice as attorneys.

This national qualification will consequently enable people from all backgrounds to be empowered as attorneys within the legal profession, who will be able to deliver legal services of quality and provide employment possibilities within the broader community.

This qualification will also, through the licensing process, allow communities to be protected against misconduct and unethical behaviour.

The national qualification will also address the need for setting standards articulated in the Legal Practice Bill.

This qualification will provide access to career-paths for those qualifying learners intending to serve in any professional capacity within the legal profession.

3. ACCESS TO THE QUALIFICATION

A B Proc or LLB degree or any other qualification recognised as an equivalent of such a law degree. This qualification may also be available to learners who have formal recognised prior learning and are from designated countries listed in the Attorneys Act.

4. LEARNING ASSUMED TO BE IN PLACE

The learner who embarks on study towards this qualification is assumed to:

- have acquired a coherent understanding of and ability to analyse fundamental legal concepts, principles, theories and their relationship to values, critically
- 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.
- be able to collect, organise, analyse and critically evaluate information and evidence from a legal perspective.
- have acquired the ability to communicate effectively in a legal environment by means of written, oral, persuasive methods and sustained discourse.
- be able to solve complex and diverse legal problems creatively, critically, ethically and innovatively.
- be 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.

- have acquired basic computer literacy to effectively communicate, retrieve and process relevant data in a legal environment.
- be able to manage and organise her or his life and professional activities in the legal field responsibly and effectively.
- be able to participate as a responsible citizen in the promotion of a just society and a democratic and constitutional state under the rule of law.
- have acquired legal skills and knowledge, which enable him or her to solve problems responsibly and creatively in a given legal and social context.
- be able to understand the different employment and income generating opportunities in the legal field, including outside the legal profession.

5. EXIT LEVEL OUTCOMES AND ASSOCIATED ASSESSMENT CRITERIA

Conduct research and use findings to solve legal problems.

- Evidence is sourced, analysed and the best possible solution to legal problems are determined

Manage an attorney's office.

- The attorney's office is administered in accordance to ethical standards and the books of account meet the requirements of the Attorneys' Act.

Litigate on behalf of clients.

- Clients are represented professionally and in accordance with ethical standards

Interpret and apply relevant laws.

- Legal remedies applied demonstrate an understanding of the law

Advise clients on legal rights.

- Legal rights and remedies in terms of relevant legislation are explained to clients.

6. CREDITS ARE ASSIGNED AS FOLLOWS:

All fundamental and core unit standards as listed MUST be achieved, whereas a total of 8 elective credits are required

Fundamental Unit standards	=	40 credits
Core Unit standards	=	--87 credits
Elective Unit standards	=	8 credits
Total	=	135 credits

Total credits to be earned through:

%

Workplace assessment

= 90

67%

7. INTEGRATED ASSESSMENT

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, which test the learners' ability to integrate a large body of knowledge, skills and attitudes. 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 THIS QUALIFICATION.

8. CRITICAL CROSS-FIELD OUTCOMES

This qualification addresses the following critical cross-field outcomes. The way in which the critical cross-field outcomes are addressed is presented in detail in the unit standards.

- identifying and solving problems in which responses display that responsible decisions using critical and creative thinking have been made
- working effectively with others as a member of a team, group, organisation, or community
- organizing and managing oneself and one's activities responsibly and effectively
- collecting, analysing, organizing and critically evaluating information
- communicating effectively using visual, mathematical and/or language skills in the modes of oral and/or written persuasion
- using science and technology effectively and critically, showing responsibility towards the environment and health of others

- demonstrating an understanding of the world as a set of related systems by recognizing that problem-solving contexts do not exist in isolation.

Learning programmes directed towards this qualification will also contribute to the full personal development of each learner and the social and economic development of the society at large, by making individuals aware of the importance of:

- reflecting on and exploring a variety of strategies to learn more effectively
- participating as responsible citizens in the life of local, national and global communities
- being culturally and aesthetically sensitive across a range of social contexts
- exploring education and career opportunities; and developing entrepreneurial opportunities.

9. RECOGNITION OF PRIOR LEARNING

This qualification may be obtained through the recognition of relevant prior learning and/or experience. For the purpose of recognising prior learning, providers are required to develop structured means of assessment of individual candidates on a case by case basis. Such procedures and the assessment of individual candidates must be subjected to moderation.

10. INTERNATIONAL COMPARABILITY

The qualification has been developed from the Australian model where there are minor differences between the federal states. World wide comparative studies were done in : 1997 (Sampson) ; 1985 (Van de Walt) ; 1988 (HSRC) and 1996 (Mr Boshoff and Mr Swart LSSA) leading to the move from the English model. Sub divisions of the qualifications are regularly compared with Commonwealth countries, The Commonwealth Lawyers Association, International Bar Association (committee for Legal Education and SADEC Lawyers Association).

The qualification is accepted for admission in most Commonwealth countries subject to additional courses in statute law.

11. CRITERIA FOR THE REGISTRATION OF ASSESSORS:

Assessors must hold an acknowledged equivalent qualification or one level above and must be registered with the relevant ETQA. Appointment of assessors will be in accordance with legislation relating to the qualification.

12. NOTES FOR ASSESSORS:

Assessors should keep the following general principles in mind when designing and conducting assessments:

- Focus the assessment activities on gathering evidence in terms of the main outcomes expressed in the titles of the unit standards to ensure assessment is integrated rather than fragmented. The purpose is to declare the person competent in terms of the title.
- Where assessment at title level is unmanageable, then focus assessment around each specific outcome, or groups of specific outcomes.
- Make sure evidence is gathered across the entire range, wherever it applies. Assessment activities should be as close to the real performance as possible, and where simulations or role-plays are used, there should be supporting evidence to show the candidate is able to perform in the real situation.
- All assessments should be conducted in line with the following well documented principles of assessment: appropriateness, fairness, manageability, integration into work or learning, validity, direct, authentic, sufficient, systematic, open and consistent as defined below: •

Principles of assessment:

- *Appropriateness* .The method of assessment is suited to the performance being assessed.
- *Fairness*: The method of assessment does not present any barriers to achievements, which are not related to the evidence.
- *Manageability*: The methods used make for easily arranged, cost-effective assessments that do not unduly interfere with learning.
- *Integration into work or learning*: Evidence collection is integrated into the work or learning process where this is appropriate and feasible.
- *Validity*: The assessment focuses on the requirements laid down in the Standard; i.e. the assessment is fit for purpose.
- *Direct*: The activities in the assessment mirror the conditions of actual performance as closely as possible

- *Authentic*: The assessor is satisfied that the work being assessed is similar to a real work situation and is attributable to the person being assessed.
- *Sufficient*: The evidence collected establishes that all criteria have been met and that performance to the required Standard can be repeated consistently.
- *Systematic*: Planning and recording is sufficiently rigorous to ensure that assessment is fair.
- *Open*: Learners can contribute to the planning and accumulation of evidence. Assessment candidates understand the assessment process and the criteria that apply.
- *Consistent*: The same assessor would make the same judgement again in similar circumstances. The judgement made is similar to the judgement that would be made by other assessors.

13. MODERATION OPTIONS:

The following moderation options are subject to legislation applying to the qualification from time to time.

- Anyone assessing a learner or moderating the assessment of a learner against this qualification must be registered as an assessor with the relevant ETQA.
- Any institution offering learning that will enable achievement of this qualification must be accredited as a provider through the relevant ETQA.
- The relevant ETQA will oversee assessment and moderation of assessment according to the moderation guidelines in the relevant competency and the agreed procedures of the ETQA.
- Moderation must include both internal and external moderation of assessment at exit points of the qualification, unless ETQA policies specify otherwise. Moderation should encompass achievement of the competence described both in individual unit standards, exit level outcomes as well as the integrated competence described in the qualification.
- Anyone wishing to be assessed against this competency may apply to be assessed by any assessment agency, assessor or provider institution that is accredited by the relevant ETQA.

15. ARTICULATION POSSIBILITIES:

This qualification articulates horizontally with acknowledged law degrees and can provide entrance to postgraduate legal studies and will provide entrance to post

graduate certificates in conveyancing and notarial practice. However, the qualification does not articulate substantially with other qualifications in the academic stream.

FUNDAMENTAL UNIT STANDARDS

The learner must achieve all 40 credits, made up as follows:

U/S ID	Description of Outcome & Title of Unit Standard	NQF Level	Total Credits
	Communication skills: Apply fundamentals of effective communication skills in legal practice. Apply effective communication skills in legal practice.	5 5	6 10
	Research and resolution of problems: Solve real legal problems, through information research.	7	14
	Use technology effectively in the practice of law.	4	5
	Exercise Ethical Responsibility and Professional Conduct in the attorneys profession	7	5
	TOTAL FUNDAMENTAL CREDITS		40

CORE UNIT STANDARDS

The learner must achieve all 87 credits, made up as follows:

U/S ID	Description of Outcome & Title of Unit Standard	NQF Level	Total Credits
	Apply accounting skills in an attorney's books of account.	5	8
	Apply the rules of practice management and administration in an attorney's office.	7	11
	Legal costs: Fundamentals of legal costs.	5	3
	Recover fees and disbursements in the practice of law.	5	4
	Advocacy and Litigation: Apply the practical aspects of trial advocacy.	7	15
	Apply the practical aspects of Insolvency, Matrimonial, Divorce and Personal Injury litigation.	7	12
	Apply the aspects of commercial litigation.	7	12
	Draft a range of legal documents in an attorney's practice.	7	8
	Draft and interpret wills and administer deceased estates.	7	7
	Apply relevant South African law with due consideration to the values of the Constitution.	7	3
	Apply relevant labour law	7	4
	TOTAL CORE CREDITS		87

ELECTIVE UNIT STANDARDS

The learner must achieve at least 8 of the 17 credits below:

U/S ID	Description of Outcome & Title of Unit Standard	NQF Level	Total Credits
	Execute legal administrative and alternative dispute resolution procedures	7	4
	Apply relevant customary law	7	2
	Advise on and implement appropriate forms of business enterprises.	7	8
	Apply the principles contained in the Constitution	7	2
	Apply relevant Gender law	7	1
	TOTAL ELECTIVE CREDITS		17