



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

Sheriffs

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, subfields, **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**, Hatfield Forum West, 1067 Arcadia Street, Hatfield, Pretoria.

Comment on the unit standards should reach SAQA at the address **below and no later than 14 February 2005**. All correspondence should be marked Standards **Setting – Sheriffs** and addressed to

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SOUTH AFRICAN QUALIFICATIONS AUTHORITY

QUALIFICATION:

National Certificate in Law Enforcement: Sheriffing

SAQA QUAL ID	QUALIFICATION TITLE	
49336	National Certificate in Law Enforcement: Sheriffing	
SGB NAME	SGB for Sheriffs	
ABET BAND	PROVIDER NAME	
Undefined		
QUALIFICATION CODE	QUAL TYPE	SUBFIELD
LMS-5-National Certificate	National Certificate	Justice in Society
MINIMUM CREDITS	NQF LEVEL	QUALIFICATION CLASS
123	Level 5	Regular-Unit Stds Based
SAQA DECISION NUMBER	REGISTRATION START DAT	REGISTRATION END DATE

PURPOSE AND RATIONALE OF THE QUALIFICATION

This qualification will contribute to the further development of the learner within the sheriffs' profession by providing recognition, further mobility and transportability. A person acquiring this qualification will be able to use it as an entry into the profession whilst being able to contribute to its professionalisation. The learner will have an understanding of civil law and its enforcement and show responsibility by independently and effectively managing themselves and others. The learner will be able to interact with a range of people within the diverse South African context and enhance professional service delivery.

This qualification both reflects the benchmark for sheriffing in Sub-Saharan countries and for the first time, allows the learner to obtain a nationally recognised qualification in Sheriffing in South Africa. This qualification will also assist in changing the perceptions in respect of the lack of good governance, professionalism and expertise within the sheriffs' environment that will improve the image and relationships between sheriffs and the community.

Qualifying learners will be able to:

- > Establish and manage effective workplace relationships utilising business skills and processes; and communication skills.
- > Contribute to the development of the workplace environment.
- > Function as a law enforcement officer by serving and executing all processes in compliance with relevant law.
- > Supervise workplace information, operations and systems to meet organisational requirements.
- > Manage personal work priorities and professional development.

The qualification will reflect that the person is capable of operating effectively in the specific culture of the sheriffs' environment and able to execute their duties as a sheriff within the framework of the law. The skills, knowledge and understanding demonstrated within this qualification are essential for a beneficial impact on the civil justice system, social and economic transformation and upliftment within the South African society. The qualification aims at developing a competent and professional work force to ensure the effective delivery of relevant and appropriate sheriffs products and services.

Rationale

In the Sheriffs' professional environment sheriffs are exposed on a daily basis to situations that necessitate thorough knowledge of the law and their responsibilities in executing court orders to avoid liability, negligence, infringements of human rights and transgressions of the Sheriffs Act, 1986 [Act 90 of 1986, as amended]. The sector has emphasised the importance and need to promote good governance, professionalism and the need for transformation. Transformation is a constitutional imperative to redress inequity through the provision of access to previously disadvantaged individuals as well as to advance

service delivery in the field. It is with this focus in mind that the design of this qualification includes elements of professionalism, human rights, law, financial accounting etc.

This qualification therefore reflects the workplace-based needs of the sector, justice in society, that are expressed by employers and employees, both for current and future purposes. It provides the learner with accessibility to be employed within the sector, with specific references to the sheriffing environment and provides the flexibility to pursue different careers in the broader law enforcement environment.

This qualification reflects the need of the sheriffing community *for* competencies that will enable the learner to take responsibility for the serving of documents and execution of judgements within the legal framework within which they operate. In addition, it will improve the quality with which sheriffs' duties are exercised and enhance the professional image of the sheriffing community while contributing towards greater confidence in the sheriffs' profession as a core part of the civil justice system.

This qualification provides learners with opportunities for professional development and a career in law enforcement as a sheriff. The qualification will empower the *qualifying* learner to operate as an unbiased official of the court responsible for service and execution. The qualification also provides the learner with advancement opportunities within the broader law enforcement community.

This qualification allows for the further development of learners in the sheriffs' professional environment through vertical mobility to higher-level qualifications and horizontally to qualifications on the same level but in a different discipline. The qualification assists learners in critically evaluating information and exercising appropriate professional judgement. The level of flexibility within the range of electives will also allow the individual to pursue further specialisation within law enforcement.

RECOGNIZE PREVIOUS LEARNING?

Y

LEARNING ASSUMED TO BE IN PLACE

It is assumed that candidates embarking on learning towards this qualification are already competent in the following areas (which can also be achieved through RPL):

- > Computer literacy NQF Level 3.
- > Basic Functional Computer literacy skills for electronic communication including creating and storing data.
- > Oral and written communication skills NQF Level 4.
- > Numerical skills NQF Level 3.

This will facilitate the entry of the majority of our learners who have not had the benefit of a strong mathematical and science foundation.

Recognition of prior learning

This qualification may be achieved in part or completely through the recognition of prior learning, which includes formal, informal and non-formal learning and work experience. The learner should **be** thoroughly briefed on the mechanism to be used and support and **guidance should be provided**. Care should **be** taken that the mechanism used provides the learner with an **opportunity** to demonstrate competence and is not **so** onerous as to prevent learners from taking up the RPL option towards gaining a qualification.

QUALIFICATION RULES

- > Fundamental-Credits 18
- > Core-Credits 85
- > Elective-Credits 20

EXIT LEVEL OUTCOMES

1. Establish and manage effective workplace relationships by utilising business skills and Processes; **and** communication skills.

Associative Unit Standards:

- > **14609** - Participate in management of conflict.
- > **11791** - Use language and Communication strategies for vocational and occupation learning.
- > **15234** - Apply efficient time management to the work of a **department/division/section**.
- > **12153** - Use the writing process to compose texts required in the business environment.
- > **10140** - Apply a range of project management **tools**.
- > **15238** - Devise and apply strategies to establish and maintain relationships.

> **14155** - Create and maintain positive workplace relationships.

2. Contribute to the development of the workplace environment in line with Constitutional imperatives.

Associative Unit Standards:

> **15093** - Demonstrate insight into democracy as a form of governance and its implications for a diverse society.

> **15233** - Harness diversity and build on strengths of a diverse working environment.

3. Function as a law enforcement officer by serving and executing all processes in compliance with relevant law.

Associative Unit Standards:

> **117983** - Serve process, notice or document by the Sheriff of the Court.

> **117984** - Execute court judgements in line with relevant law.

> **15225** - Identify and interpret related legislation and its impact on the team, department or division and ensure compliance.

> **11979** - Identify and apply relevant law in general relating to policing.

4. Supervise workplace information, operations and systems to meet organisational requirements.

Associative Unit Standards:

> **110531** - Plan, organise and control the day-to-day administration of an office support function.

> **15236** - Apply financial analysis.

> **7468** - Use mathematics to investigate and monitor the financial aspects of personal, business, national and international issues.

> **110526** - Plan, organise, implement and control record-keeping systems.

> **7866** - Plan, organise and monitor work in own area of responsibility.

> **114272** - Analyse complaints and reports relating to referred disputes and select appropriate resolution process.

5. Manage personal work priorities and professional development in line with sheriffing and related professions.

Associative Unit Standards:

> Any **20** credits from the Elective unit standards.

ASSOCIATED ASSESSMENT CRITERIA

1.

> Information to achieve work responsibilities is collected from appropriate sources.

> The methods used in communication is appropriate to the audience and takes into account social and cultural diversity.

> People are treated with integrity, respect and empathy regardless of culture, gender, class, "race" and belief systems.

> The organisation's social, ethical, and business standards are used to develop and maintain positive relationships aligned to human rights.

> Problems are identified and analysed during conflict resolution and action is taken to rectify the situation with minimal disruption to performance.

2.

> Democratic principles are applied and its implications reviewed or analysed in a diverse society.

> Diversity is harnessed and the strengths of people are used to improve the work environment.

> Work processes and procedures reflect the diversity of the workplace in line with labour requirements.

> The financial aspects of personal, business and national issues are investigated and monitored through the use of mathematical skills.

3.

> Different aspects of the law impacting on the functions of the sheriff are applied in accordance with the law and prescribed professional values and ethics.

> Processes, notices and documents are served and judgements are executed according to relevant legal prescripts.

> The duties of service and execution are performed with due regard for a human rights and inclusivity culture as contained in the bill of rights.

> All administrative requirements are performed according to internal policies and statutory provisions.

- > Specialised functions relating to execution are performed and recorded according to statutory provisions.
- > Related legislation are identified and interpreted to measure impact on the team, department or division and ensure compliance to regulations
- > Conflict is managed for improvement of relationships according to the labour relations law as set out by office practices.
- > Efficient time management is applied in meeting objectives.

4.

- > An office support function is provided through planning, organising and controlling the day-to-day administration.
- > Financial analysis is applied to ensure sound financial practices in the preparation and maintenance of financial records and statements in accordance with (GAAP) General Accepted Accounting Practices.
- > Record-keeping systems are planned, organised, implemented and controlled in line with sheriffing requirements.
- > Own work area is planned, organised and monitored to ensure maximum contribution and professionalism which reflect the roles, responsibilities and the accountabilities of a sheriff.
- > Complaints and reports are analysed relating to referred disputes and appropriate resolution process is selected in accordance with guidelines and requirements
- > Strategies to establish and maintain relationships are devised and applied to meet **organisational** requirements and adjusted to diverse social and cultural contexts.

5.

- > Personal qualities and performance serves as a role model through using the sheriff's code of conduct.
- > Competing demands are prioritised by using personal, team and the organisation's goals and objectives
- > Technology is used efficiently and effectively to manage work priorities and commitments in line with office requirements.
- > Feedback from clients and colleagues is used to identify and develop ways to improve competence in respect of Batho Pele service excellence principles.
- > Management development opportunities suitable to personal learning styles are selected and used to develop competence in sheriffing and related professions.

Integrated Assessment

Assessors need to include a variety of assessment methods that can determine practical abilities, theoretical understanding and the ability to integrate information.

The applied competence (practical, foundational and reflexive competencies) of this qualification will be achieved if a candidate is able to take responsibility for the delivery of sheriffing products and services by generating ideas through the analysis of information, command specialised technical skills, undertake planning and designing processes and utilise diagnostic skills to execute judgements across a broad range of functions.

The effective use of responsibility to independently and effectively manage themselves and others must be assessed. In addition, the learner will be able to demonstrate communication skills through the production of relevant and appropriate products and services and interaction with a range of people. Furthermore the world as a set of related systems must be assessed during any combination of practical, foundational and reflexive competencies assessment methods and tools to determine the whole person development and integration of applied knowledge and skills.

Applicable assessment tool(s) to establish the foundational, reflexive and embedded knowledge to problem solving and application of the world as a set of related systems within the professional sheriffs environment.

A detailed portfolio of evidence is required to prove the practical, applied and foundational competencies of the learner.

Assessors and moderators should develop and conduct their own integrated assessment by making use of a range of formative and summative assessment methods. Assessors should assess and give credit for the evidence of learning that has already been acquired through formal, informal and non-formal learning and work experience.

Unit standards in the qualification must be used to assess specific and critical cross-field outcomes. During integrated assessments the assessor should make use of formative and summative assessment methods and should assess combinations of practical, applied, foundational and reflexive competencies.

The qualification is subject to summative assessment and moderation processes by qualified and registered assessors and moderators within the workplace.

INTERNATIONAL COMPARABILITY

Research in respect of international comparability could be very confusing, as different titles or names are attached to sheriffs, e.g. in Portugal it is known as Solicitadors, in Scotland, Messengers-in-Arms and in Japan, the Shikko-kan, of which all of them operate under distinct legal frameworks.

However, it is quite clear that the common basis of a judicial officer, enforcement agent or sheriff across the globe, "remains the enforcement of judgements and writs of execution; the general assessment is that this function remains relatively difficult to define." [www.ujhj.com, Editorial December 2004, articulated by Jaque Isnard] Suffice to say that the two newly developed unit standards of Service and Execution encapsulate the heart of the craft of a sheriff. Isnard further states that: "For nearly 15 years, the UIHJ [The International Union of judicial Officers] has concentrated on the idea that the face of our profession in both Europe and Africa should be based on a range of essential criteria: private professionals proceeding with notifications, (sheriffs in South Africa operate private businesses, though officially appointed by the Minister of Justice and Constitutional Development), enforcements, public sales, or even official reports, with a high level of legal background".

The generic qualification similar to an LLB degree in South Africa is the benchmark in European countries such as Belgium, Netherlands, Portugal and Spain to perform the function of a Sheriff. The benchmarking process yielded that the South African Sheriffs' qualification compares favourably with the outcomes of the LLB as mentioned earlier, although the LLB is not unit standards based.

The LLB in Copenhagen articulate three key competencies, these are

- > Intellectual competencies.
- > Professional competencies.
- > Practice competencies.

Noting that our first qualification in sheriffing is only an entry qualification and learners can progress in respect of career-pathing to the status of for example an attorney, our competencies encapsulates those of an LLB in Copenhagen at a basic level.

Research was conducted in Sub-Saharan countries such as Zambia, Tanzania, Uganda, Namibia and Swaziland. These countries do not have any formal Sheriffs' qualifications.

Although African higher education started well during the period of national independence almost half a century ago, no specific vocational or professional qualification for sheriffs or process servers have been developed. Most newly independent African countries saw the establishment of local universities as essential to their plans for economic development, alleviating poverty and closing the gap between themselves and the developed world.

The School of Law at the University of Zambia emphasises the importance of a broad education which will prompt an awareness of human society and its history and functions. The training in law that the student does receive will in itself provide a broadening experience but the deeper the education and social awareness with which a student comes to study law the greater will be the value derived from the training in law. This is why the 0 level entrant to the University who wants to study law is required to spend the first year in the School of Humanities and Social Sciences or in the School of Natural Sciences before entering the School of Law. The course requirements demand of students entering the School of Humanities and Social Sciences and School of Natural Sciences are intended to equip them with the background necessary for an effective and profitable pursuit of legal studies.

As is evident from the above, the qualification is not stated in terms of unit standards and regrettably no further information was obtainable. However, it is notable that social context issues of race, class, gender, culture and human rights relate to a key purpose of our qualification. This qualification will contribute to the NEPAD objectives in respect of further educational initiatives.

According to an expert (Johann Fourie, sheriff and Executive member of UIHJ) in the sheriffing field, the UK with the exception of Scotland, fall into the same category as the Sub-Saharan countries as they also do not hold a specialist qualification for sheriffs.

The UK does have a national qualifications framework and upon investigation, no similar sheriffing qualification was registered on the database. In terms of the other generic legal qualifications, no specific information on fundamental, core and elective components could be sourced.

Qualifications accredited to the UK qualifications framework have a clearly defined purpose and meet a clear need, have consistent standards, stated in advance and monitored by the regulatory authorities and

provide clear progression opportunities.

In terms of the above, a favourable comparison can be made with regards to this qualification.

According to experts in the field, a specific qualification has been developed in France and the Francophone countries in North West Africa, which is comparable to our entry qualification, however this could not be validated through our research process. The specific source, www.uhj.com does not provide detail in respect of content and quality of a similar qualification. The same website mentions the role of the French National School of Procedure and the Training Unit for African Enforcement Agents, but no detail in respect of curriculum, unit standards and qualifications could be traced.

It is the opinion of the SGB for sheriffs that our entry qualification benchmarks Sub-Saharan countries and compares favourably to such qualifications in Europe. It could be argued that this qualification is both strategic in its intervention and pre-figurative in its effect.

ARTICULATION OPTIONS

This qualification will enable the qualifying candidate to progress to learning for further qualifications in sheriffing or in other law enforcement disciplines.

This qualification will allow a person to advance to the Diploma in Sheriffing and particularly management-based qualifications at NQF level 6 and 7 within the law enforcement environment. The qualification provides the learner with flexibility to pursue careers within law disciplines and articulate within the broader justice environment.

MODERATION OPTIONS

> Anyone assessing a learner or moderating the assessment of a learner against this qualification and its associated unit standards must be registered as an assessor with the relevant ETQA.

> Any institution offering learning that will enable the achievement of this qualification and its associated unit standards must be accredited as a provider with the relevant ETQA.

> Assessment and moderation of assessment will be overseen by the relevant ETQA according to the ETQAs policies and guidelines for assessment and moderation; in terms of agreements reached around assessment and moderation between ETQAs (including professional bodies).

> Moderation must include both internal and external moderation of assessments at exit points of the qualification, unless ETQA policies specify otherwise. Moderation should also encompass achievement of the competence described both in individual unit standards, exit level outcomes as well as the integrated competence described in the qualification.

CRITERIA FOR THE REGISTRATION OF ASSESSORS

For an applicant to register as an assessor, the applicant needs:

> Assessors must comply with the requirements for assessors as stipulated by SAQA and the applicable ETQA.

> Assessment competencies and subject matter experience of the assessor can be established by recognition of prior learning.

> To be competent in at least assessment of learning outcomes as described in the unit standard Plan and Conduct assessment of Learning outcomes NQF level 5.

> Well-developed subject matter expertise within the Sheriffs Profession.

> A relevant tertiary qualification at NQF level 5 and/or 3 years experience in the relevant field (or equivalent thereof).

> Detailed documentary proof of educational qualification, practical training undergone, and experience gained by the applicant must be provided (Portfolio of evidence).

NOTES

N/A

UNIT STANDARDS

(Note: A blank space after this line means that the qualification is not based on Unit Standards.)

	UNIT STANDARD ID AND TITLE	LEVEL	CREDITS	STATUS
core	7468 Use mathematics to investigate and monitor the financial aspects of personal, business, national and international issues	Level 4	6	Reregistered

core	10140	Apply a range of project management tools	Level 4	8	Registered
core	12153	Use the writing process to compose texts required in the business environment	Level 4	5	Registered
core	11979	Identify and apply relevant knowledge on applicable law related to policing	Level 5	9	Registered
core	14609	Participate in management of conflict	Level 5	4	Registered
core	15225	Identify and interpret related legislation and its impact on the team, department or division and ensure compliance	Level 5	4	Registered
core	15234	Apply efficient time management to the work of a department/division/section	Level 5	4	Registered
core	15236	Apply financial analysis	Level 5	4	Registered
core	110526	Plan, organise, implement and control record-keeping systems	Level 5	4	Registered
core	110531	Plan, organise and control the day-to-day administration of an office support function	Level 5	4	Registered
core	114272	Analyse complaints and reports relating to referred disputes and select appropriate resolution process	Level 5	10	Registered
core	117983	Serve process, notice or document by the Sheriff of the Court	Level 5	8	Draft - Prep for P Comment
core	117984	Execute court judgements in line with relevant law	Level 5	15	Draft - Prep for P Comment
Elective	13941	Apply the budget function in a business unit	Level 4	5	Registered
Elective	14646	Demonstrate an understanding of the human rights contained in the bill of rights	Level 4	12	Registered
Elective	10146	Supervise a project team of a developmental project to deliver project objectives	Level 5	14	Registered
Elective	11978	Identify and apply different sections of the Criminal Procedure Act	Level 5	9	Registered
Elective	11984	Give evidence in a court of law	Level 5	4	Registered
Elective	14522	Analyse and explain the impact of one's personal interactive style on one's relationship with a client	Level 5	6	Registered
Elective	15096	Demonstrate an understanding of stress in order to apply strategies to achieve optimal stress levels in personal and work situations	Level 5	5	Registered
Elective	15214	Recognise areas in need of change, make recommendations and implement change in the team, department or division	Level 5	3	Registered
Fundamental	14155	Create and maintain positive workplace relationships	Level 5	5	Registered
Fundamental	15093	Demonstrate insight into democracy as a form of governance and its implications for a diverse society	Level 5	5	Registered
Fundamental	15233	Harness diversity and build on strengths of a diverse working environment	Level 5	3	Registered
Fundamental	115791	Use language and communication strategies for vocational and occupational learning	Level 5	5	Registered



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

1

Execute court judgements in line with relevant law

SAQA US ID	UNIT STANDARD TITLE		
117984	Execute court judgements in line with relevant law		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Sheriffs	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	(CREDITS)
LMS-JIS-0-SGB SHER	Regular	(Level5	15

SPECIFIC OUTCOMES:

SPECIFIC OUTCOME 1

Plan and prepare for an execution.

SPECIFIC OUTCOME 2

Use research skills to access information regarding execution.

SPECIFIC OUTCOME 3

Apply procedures and execution processes in compliance with relevant legislation and standards.

SPECIFIC OUTCOME 4

Perform administrative duties related to execution.

SPECIFIC OUTCOME 5

Render a return of manner of execution to the relevant party.



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UNIT STANDARD:

2

Serve process, notice or document by the Sheriff of the Court

SAQA US ID (UNIT STANDARD TITLE)			
117983	Serve process, notice or document by the Sheriff of the Court		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Sheriffs	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB SHER	Regular	Level 5	8

SPECIFIC OUTCOMES:

SPECIFIC OUTCOME 1

Use research skills to access information regarding service.

SPECIFIC OUTCOME 2

Apply procedures and serve processes in compliance with relevant legislation and standards.

SPECIFIC OUTCOME 3

Perform administrative duties related to a specific manner of service.

SPECIFIC OUTCOME 4

Render a return of service or non-service to the relevant party.