

No. 335

8 April 2005



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) or

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, 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.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 7 May 2005**. All correspondence should be marked Standards **Setting** - Legal Education and Training and addressed to

The Director: Standards Setting and Development
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DUGMORE MPHUTHING
ACTING DIRECTOR: STANDARDS SETTING AND DEVELOPMENT



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

QUALIFICATION:

SAQA QUAL ID	QUALIFICATION TITLE		
49598	National Diploma: Paralegal Practice		
SGB NAME	NSB 08	PROVIDER NAME	
SGB for Legal Education and Training	Law, Military Science and Security		
QUAL TYPE	FIELD	SUBFIELD	
National Certificate	Law, Military Science and Security	Justice in Society	
ABET BAND	MINIMUM CREDITS	NQF LEVEL	QUALIFICATION CLASS
Undefined	245	Level 5	Regular-Unit Stds Based

PURPOSE AND RATIONALE OF THE QUALIFICATION

Purpose:

The purpose of the qualification is to provide the qualifying learner with knowledge and understanding in general areas of the law, its application and social context so as to enable the learner to provide primary and other legal services to the public and support to legal professional.

This qualification will allow qualifying learners to accept their responsibility to contribute toward the realisation of access to justice, a just and free society based on constitutional democracy within a world legal order and to contribute to economic and social transformation

Rationale for the qualifications:

This qualification is meant to prepare qualifying learners for practice as paralegal practitioners in all sectors of the industry, which include:

- > Community-based Advice Offices
- > Non-governmental organisations
- > Public institutions
- > Commercial institutions
- > Private practices

Many indigent people continue to be denied access to primary legal services, as a result of inter alia unjust past policies, legislation and practice. People from historically disadvantaged backgrounds continue to face challenges in gaining access to the legal profession. The response to these historical constraints has been the development of a paralegal sector. While changes have taken place since 1994, the social need for access to justice has demonstrated the value of a paralegal sector. There is increasing demand for quality primary legal services. Paralegals provide essential support to indigent communities, as well as technical support to legal practitioners in private, commercial, public and non-profit organisations. This diploma addresses a significant demand in the industry for qualified paralegals.

This qualification will establish minimum standards and contribute to quality service provision throughout the industry. By providing a corps of equipped paralegals, the qualification will increase access to affordable primary legal services. The diploma includes outcomes that expand on and reinforce the learner's value system, and will therefore contribute to the protection of communities from misconduct and unethical behaviour.

The diploma contains legal, administrative and social knowledge and skills. It is aimed at a developing, changing and diverse sector. Flexibility will allow service providers to develop learning programmes that are responsive to community, industry and learner needs. The service provider must indicate which sector(s) it caters for and select a suitable cluster of legal areas.

The diploma intends to equip learners with the necessary life skills and has an integrated approach on

critical cross field outcomes.

This qualification will provide a career-path for those qualifying learners intending to further their studies in all sector of the paralegal or legal profession. The qualification is in portable unit standard format and unit standards could contribute to qualifications in the legal field, as well as qualifications in development, public administration and the commercial fields. The unit standard based nature of the qualifications will facilitate the accumulation of credits through institutionalised and workplace learning. The qualification provides learners who have gained relevant experience in the workplace with an opportunity to gain credits through a RPL process.

RECOGNIZE PREVIOUS LEARNING?

Y

LEARNING ASSUMED TO BE IN PLACE

It is assumed that learners embarking on learning towards this qualification will already have acquired the ability to:

- > Communicate at NQF level 4
- > Apply numeracy skills at NQF level 4
- > Apply mathematical skills at NQF level 4
- > Apply computer skills at NQF level 3.

QUALIFICATION RULES

The learner must achieve at least 20 credits from the general section in the elective component and an additional 20 credits from only one of the specialised paralegal sectors.

EXIT LEVEL OUTCOMES

1. Apply advanced knowledge and understanding of law to a specific problem within the South African legal context.
2. Conduct and evaluate legal research and make recommendations based on the findings of the research
3. Communicate with internal and external clients in a paralegal or legal workplace
Range: Communication refers to written and oral communication
4. Advise, counsel and represent clients in a variety of formal and alternative settings
5. Produce legal documents in a paralegal context and prepare and draft legal documents in a legal context
6. Solve problems in a paralegal context by working in a team and individually
7. Manage administration, including financial administration, and provide organisational support in an office environment
8. Exercise ethical conduct, values and professionalism when dealing with internal and external clients

Critical cross- field outcomes:

In particular when assessing the applied competence (practical, foundational and reflective competencies) of this qualification, assessors must assess the ability of the learner to:

- > Identify and solve problems in which responses display that responsible decisions, using critical thinking, have been made
- > Work effectively with others as a member of a team, organisation or legal community
- > Organise and manage the learner and the learner's activities responsibly and effectively
- > Collect, analyse, organise and critically evaluate information.
- > Communicate effectively using visual, mathematical, and language skills in the modes of written and oral presentation.
- > Use technology effectively and responsibly.
- > Demonstrate an understanding of the world as a set of related systems by recognising that problem-solving in the legal and paralegal context does not exist in isolation.
- > Demonstrate an awareness of the learner in participating as a responsible citizen in the life of local, national and global communities.
- > Demonstrate an awareness of the learner's role in generating sensitivity to diversity and culture across a

range of social contexts.

Examples of specific assessment of the above Critical Cross-Field Outcomes may be described in each Unit Standard.

ASSOCIATED ASSESSMENT CRITERIA

For award of the whole qualification, candidates must achieve the required number of **credits** as well as the criteria specified for integrated assessment. Competence will be evident when:

1.
 - > Relevant facts within a specific problem are analysed
 - > Applicability of relevant law to a specific problem is evaluated
 - > Solutions for specific problems from relevant law are explained
2. □
 - > Legal research process is conducted and managed
 - > Outcomes of legal research are evaluated
 - > Recommendations based on the findings of the research are made
3.

(Range: Communication refers to written and oral communication)

 - > Relevant law is communicated to the client
 - > Relevant legal procedures are communicated to the client
 - > Appropriate legal solutions are communicated to the client
 - > Support and assistance is provided to principal
4.
 - > Various options and their consequences are outlined to facilitate client's decision-making
 - > Principles of alternative dispute resolution mechanisms are applied
 - > Client's interests are represented in relevant fora
5.
 - > Basic requirements for drafting legal documents are understood
 - > Legal documents are produced in a paralegal context
 - > Legal documents are prepared and drafted in a legal context
6.
 - > Sources of South African law and other selected subjects or laws are examined to apply the relevant legal principles
 - > Solutions to problems are identified according to the relevant legal principles
 - > Appropriate courts, institutions, specialists and procedures are recommended to clients, **with** relevant follow-up
- 7.0
 - > Project meetings and workshops are arranged and supported competently
 - > **Administrative** systems are appropriately implemented
 - > **Finances** are effectively controlled
 - > **Paralegal** assistants are supervised and supported
8.
 - > **The concept** of accountability is understood
 - > **Confidentiality** of clients is maintained
 - > **Ethical and** professional principles are demonstrated when assisting clients
 - > **The principles** of integrity and honesty are understood

Integrated Assessment:

Applied competence (practical, foundational and reflexive competencies with regard to legal, **administrative and social knowledge** and skills) of this qualification will be achieved if a candidate can integrate the various **unit standard outcomes** to be able to perform as a Paralegal Practitioner in any of the paralegal sectors.

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 tests the learner's ability to integrate legal, administrative and social knowledge and skills and paralegal values. The assessment methods **must**

include observation (e.g. during client counselling), product evaluation (e.g. draft legal documents or arbitration agreement) and questioning (oral and or written) to provide sufficient opportunity to the learner to demonstrate applied competence.

Integrated assessment at the level of this qualification provides an opportunity for learners to show they are able to integrate concepts, ideas, skills, values and actions across unit standards to achieve competence that is grounded in and coherent in relation to the purpose of the qualification. An example would be to assess the representation of clients.

Integrated assessment must judge not only the quality of the observable performance but also the thinking and understanding that underpin it. Assessment tools must also encourage learners to give an account of the thinking and decision-making that forms the basis for their demonstrated performance. An integrated mix of task-orientated and theoretical assessment tools should be used with the ultimate focus being on the assessment of applied competence.

In other words, the assessors must use a range of tools to test demonstrated competence in a practical situation (e.g. simulation or learnership on paralegal practice) as well as oral or written examination (on application of advanced legal knowledge), that integrates the assessment of all specific outcomes for all the unit standards.

Assessment should ensure that all specific outcomes, embedded knowledge and critical cross-field outcomes are evaluated. The assessment of the critical cross-field outcomes should be integrated with the assessment of specific outcomes and embedded knowledge.

Recognition of prior learning:

This qualification can be achieved wholly or in part through recognition of prior learning, which where necessary, must be contextualised in terms of legal knowledge, paralegal practice, ethical conduct and requisite administrative skills.

Evidence can be presented in a variety of forms, including international or previous local qualifications, reports, testimonials mentioning functions performed, work records, portfolios, videos of practice and performance records.

All such evidence should be judged according to the general principles of assessment described in the notes to assessors.

INTERNATIONAL COMPARABILITY

The National Para-Legal Institute of South Africa (NPI-SA), a convenor of the Para-Legal Working Group of the SGB for Legal Education and Training, conducted a web-site survey to determine international comparability of this diploma.

The survey was conducted among leaders of various Para-Legal associations, service providers and Para-Legal learners in the different countries. Research articles on paralegals and paralegal education were also examined. Finally, specific qualifications were compared.

The survey results reveal international comparability in terms of the timeframe for the qualification, the access to the qualification, the ability to acquire the qualification through workplace learning and many of the competencies addressed by unit standards. The diploma's principles of flexibility and an emphasis on integrating legal and administrative skills were also found to be comparable.

All qualifications compared cater for a particular sector of paralegals - South Africa is unique in seeking to address the needs of paralegals working in all sectors. International comparability was tested in the following countries:

Australia

1. The Southern Cross University's Associate degree in Law (Paralegal Studies) compares favourably with this diploma. It includes courses on legal research and writing, interviewing, negotiations and ethics, criminal process and an introduction to the Australian legal system.

2. The Kelly Colleges Diploma of Paralegal Studies compares favourably with this diploma. It includes courses on trust accounts, litigation, the Australian legal system, legal office practice and legal knowledge in general. The diploma also shares the principle of producing paralegals for a wide range of sectors - excluding only non-profit and community-based sectors.

Botswana

The Diploma in Law offered by the University of Botswana compares favourably with this diploma. This ~~two~~ year programme includes an introduction to the Botswana legal system and a second year streaming into the public, private or commercial sector.

Canada

1. Comments were received from Diane Giroux, President Paralegal Association of Paralegals and member Montreal Chapter of Legal Assistant Managers Association. Research reports from the Law Society of Upper Canada and an article by John G Kelly were also examined. It emerged that in Canada most paralegals have college or university degrees.

2. This diploma compares favourably with the Programme: Law Clerk and Programme: Court and Tribunal Agent from Fleming College were compared. Both diplomas contain:

- > courses on the judicial and social system in Canada
- > life skill courses
- > skills courses including legal research, communication, computer skills and Alternative Dispute Resolution
- > legal courses relevant to practice
- > courses on professional conduct

Indonesia

The programme in law offered by the Diponegoro University compares favourably with ~~this~~ qualification. The programme includes general courses, basic legal courses, advanced courses, additional skills courses, improvement of legal skills courses and elective courses.

Kenya

The Diploma in Law offered by the Kenya School of Professional Studies compares favourably with this qualification. The diploma includes courses on an introduction to Kenya law and legal system, constitutional and administrative law, legal research, social and professional ethics, legal writing and drafting and an internship.

Namibia

The National Diploma in Legal Assistance being developed by the Polytechnic of Namibia was compared with this qualification. The ~~two~~ qualifications share the principle of producing paralegals for a wide range of sectors including the community-based sector.

United Kingdom

1. The Advanced Certificate in Information, Advice and Guidance compares favourably with the diploma focusing on the community-based sector. The qualification includes unit standards in:

- > Principles and Practice
- > Referrals
- > Ethical Issues
- > Providing information to clients
- > Managing information resources
- > Working within Networks
- > Organising and using information

2. The Advanced award in managing voluntary and community organisations would compare favourably with the diploma focusing on the community-based sector, especially at the elective level. The qualification includes unit standards in:

- > Promoting equality in organisation
- > Core values and legal frameworks
- > Planning and policy
- > Business planning

3. The unit standards Community Mediation Skills: Making Choices, Managing Learning; Facilitator Training; Managing Your Voluntary/Community Organisation; Supporting Community Learning and Training for Change compare favourably with unit standards in this diploma, especially in the community-based elective stream.

4. The ILEX Paralegal Programme level 3 Diploma in Vocational Paralegal Studies was compared with this qualification. It contains courses on the legal environment, legal principles and civil litigation.

United State of America

1. The National Federation of Paralegal Associations "Suggested Curriculum for Paralegal Studies" was compared to this diploma. This diploma compares favourably including similar study areas on

communication written and oral, mathematical literacy, legal research and writing and procedure. The NFPA curriculum shares the principle of flexibility and the inclusion of a wide range of electives both at core and elective levels.

2. The American Bar Association's Guidelines for the Approval of Legal Assistant Education Programmes were compared with this diploma. These guidelines are used to approve two-year programmes equivalent to this diploma. The guidelines provide for general education credits which include writing skills, communication skills and non-legal courses. There is also a provision for legal speciality courses which cover legal theory, but also address practical paralegal skills. The guidelines encourage computer skills and experiential learning through internships. The guidelines strongly encourage articulation to university degrees. The guidelines require a minimum of 270 contact hours. This is a favourable comparison.

3. The American Association for Paralegal Education "Core Competencies for Paralegal Programmes" was compared to this diploma. The listed skill competencies include critical thinking skills, organisational skills, general communication skills, interpersonal skills, legal research skills, legal writing skills, computer skills, interviewing and investigation skills compare favourably with this diploma. The knowledge competencies including the organisation and operation of the legal system, professional and ethical obligations, litigation procedures and the organisation and operation of law offices also compare favourably. The document requires a minimum of 270 contact hours.

4. The Burlington County College Paralegal Programme compares favourably with this diploma. It includes courses on written communication, mathematics, computer science, legal writing and research, civil litigation, accounting, the New Jersey legal system and an introduction to paralegal studies.

5. The pre-law programme at the Central Washington University compares favourably with this diploma. This programme includes courses in legal research, legal writing, ethics, current issues, an introduction to paralegal studies, an introduction to civil practice and approved electives.

Responses pointed out that in the USA the standards range from a 2-year associate degree to a full 4-year undergraduate degree and then a certification programme. These comments suggested that a 2-year programme is the minimum required and it should consist of both legal courses and administrative skills. Reference was also made to the fact that many paralegals achieve qualification through workplace experience.

Zimbabwe

The qualification compares favourably with the paralegal training programme run by the Legal Resources Foundation - Zimbabwe. This two-year programme includes sessions on paralegal ethics and conduct, basic laws, case handling, interview skills, legal drafting, negotiation and mediation skills, human rights, counselling and community mobilisation skills. This programme is aimed at community-based paralegals.

Zambia

This qualification compares favourably with the paralegal training programme run by the Legal Resources Foundation - Zambia. This programme is the same as above but is run in collaboration with the University of Zambia. The certification is approved by the Law Society and the Council for Legal Education.

ARTICULATION OPTIONS

Learners who have achieved the Diploma in Paralegal Practice may articulate vertically to the Bachelor of Law.

This qualification articulated horizontally with the following qualifications:

- > Certificate: Labour Relations Practice
- > National Certificate: Management
- > National Certificate: Policing
- > National Certificate: Mission Administration
- > National Diploma: Contact Centre Management
- > National Diploma: Customer Management
- > National Diploma: Service Management (Court Management)

Competence in individual Unit Standards will be retained by the learner who exits the qualification before completion.

MODERATION OPTIONS

Moderation must include both internal and external moderation of assessments. Moderation of assessments will be overseen by the relevant ETQA according to the moderation guidelines and agreed ETQA procedures. This qualification can be internally assessed by assessors of the provider and moderated by a moderator registered by the relevant ETQA. Moderation shall comply with SAQA requirements.

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

CRITERIA FOR THE REGISTRATION OF ASSESSORS

Assessors for this qualification will hold a level 6 qualification in law or possess the technical expertise to achieve this qualification and have worked as a paralegal practitioner for at least 5 years.

Additional requirements for assessors may be specified in each unit standard.

NOTES

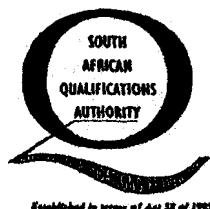
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UNIT STANDARDS

(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	10043 Develop, implement and manage a project / activity plan	level5	5	Reregistered
Core	10055 Present data to stakeholders	Level5	5	Reregistered
Core	14155 Create and maintain positive workplace relationships	Level5	5	Registered
Core	110508 Demonstrate and apply knowledge and understanding of the concept of facilitation and a range of facilitation skills	Level 5	6	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	Level5	4	Registered
Core	113807 Draft Legal agreements	Level 5	10	Registered
Core	113808 Apply the general principles relating to legal costs	Level5	8	Registered
Core	113810 Interpret the principles contained in basic South African law as entrenched in the constitution and the Bill of Rights	Level 5	6	Registered
Core	114846 Demonstrate an understanding of the historical, political, social and economic realities of South Africa	Level5	10	Registered
Core	119499 Advise and counsel clients in terms of social or legal problems	Level5	10	Draft - Prep for P Comment
Core	119500 Conduct research in a paralegal context	Level5	10	Draft - Prep for P Comment
Core	119502 Apply advanced legal concepts, principles, theories and values within a	Level 5	20	Draft - Prep for P Comment
Core	119503 Demonstrate an understanding of civil and criminal procedure in courts and other fora	Level 5	20	Draft - Prep for P Comment
Core	119504 Represent clients within a paralegal context	Level 5	10	Draft - Prep for P Comment
Core	119506 Apply legal administrative and alternative dispute resolution procedures in a paralegal context	Level 5	10	Draft - Prep for P Comment
Core	119508 Demonstrate an understanding of South African law and the legal system with specific emphasis on Paralegalism	Level 5	15	Draft - Prep for P Comment
Core	14505 Apply the principles of ethics and professionalism to a business environment	Level 6	6	Registered
Core	115334 Maintain good relations with internal and external clients	Level6	6	Registered
Core	116104 Use technology effectively in the practice of law	Level 6	6	Registered
Elect	7827 Source information about self-employment opportunities	Level4	3	Reregistered
Elect	110472 Outline the environment of local government	Level4	6	Registered
Elect	115228 Describe the structure and functioning of criminal justice in south Africa	Level 4	2	Registered
Elect	7886 Develop and implement a Business Plan	Level 5	8	Reregistered
Elect	10061 Plan fieldwork to meet required deadlines and budget	Level5	10	Reregistered
Elect	11973 Build and maintain relationships with local communities	Level5	4	Registered
Elect	12981 Administer and wind up the estates of deceased persons	level5	2	Registered

Elective	12982 Administer and wind up insolvent estates	Level5	8	Registered
Elective	13482 Co-ordinate an event	Level5	12	Reregistered
Elective	13871 Respond to complex requirements from clients	Level5	16	Registered
Elective	14525 Present an informed argument on a current issue in a business sector	Level5	5	Registered
Elective	14590 Apply community development techniques	Level5	12	Registered
Elective	14800 Establish a community resource project	Level5	20	Registered
Elective	110059 Plan and conduct research that redress social development issues	Level 5	10	Registered
Elective	110060 Plan learning programmes that redress social development issues	Level5	8	Registered
Elective	110061 Prepare learning support materials for programmes in development practice	Level5	8	Registered
Elective	110062 Plan the facilitation of learning in development practice	Level5	10	Registered
Elective	110063 Plan advocacy campaigns and workshops in development practice	Level5	8	Registered
Elective	114230 Operate the case management process	Level5	10	Registered
Elective	116087 Fundamentals of legal costs	Level5	3	Registered
Elective	116101 Recover fees and disbursements in an attorney's practice	Level5	4	Registered
Elective	116603 Demonstrate and apply understanding of the legal requirements relevant to the liquidation of debt	Level5	10	Registered
Elective	119501 Apply advanced concepts, theories and related values of a selected subject area	Level5	15	DraR - Prep for P Comment
Elective	119507 Apply advanced legal concepts, principles, theories and values of specialised law within a paralegal sector	Level5	20	DraR - Prep for P Comment
Elective	119510 Apply fundamental concepts, theories and related values of 8 selected subject area	Level 5	15	Draft - Prep for P Comment
Elective	7880 Prepare, implement, manage and control budgets	Level6	10	Reregistered
Elective	10080 Formulate, design and implement customer service delivery systems and processes	Level 6	8	Reregistered
Elective	13631 Critically review socio-economic development issues and processes	Level6	14	Registered
Elective	13870 Enhance service levels in Contact Centres	Level6	16	Registered
Elective	110480 Design and implement a system for the on-going monitoring, reporting and evaluation of a local economic development programme	Level6	8	Registered
Elective	110488 Facilitate the establishment of strategic partnerships to contribute to achieving the objectives of the strategic plan for a local economic development programme	Level6	12	Registered
Elective	110499 Facilitate negotiations about all aspects of implementing local economic development programmes with a range of relevant stakeholders and role players	Level6	12	Registered
Elective	117436 Provide support services to victims	Level6	15	Registered
Elective	117438 Inform policy	Level6	15	Registered
Fundamental	7866 Plan, organise and monitor work in own area of responsibility	Level5	3	Reregistered
Fundamental	119505 Apply fundamental legal concepts, principles, theories and values within a paralegal sector	Level5	20	Draft - Prep for P Comment
Fundamental	116108 Fundamentals of effective communication skills in legal practice	Level6	6	Registered



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

QUALIFICATION:

National Certificate: Paralegal Practice

SAQA QUAL ID		QUALIFICATION TITLE	
49597		National Certificate: Paralegal Practice	
SGB NAME		NSB 08	PROVIDER NAME
SGB for Legal Education and Training		Law, Military Science and Security	
QUAL TYPE		FIELD	SUBFIELD
National Certificate		Law, Military Science and Security	Justice in Society
ABET BAND	MINIMUM CREDITS	NQF LEVEL	QUALIFICATION CLASS
Undefined	125	Level 5	Regular-Unit Stds Based

PURPOSE AND RATIONALE OF THE QUALIFICATION

Purpose:

The purpose of the qualification is to provide the qualifying learner with a basic knowledge and understanding of the South African legal system, fundamental laws, their application and social context so as to enable the learner to provide supervised support and assistance in a paralegal environment.

Qualifying learners will be able to:

- > Apply fundamental knowledge and understanding of law to a specific problem within the South African legal context.
- > Apply appropriate technology in order to conduct legal research on behalf of a legal or paralegal practitioner.
- > Communicate with internal and external clients in a paralegal or legal workplace.
- > Guide and refer clients in a paralegal context.
- > Assist in solving problems in a paralegal context by working in a team and individually.
- > Provide administrative and organisational support in an office environment.
- > Exercise ethical conduct, values and professionalism when dealing with all clients.

This qualification equips learners to make a meaningful contribution to South Africa's constitutional democracy by enhancing access to justice and promoting economic and social transformation.

Rationale:

This qualification is meant to prepare qualifying learners for supervised practice as paralegal assistants in all sectors of the industry, which includes:

- > Community-based paralegal Advice Offices.
- > Non-governmental organisations.
- > Public institutions.
- > Commercial institutions.
- > Private practices.

Paralegal assistants play an important role in providing support services to legal and paralegal practitioners; as well as limited assistance to members of the public. This results in a greater capacity to address the growing social demand for legal services and limited legal assistance as South Africans embrace democracy and seek to protect their rights.

This qualification will produce qualified and competent assistants to ensure that primary legal services are more accessible and affordable to the public. It includes legal, administrative and social knowledge and skills; although the emphasis is on providing support or supervised practice. It intends to equip the learner with the necessary life skills and has an integrated approach on critical cross-field outcomes. This certificate establishes minimum standards and contributes to quality service provision; as a result communities will receive assistance in compliance with ethical and professional standards.

This qualification will provide a career-path for those qualifying learners intending to further their studies in all sectors of the paralegal or legal profession. The portable unit standard format allows specific unit standards to contribute to qualifications in the legal, development, public administration and commercial fields. This qualification will facilitate the accumulation of credits through institutionalised and workplace learning. The qualification also provides learners who have gained relevant experience in the workplace with an opportunity to gain credits through a RPL process.

RECOGNIZE PREVIOUS LEARNING?

Y

LEARNING ASSUMED TO BE IN PLACE

It is assumed that learners embarking on learning towards this qualification will already have acquired the ability to:

- > Communicate at **NQF** level 4.
- > Apply numeracy skills at **NQF** level 4.
- > Apply mathematical skills at **NQF** level 4.
- > Apply computer skills at **NQF** level 3.

Recognition of prior learning:

This qualification can be achieved wholly or in part through recognition of prior learning, which where necessary, must be contextualised in terms of fundamental law and the requisite administrative support skills.

Evidence can be presented in a variety of forms, including international or previous local qualifications, reports, testimonials mentioning functions performed, work records, portfolios, videos of practice and performance records.

All such evidence should be judged according to the general principles of assessment described in the notes to assessors.

QUALIFICATION RULES

The qualification must include at least one level 5 elective.

EXIT LEVEL OUTCOMES

The qualifying learner will be able to:

1. Apply fundamental knowledge and understanding of law to a specific problem within the South African legal context.
2. Apply appropriate technology in order to conduct legal research on behalf of a legal or paralegal practitioner.
3. Communicate with internal and external clients in a paralegal or legal workplace.
 - > Range: Communication refers to both written and oral communication.
4. Guide and refer clients in a paralegal context.
5. Assist in solving problems in a paralegal context by working in a team and individually
6. Provide administrative and organisational support in an office environment.
7. Exercise ethical conduct, values and professionalism when dealing with internal and external clients.

Critical cross- field outcomes:

- > Identify and solve problems in which responses display that responsible decisions, using critical thinking, have been made.
- > Work effectively with others as a member of a team, organisation or legal community.
- > Organise and manage the learner and the learner's activities responsibly and effectively.
- > Collect, analyse, organise and critically evaluate information.
- > Communicate effectively using visual, mathematical, and language skills in the modes of written and oral presentation.
- > Use technology effectively and responsibly.
- > Demonstrate an understanding of the world as a set of related systems by recognising that problem-solving in the legal and paralegal context does not exist in isolation.
- > Demonstrate an awareness of their role in participating as responsible citizens in the life of local, national and global communities.
- > Demonstrate an awareness of their role in generating sensitivity to diversity and culture across a range of social contexts.

Examples of specific assessment of the above Critical Cross-Field Outcomes are described in each Unit Standard.

ASSOCIATED ASSESSMENT CRITERIA

For award of the whole qualification, candidates must achieve the required number of credits as well as the criteria specified for integrated assessment. Competence will be evident when:

1:

- > Relevant facts within a specific problem are identified.
- > Relevant fundamental law applicable to a specific problem is indicated.
- > Options for specific problems from fundamental law are explained.
- > Problems that fall outside fundamental law are recognised.

2:

- > Legal related software is used within paralegal administrative environment.
- > Appropriate technology for legal research is applied.
- > Relevant sources of legal information are identified.
- > Legal research is conducted.
- > Research findings are appropriately presented to legal or paralegal practitioner.

3:

- > Relevant law is communicated to the client.
- > Relevant legal procedures are communicated to the client.
- > Appropriate legal or paralegal solutions are communicated to the client.
- > Support and assistance is provided to principal.

4:

- > Problems are defined and related solutions are identified.
- > Information services are provided to clients in time.
- > Support services are provided to clients in time.
- > Range: Support services also include referral to appropriate practitioners with relevant follow up.

5:

- > Sources of South African law and other selected subjects or laws are examined to identify the relevant legal principles.
- > Options to problems are pursued according to the relevant legal principles.

6:

- > Payments are processed in accordance with the organisation's policies and procedures.
- > Records are kept and maintained in accordance with the organisation's policies and procedures.
- > Administrative systems are implemented in accordance with the organisation's policies and procedures.

7:

- > The concept of accountability is understood.
- > Confidentiality of clients is maintained.
- > Ethical and professional principles are demonstrated when assisting clients.
- > The principles of integrity and honesty are understood.

Integrated assessment:

Applied competence (**practical**, foundational and reflexive competencies with regard to legal administrative and social knowledge and skills) of this qualification will be achieved if a candidate can integrate the various unit standard outcomes to be able to perform as a Paralegal Assistant in any of the paralegal sectors.

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 tests the learner's ability to integrate legal administrative and social knowledge and skills and paralegal values. The assessment methods must include observation (e.g. during client referral), product evaluation (e.g. research report) and questioning (oral and or written) to provide sufficient opportunity to the learner to demonstrate applied competence.

Integrated assessment at the level of this qualification provides an opportunity for learners to show they are able to integrate concepts, ideas, skills, values and actions across unit standards to achieve competence that is grounded in and coherent in relation to the purpose of the qualification. An example would be to assess the guidance and referral of clients.

Integrated assessment must judge not only the quality of the observable performance but also the thinking and understanding that underpins it. Assessment tools must also encourage learners to give an account of the thinking and decision-making that forms the basis for their demonstrated performance. An integrated mix of task-orientated and theoretical assessment tools should be used with the ultimate focus being on the assessment of applied competence.

In other words, the assessors must use a range of tools to test demonstrated competence in a practical situation (e.g. simulation or learnership on (para)legal practitioners support) as well as oral or written examination (on application of fundamental legal knowledge), that integrates the assessment of all specific outcomes for all the unit standards.

Assessment should ensure that all specific outcomes, embedded knowledge and critical cross-field outcomes are evaluated. The assessment of the critical cross-field outcomes should be integrated with the assessment of specific outcomes and embedded knowledge.

INTERNATIONAL COMPARABILITY

The National Para-Legal Institute of South Africa (NPI-SA), a convener of the Para-Legal Working Group of the SGB for Legal Education and Training, conducted an internet-based survey to determine international comparability of this certificate.

The survey was conducted among leaders of various Para-Legal associations, service providers and Para-Legal learners in the different countries. Research articles on paralegals and paralegal education were also examined. Finally, specific qualifications were compared.

The survey results reveal that very few countries have certificate level qualifications for paralegal assistants. Where such qualifications exist they cater for a specific sector and do not integrate legal knowledge with paralegal and administrative skills.

South Africa is unique in seeking to address the needs of paralegal assistants working in all sectors. International comparability was tested in the following countries:

United Kingdom:

1. The Intermediate Award in Developing Information, Advice and Guidance Skills compares favourably with the certificate in terms of the inclusion of paralegal and administrative skills. It includes unit standards on:
 - > Information, Advice and Guidance in Practice.
 - > Interaction Skills.
 - > Networking and Referral.
 - > Managing Information.
 - > Information, Advice and Guidance in context.
2. The ILEX Paralegal Programme Legal Secretaries Certificate was compared with this qualification. It compares favourably in terms of the administrative, communication, client care skills and legal technology skills included. The ILEX Certificate does not include any legal knowledge courses.
3. The ILEX Paralegal Programme level 2 Certificate in Vocational Paralegal Studies was compared with

this qualification. It contains courses on the legal environment, legal principles and civil litigation. It does not contain administrative or paralegal skills.

ARTICULATION OPTIONS

Learners who have achieved the Certificate in Paralegal Practice will have access to the Diploma in Paralegal Practice.

This qualification articulates horizontally with the following qualifications:

- > National Diploma - Service Management (Court Management).
- > National Certificate - Mission Administration.

Competence in individual Unit Standards will be retained by the learner who exits the qualification before completion.

MODERATION OPTIONS

Moderation must include both internal and external moderation of assessments. Moderation of assessments will be overseen by the relevant ETQA according to the moderation guidelines and agreed ETQA procedures. This qualification can be internally assessed by assessors of the provider and moderated by a moderator registered by the relevant ETQA. Moderation shall comply with SAQA requirements.

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

CRITERIA FOR THE REGISTRATION OF ASSESSORS

Assessors for this qualification will hold a level 6 qualification in law or possess the technical expertise to achieve this qualification and have worked as a paralegal practitioner for at least 5 years.

Additional requirements for assessors may be specified in each unit standard.

NOTES

NIA

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	7865 Improve service to customers	Level 5	6	Reregistered
Core	8663 Plan and conduct a research project	Level 5	6	Reregistered
Core	110531 Plan, organise and control the day-to-day administration of an office support function	Level 5	4	Registered
Core	115823 Gather and manage information for decision-making	Level 5	5	Registered
Core	115855 Create, maintain and update record keeping systems	Level 5	5	Registered
Core	119503 Demonstrate an understanding of civil and criminal procedure in courts and other fora	Level 5	20	Draft - Prep for P Comment
Core	119508 Demonstrate an understanding of South African law and the legal system with specific emphasis on Paralegalism	Level 5	15	Draft - Prep for P Comment
Core	119509 Guide and refer clients in terms of legal enquiries	Level 5	10	Draft - Prep for P Comment
Core	116104 Use technology effectively in the practice of law	Level 6	6	Registered
Elective	13948 Negotiate an agreement or deal in an authentic work situation	Level 4	5	Registered
Elective	14646 Demonstrate an understanding of the human rights contained in the bill of rights	Level 4	12	Registered
Elective	110055 Facilitate learning in development practice	Level 4	14	Registered
Elective	114478 Conduct basic lay counselling in a structured environment	Level 4	15	Registered
Elective	114738 Perform financial planning and control functions for a small business	Level 4	6	Registered
Elective	13484 Perform successful event administration	Level 5	8	Reregistered
Elective	13648 Apply appropriate social protocols in the workplace and community	Level 5	4	Registered
Elective	13925 Present information in a public setting	Level 5	5	Registered

Elective	15093 Demonstrate insight into democracy as a form of governance and its implications for a diverse society	Level 5	5	Registered
Elective	119510 Apply fundamental concepts, theories and related values of a selected subject area	Level 5	15	Draft - Prep for P Comment
Fundamental	8647 Apply workplace communication skills	Level 5	10	Reregistered
Fundamental	11994 Monitor, reflect and improve on own performance	Level 5	3	Registered
Fundamental	119505 Apply fundamental legal concepts, principles, theories and values within a paralegal sector	Level 5	20	Draft - Prep for P Comment



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

SAQA US ID	UNIT STANDARD TITLE		
119499	Advise and counsel clients in terms of social or legal problems		
SGB NAME	NSB 08	PROVIDER NAME	
SGB for Legal Education and Training	Law, Military Science and Security		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Law, Military Science and Security	Justice in Society	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	10	Level 5	Regular

SPECIFIC OUTCOME 2

Establish rapport **with** the client.

SPECIFIC OUTCOME 3

Client's needs are identified in terms of a social or legal problem.

SPECIFIC OUTCOME 4

Facilitate client's decision-making in terms of a social or legal problem.

SPECIFIC OUTCOME 5

Refer the client in terms of a social or legal problem.



SAQA US ID	UNIT STANDARD TITLE		
119501	Apply advanced concepts, theories and related values of a selected subject area		
SGB NAME	NSB 08	PROVIDER NAME	
SGB for Legal Education and Training	Law, Military Science and Security		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Law, Military Science and Security	Justice in Society	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	15	Level 5	Regular

SPECIFIC OUTCOME 1

Demonstrate knowledge of advanced concepts, theories and values within the selected subject area.

SPECIFIC OUTCOME 2

Demonstrate an understanding of the way in which issues within the selected subject area impact on contemporary society.

SPECIFIC OUTCOME 3

Apply knowledge and understanding of the selected subject area in order to solve complex problems.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

Apply advanced legal concepts, principles, theories and values of specialised law within a paralegal sector

SAQA US ID	UNIT STANDARD TITLE		
119507	Apply advanced legal concepts, principles, theories and values of specialised law within a paralegal sector		
SGB NAME	NSB 08	PROVIDER NAME	
SGB for Legal Education and Training	Law, Military Science and Security		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Law, Military Science and Security	Justice in Society	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	20	Level 5	Regular

SPECIFIC OUTCOME 1

Demonstrate advanced knowledge and understanding of specialised law within the South African legal context.

SPECIFIC OUTCOME 2

Analyse specialised law in terms of contemporary social **context**.

SPECIFIC OUTCOME 3

Apply advanced understanding of specialised law in order to solve problems.

SPECIFIC OUTCOME 4

Recommend appropriate solutions for problems to client.



SAQA US ID	UNIT STANDARD TITLE		
119502	Apply advanced legal concepts, principles, theories and values within a paralegal sector		
SGB NAME	NSB 08	PROVIDER NAME	
SGB for Legal Education and Training	Law, Military Science and Security		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Law, Military Science and Security	Justice in Society	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	20	Level 5	Regular

SPECIFIC OUTCOME 1

Demonstrate advanced knowledge and understanding of relevant law within the South African legal context.

SPECIFIC OUTCOME 2

Analyse the relevant law in terms of contemporary social context.

SPECIFIC OUTCOME 3

Apply advanced understanding of relevant law in order to solve problems.

SPECIFIC OUTCOME 4

Recommend appropriate solutions for problems to client.

SPECIFIC OUTCOME 5

Supervise an assistant in a paralegal sector.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

Apply fundamental concepts, theories and related values of a selected subject area

SAQA US ID	UNIT STANDARD TITLE		
119510	Apply fundamental concepts, theories and related values of a selected subject area		
SGB NAME	NSB 08	PROVIDER NAME	
SGB for Legal Education and Training	Law, Military Science and Security		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Law, Military Science and Security	Justice in Society	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	15	Level 5	Regular

SPECIFIC OUTCOME 1

Demonstrate knowledge of fundamental concepts, theories and values within the selected subject area.

SPECIFIC OUTCOME 2

Demonstrate an understanding of the way in which issues within the selected subject area impact on contemporary society.

SPECIFIC OUTCOME 3

Apply knowledge and understanding of the selected subject area in order to solve simple problems.



SAQA USID	UNIT STANDARD TITLE		
119505	Apply fundamental legal concepts, principles, theories and values within a paralegal sector		
SGB NAME		NSB 08	PROVIDER NAME
SGB for Legal Education and Training		Law, Military Science and Security	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Law, Military Science and Security	Justice in Society
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	20	Level 5	Regular

SPECIFIC OUTCOME 2

Discuss relevant law in terms of contemporary social context.

SPECIFIC OUTCOME 3

Apply knowledge and understanding of relevant law in terms of a given scenario.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

Apply legal administrative and alternative dispute resolution procedures in a paralegal context

SAQA US ID		UNIT STANDARD TITLE	
119506		Apply legal administrative and alternative dispute resolution procedures in a paralegal context	
SGB NAME		NSB 08	PROVIDER NAME
SGB for Legal Education and Training		Law, Military Science and Security	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD
Regular		Law, Military Science and Security	Justice in Society
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	10	Level 5	Regular

SPECIFIC OUTCOME 1

Apply legal administrative and alternative dispute resolution procedures in a paralegal context.

SPECIFIC OUTCOME 2

Describe alternative dispute resolutions.

SPECIFIC OUTCOME 3

Apply the principles of negotiation in a paralegal context.

SPECIFIC OUTCOME 4

Apply the principles of mediation and conciliation in a paralegal context.

SPECIFIC OUTCOME 5

Apply the principles of arbitration in a paralegal context.

SPECIFIC OUTCOME 6

Refer a client to an appropriate practitioner outside the paralegal context.



<i>SAQA US ID</i>	<i>UNIT STANDARD TITLE</i>		
119500	Conduct research in a paralegal context		
<i>SGB NAME</i>		<i>NSB 08</i>	<i>PROVIDER NAME</i>
SGB for Legal Education and Training		Law, Military Science and Security	
<i>UNIT STANDARD TYPE</i>		<i>FIELD DESCRIPTION</i>	<i>SUBFIELD DESCRIPTION</i>
Regular		Law, Military Science and Security	Justice in Society
<i>ABET BAND</i>	<i>CREDITS</i>	<i>NQF LEVEL</i>	<i>UNIT STANDARD TYPE</i>
Undefined	10	Level 5	Regular

SPECIFIC OUTCOME 1

Collect information for research in a practical paralegal context.

SPECIFIC OUTCOME 2

Analyse information for research in a practical paralegal context.

SPECIFIC OUTCOME 3

Present report of research findings based on analysed information.



SAQA US ID	UNIT STANDARD TITLE		
119508	Demonstrate an understanding of South African law and the legal system with specific emphasis on Paralegalism		
SGB NAME		NSB 08	PROVIDER NAME
SGB for Legal Education and Training		Law, Military Science and Security	
UNIT STANDARD TYPE	FIELD DESCRIPTION		SUBFIELD DESCRIPTION
Regular	Law, Military Science and Security		Justice in Society
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	15	Level 5	Regular

SPECIFIC OUTCOME 1

Explain how law in general and South African Law in particular evolved.

SPECIFIC OUTCOME 2

Explain the different divisions of law.

SPECIFIC OUTCOME 3

Explain the nature of the sources of South African law.

SPECIFIC OUTCOME 4

Display a knowledge and understanding of the hierarchy, composition and function of the courts in South Africa.

SPECIFIC OUTCOME 5

Explain the concept of judicial precedent as a source of law and apply it to the South African court structure.

SPECIFIC OUTCOME 6

Discuss legal philosophy and its impact on the South African legal system and the practitioner.

SPECIFIC OUTCOME 7

Discuss the history and role of paralegals in the South African legal system,



SAQA US ID	UNIT STANDARD TITLE		
119503	Demonstrate an understanding of civil and criminal procedure in courts and other fora		
SGB NAME		NSB 08	PROVIDER NAME
SGB for Legal Education and Training		Law, Military Science and Security	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Law, Military Science and Security	Justice in Society
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	20	Level 5	Regular

SPECIFIC OUTCOME 1

Explain how formal law interacts with other areas of law within the South African legal framework.

SPECIFIC OUTCOME 2

Apply information from the sources of South African civil and criminal procedure to a given scenario.

SPECIFIC OUTCOME 3

Identify the appropriate forum for the resolution of civil and criminal matters within the South African legal context.

SPECIFIC OUTCOME 4

Demonstrate knowledge and understanding of the procedure of civil and criminal matters in a selected court or forum.

SPECIFIC OUTCOME 5

Demonstrate knowledge of the laws of evidence in civil and criminal cases,



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

SAQA US ID	UNIT STANDARD TITLE		
119509	Guide and refer clients in terms of legal enquiries		
SGB NAME	NSB 08	PROVIDER NAME	
SGB for Legal Education and Training	Law, Military Science and Security		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Law, Military Science and Security	Justice in Society	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	10	Level 5	Regular

SPECIFIC OUTCOME 1

Interview the client to determine the nature of the enquiry within the South African legal framework.

SPECIFIC OUTCOME 2

Source information in order to assist the client with the enquiry.

SPECIFIC OUTCOME 3

Communicate information to the client in order to assist with the enquiry in a paralegal context.

SPECIFIC OUTCOME 4

Refer the client in terms of the enquiry.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

Represent clients within a paralegal context

SAQA US ID	UNIT STANDARD TITLE		
119504	Represent clients within a paralegal context		
SGB NAME	NSB 08	PROVIDER NAME	
SGB for Legal Education and Training	Law, Military Science and Security		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Law, Military Science and Security	Justice in Society	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	10	Level 5	Regular

SPECIFIC OUTCOME 1

Identify issues for discussion, consultation, negotiation or advocacy for representation of clients in a paralegal context.

SPECIFIC OUTCOME 2

Prepare to participate in relevant forum within a paralegal context.

SPECIFIC OUTCOME 3

Represent client in relevant forum within a paralegal context.

SPECIFIC OUTCOME 4

Provide feedback to client and role-players.