

QUALIFICATION SPECIFICATION							SECTION A
QUALIFICATION DEVELOPER		Institute for Labour and Employment Studies					
TITLE	Certificate V in Paralegal Studies				NCQF LEVEL	5	
FIELD	Law & Security		SUB-FIELD		Law		
New qualification	√	Review of existing qualification					
SUB-FRAMEWORK	General Education		TVET	√	Higher Education		
QUALIFICATION TYPE	Certificate	√	Diploma		Bachelor		
	Bachelor Honours		Master		Doctor		
CREDIT VALUE					120		
RATIONALE AND PURPOSE OF THE QUALIFICATION							
<p>Rationale</p> <p>Recognising the capacity gap in the local labour and industrial relations landscape, the Institute for Labour and Employment Studies resolved to initiate and institutionalise the training, education and research activities at union level. This certificate in paralegal studies qualification is primarily aimed at, among other things, reducing the high legal/litigation costs incurred by organisations, including union organisations, following their attempts to resolve disputes involving union members. This is so because there still exist some gaps, despite the fact that there has been training by some organisations, in capacity building of the workplace representatives in handling grievances and representing their organisations or members in the resolution of disputes.</p> <p>Over and above the aforementioned, the programme is geared towards equipping those who are employed in the legal and justice sector with the necessary legal knowledge to offer better assistance to, among others, lawyers, judges and in-house attorneys.</p> <p>This qualification, which is aligned to international trends as regards paralegal studies in the 21st century, acknowledges the fact that skills acquisition by students is one of the most important factors to quality para-legal service. The qualification is also intended to be a more synergetic one that consists of stronger theoretical and practical components particularly in the areas of trial preparation, civil procedure, role of the courts and administrative law which have been found to be lacking among paralegals. This synergy and new subject-packaging concentrations are also articulated in both the National Curriculum and Assessment Framework [NCAF] (Republic of Botswana, 2015a) and Education and Training Strategic Sector Plan [ETSSP: 2015-2020] (Republic of Botswana, 2015b).</p>							

Purpose

This qualification is to capacitate students to perform a multitude of functions in a legal environment. A student that acquired this qualification will be capable to perform as a paralegal or legal assistant. The type of operations in an office environment often dictates whether the services rendered require registered legal practitioners or whether practitioners trained in paralegal studies would suffice. In the event that the services of a paralegal are required, students who have taken up this qualification will be able to effectively take up that role. This is because coursework in a paralegal studies program is designed to give students basic background in specific areas of the law, such as criminal law and family law.

Common areas include:

- Civil procedures;
- Computer applications for paralegals;
- Administration of Estates;
- Legal writing and research;
- Litigation; and
- Trial preparation.

The focus of this qualification is therefore to provide trainees with the necessary basic knowledge and skills relevant and necessary to someone providing support legal professionals as well as work in most legal environments. The qualification thus offers opportunities for employment in many fields in the public and private sectors where some knowledge of law and its operations is a distinct advantage.

This qualification is also designed for students who endeavour to pursue a career as paralegals in law offices, labour brokerage firms, human resource practices as well as unions. The qualification consists of core legal principles and basic procedural prescriptions. The qualification also aims to develop basic skills in communication and computing.

ENTRY REQUIREMENTS (including access and inclusion)

To be eligible for admission to the Certificate in Paralegal Studies qualification, a candidate shall:

- 1.1 be in possession of NCQF Level 4, Certificate IV (Botswana General Certificate of Secondary Education) or equivalent, with a minimum of five credits, one of which shall be in English language;
- 1.2 Any qualification in Law or related area, at NCQF Level 4 (for example: an Intermediary Certificate in Law) from any recognised institution, obtained with a minimum classification of a credit, or an equivalent qualification.
- 1.3 Mature age entry will be provided for, conditions for which will be determined by the individual providers in accordance with relevant policies and procedures.

1.4 Recognition of Prior Learning (RPL) and Credit Transfer and Accumulation System (CATS) will also apply for entry into this qualification, in accordance with the relevant national and Provider-based policies.

QUALIFICATION SPECIFICATION		SECTION B	
GRADUATE PROFILE (LEARNING OUTCOMES)		ASSESSMENT CRITERIA	
1	Apply fundamental knowledge and understanding of law to a specific problem within the Botswana legal context.	1.1	Relevant facts within a specific problem are identified.
		1.2	Relevant fundamental law applicable to a specific problem is indicated.
		1.3	Options for specific problems from fundamental law are explained.
		1.4	Problems that fall outside fundamental law are recognized.
2	Apply appropriate technology in order to conduct legal research on behalf of a legal or paralegal practitioner.	2.1	Legal related software is used within paralegal administrative environment.
		2.2	Appropriate technology for legal research is used.
		2.3	Relevant sources of legal information are identified.
		2.4	Legal research is conducted.
		2.5	Research findings are appropriately presented to legal or paralegal practitioner.
3	Communicate with internal and external clients in a paralegal or legal workplace.	3.1	Relevant law is communicated to the client.
		3.2	Relevant legal procedures are communicated to the client.
		3.3	Appropriate legal or paralegal solutions are communicated to the client.
		3.4	Support and assistance are provided to principal. (Principal refers to a paralegal or legal practitioner or any employee in a paralegal sector.)
4	Show and refer clients in a paralegal context.	4.1	Problems are defined and related solutions are identified.
		4.2	Information services are provided to clients in time.
		4.3	Support services are provided to clients on time. (Support services also include referral to appropriate practitioners with relevant follow up.)
5	Assist in solving problems in a paralegal context by working in a team and individually.	5.1	Sources of Botswana law and other selected subjects or laws are located to identify the relevant legal principles.
		5.2	Options to problems are chosen according to the relevant legal principles.
6	Provide administrative and organisational support in an office environment.	6.1	Payments are processed in accordance with the organisation's policies and procedures.
		6.2	Records are kept and maintained in accordance with the organisation's policies and procedures.

	6.3 Administrative systems are implemented in accordance with the organisation's policies and procedures.
7 Exercise ethical conduct, values and professionalism when dealing with internal and external clients.	<p>7.1 The concept of accountability is understood.</p> <p>7.2 Confidentiality of clients is maintained.</p> <p>7.3 Ethical and professional principles are demonstrated when assisting clients.</p> <p>7.4 The principles of integrity and honesty are understood.</p>

QUALIFICATION STRUCTURE			
			SECTION C
FUNDAMENTAL COMPONENT Subjects / Units / Modules /Courses	Title	Level	Credits
	Introduction to Law	5	12
	Introduction to Family Law	5	12
	Constitutional Law in Botswana	5	12
	Communication & Research Skills	5	12
CORE COMPONENT Subjects / Units / Modules /Courses	Introduction to Paralegal Studies	5	12
	Introduction to Criminal Law & Procedure	5	12
	Introduction to Civil Procedure & Practice	5	12
	Introduction to Delict	5	12
	Introduction to the Law of Obligations	5	12
	Internship	5	12
	TOTAL NUMBER OF CREDITS		120
ELECTIVE COMPONENT Subjects / Units / Modules /Courses			
Rules of combinations, Credit distribution (where applicable):			
Credit Distribution Level 5 Credits = 120			
ASSESSMENT AND MODERATION ARRANGEMENTS			
ASSESSMENT ARRANGEMENTS			
Formative Assessment: The outcomes of each module in the qualification are assessed through Continuous Assessments and using different relevant instruments. The instrument for assessment will include assignments, presentations, case studies and tests for each module covering all the outcomes. Formative assessment will contribute 50% to the Final grade.			
Summative: Final examination will be conducted upon completion of the individual modules. All the outcomes of the module will be assessed in the final examination. Final examination will contribute 50% to the Final grade. A weighted aggregate score of 50% across the Continuous Assessments and a minimum 50% in the Final examination are the requirements to Pass a module.			
Internship			

Practical experience will be assessed through the internship module worth 12 credits. Learners will be given time for attachment with relevant industry organisations, and will be assessed through a structured format.

MODERATION ARRANGEMENTS

Internal moderation requirements

Candidates' assessment will be subjected to internal moderation procedures in accordance with relevant guiding policies and procedures. Such moderation procedures will ensure that learner achievement is fully compatible with requisite standards as regards assessment of work at this level.

External moderation requirements

Assessment outcomes will be subjected to external moderation, guided by the necessary and relevant policies and procedures. Moderation of students' achievements and the overall award of the qualification at the exit level must be based on the well-established procedures of using registered external moderators (external to the provider). The external moderators should have appropriate qualifications.

RECOGNITION OF PRIOR LEARNING (if applicable)

Recognition of Prior Learning will apply for the award of this qualification. It will be conducted according to the relevant national and provider-based policies, guidelines and procedures.

PROGRESSION PATHWAYS (LEARNING AND EMPLOYMENT)

Horizontal Articulation (related qualifications of similar level that graduates may consider)

Due to the specialized nature of this qualification, this Qualification articulates horizontally with any law related Certificate qualification at NCQF Level 5.

Vertical Articulation (qualifications to which the holder may progress to)

Learners with the Certificate V in Paralegal Practice qualification will be able to articulate vertically to any Law related Diploma qualifications at NCQF Level 6, both within and outside the country.

Employment pathways

There are numerous workplace options available for learners who complete this qualification successfully, such as:

- Sheriffs of the court;
- Court interpreters;
- Estate agents, etc.

Most companies have some sort of legal component, even though this may be limited to credit applications and collections. Paralegal studies capacitate employees to function optimally in an environment where some aspects of legislative competence are required. This is more or so that not every component of legal work requires professionally registered legal practitioners.

QUALIFICATION AWARD AND CERTIFICATION

Minimum standards of achievement for the award of the qualification

A learner shall be eligible for the award of the Certificate V in Paralegal Practice upon completion of a minimum of 120 credits of the courses indicated in the qualification structure.

Certification

Upon satisfying the specified requirements for completion and award of the qualification, candidates will be awarded a Certificate V in Para-legal Practice certificate.

REGIONAL AND INTERNATIONAL COMPARABILITY

A general comparison with similar qualifications internationally revealed that the range of competencies is well articulated worldwide. The research also revealed that just a few countries offer certificate level qualifications in Law and that mainly Diploma and Degree qualifications in Law are offered. A comparison was made with the following jurisdictions:

United Kingdom:

The Intermediate Award in Developing Information, Advice and Guidance Skills compares favourably with this qualification in terms of the inclusion of paralegal and administrative skills.

The Institute of Law & Economic Paralegal Certificate qualification was compared with this qualification and it compares favourably in terms of the administrative, communication, client care skills and legal technology skills included. The modules offered are similar to the ones offered in the proposed qualification. They include, among others, courses on law and the profession, legal writing, criminal law and procedure as well as introduction to contracts and commercial law.

The information with respect to these certificates is available at <http://ilejamaica.org.jm/html/courses/paralegal-certificate-programme/>.

United States:

University of Massachusetts offers a Certificate in Paralegal Studies qualification. The subjects covered include: Introduction to Paralegal Studies, Real Estate Law, Legal Research Methods and Litigation. This qualification includes core modules such as Legal Research Methods, Litigation, and Real Estate Law. From the description of the qualification, it appears that there is focus on providing learners with an opportunity to undertake practical training on research, writing and engagement with clients as well as introduction to legal ethics.

Zimbabwe

The Zimbabwe Institute for Legal Studies (ZILS) also offers a comparable Certificate in Law qualification which provides learners with basic knowledge of the Zimbabwe legal system, the personnel as well as the courts structure in that country. The qualification, like the proposed one, offers candidates basic knowledge

on issues relating to the legal system in the country. Some of the modules that are offered under this qualification include constitutional law, law of delict, family law, research methods as well as a project.

In light of the above, it is safe to conclude that the comparison with the international and regional qualifications revealed that the range of module competencies is well expressed worldwide and is therefore comparable in module competencies and in duration.

REVIEW PERIOD

The qualification will be reviewed in 5 years following its registration.