

BQA NCQF Qualification Template

DNCQF.FDMD.GD04

Issue No.: 01

QUALIFICATION SPECIFICATION						
SECTION A						
QUALIFICATION DEVELOPER	BA ISAGO University					
TITLE	Diploma in Law				NCQF LEVEL	6
FIELD	Law and 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	360					
RATIONALE AND PURPOSE OF THE QUALIFICATION						
<p>Over the years since Botswana's attainment of independence, there has been a growing awareness by the public of their legal rights and interests which has resulted in a significance increase in litigation by members of the public. This has resulted in the growing numbers of individuals resorting to litigation in both the courts and, particularly, other forums that have been developed for the adjudication and resolution of legal disputes for instance Industrial Court, Children's Court, Court Martial, Land Boards and Land Tribunals. Increasingly, there are a number of governmental and nongovernmental officers, none of whom are Lawyers, but who are applying the law and adjudicating over legal disputes. As a result, there is a mismatch between the training and qualifications of such adjudicators and the increasing adjudicative responsibilities of their respective offices.</p> <p>Pillar 4 of Botswana's Vision 2036, which speaks to Governance, Peace and Security advocates for the transformation through reviewing "the constitution and legal framework." This is key in Botswana's aspirations to attain progressive governance. The NDP 11 acknowledges that "a number of oversight institutions exist in the country to make laws for the peace, order and good governance of Botswana. These include the National Assembly, the Ombudsman, the Directorate on Corruption and Economic Crime (DCEC), and the Independent Electoral Commission (IEC)." The Diploma in Law is geared at streamlining the functioning of public offices such as these ones with their quasi-judicial function to attain progressive governance.</p> <p>The Diploma in Law will empower students who may seek legal background to operate in Government quasi-judicial supporting roles, or the legal practice as clerks or support staff, to develop a skillset that enables them to operate with</p>						

a strong understanding of the law, and to apply it in every-day duties. It is important as it's a robust qualification that covers criminal and civil laws, which law enforcers come across on a daily basis and this is identified as a key developmental priority. In addition, the diploma may also assist the Paralegals to find opportunities of entering LLB qualifications. The opportunity of pursuing an LLB can be achieved by joining South African universities like University of South Africa (UNISA) and North West University at the Regional Level and any International University which allow holders of a Diploma in Law to enroll for LLB qualifications.

ENTRY REQUIREMENTS (including access and inclusion)

Entry to this qualification is through any of the following:

- i. A qualification at NCQF Level 4 (e.g. Botswana General Certificate of Secondary Education) or its equivalent including a pass in English language.
- ii. A Certificate V (NCQF Level 5) in Law, or its equivalent from a recognized institution. A higher qualification in a relevant field will be an added advantage.
- iii. Special Entry: Candidates who do not meet the minimum academic qualifications stated above will be considered through Recognition of Prior Learning (RPL) process which shall be administered according to the National RPL Policy. There will also be provision for Credit Accumulation Transfer to the learner in a case they are transfer in from another institution as per National Policy on CAT.

QUALIFICATION SPECIFICATION		SECTION B
GRADUATE PROFILE (LEARNING OUTCOMES)		ASSESSMENT CRITERIA
1. Apply substantive knowledge in oral and written legal arguments		1.1 Advise the community on their legal rights, duties and obligations
2. Articulate the nature of the legal institutions, rules concepts and principles		2.1 Classify the structure of legal institutions 2.2 Distinguish between public and private law
3. Apply legal theory in daily-activities, whether in Policing functions, or in Para-legal roles		3.1 Identify legal rights and duties to enforce in Court 3.2 Differentiate between expectations and rights in order determine how to defend or enforce the rights 3.3 Apply criminal law in criminal cases 3.4 Articulate the elements of a crime when dealing with criminal cases

	3.5 Draft accurate charge sheets
4. Evaluate legal cases and provide well-sounded legal opinions/advice	4.1 Analyse civil principles of fault 4.2 Apply jurisdictional principles to everyday court activity 4.3 Identify legitimate and illegitimate bail applications 4.4 Assess evidential rules of admissibility.
5. Apply the legislation in civil and criminal cases	5.1 Identify the constitutional provisions on crimes and civil wrongs in Botswana 5.2 Illustrate steps followed in court proceedings. 5.3 Use rules of natural justice in solving problems in a paralegal context 5.4 Participate in criminal and civil briefings and articulate issues 5.5 Draft legal documents in a legal context 5.6 Apply substantive and procedural law in simulated situations in preparation for court processes 5.7 Prosecute clients in the industrial court in labor related matters as non-attorneys are permitted to practice in the court in such matters. 5.8 Defend clients in the industrial court in labor related matters as non-attorneys are permitted to practice in the court in such matters.
6. Apply knowledge of ethics and values of professional conduct	6.1 Explain the rules of ethics in the legal practice 6.2 Employ the rules of ethics in interacting with clients
7. Exhibit information literacy skills in basic legal research and acquire necessary skills to enable them to undertake further advanced legal studies;	7.1 Identify problems in the legal field 7.2 Ascertain suitable research designs and/ or approach to use for the research 7.3 Present research findings orally or in writing 7.4 Make recommendations based on research findings

QUALIFICATION STRUCTURE			
			SECTION C
FUNDAMENTAL COMPONENT Subjects / Units / Modules /Courses	Title	Level	Credits
	Computing and Information Skills	6	12
	Introduction to Law	6	12
	Records Management	6	12
	English Communication for Law	6	12
	Human Resource Management	6	12
	General Principles of Contract Law	6	12
	Fundamentals of Accounting	6	12
CORE COMPONENT Subjects / Units / Modules /Courses			
	Property Law	6	12
	Local Government Law	6	12
	The Law of Delict	6	12
	Administrative Law in Botswana	6	12
	Constitutional Law	6	12
	Human Rights Law	7	12
	Administration of Estates	6	12
	Specific Contracts	6	12
	Commercial Law	6	12
	Family Law	6	12
	Social Security Law	7	12
	Employment Law	7	12
	Criminal Law in Botswana	6	12
	Industrial Attachment	6	60
	Civil Procedure Evidence and Case Flow Management	6	12
	Criminal Procedure in Botswana	6	12
	The Law of Evidence	6	12
	Customary Law	6	12
	Intellectual Property Law	7	12
ELECTIVE COMPONENT Subjects / Units / Modules /Courses			

Rules of combinations, Credit distribution (where applicable):

Level 6 Consists of 312 Credits

Level 7 consists of 48 Credits

Total Credits = 360

The credit combination for this qualification is made up of 84 credits from the fundamental component, 276 credits from the core component. All modules are compulsory.

ASSESSMENT & MODERATION ARRANGEMENTS

ASSESSMENT

Formative Assessment

The weighting of formative assessment is 40 % of the Final assessment mark.

Summative Assessment

The weighting of summative assessment is 60 % of the Final assessment mark.

MODERATION

Internal Moderation Requirements

- i. All assessment instruments should be internally moderated before administration.
- ii. All marked scripts should be moderated internally.
- iii. The preparation of the moderation should be accompanied by the Assessment Matrix.

External Moderation Requirements

External moderation is a final check, by external subject experts, that the examination and marking is at the right standard for the type and level of the qualification. External moderation exercise may lead to a decision to change marks. Each sub-field will have a Substantive External Examiner.

Reports and associated documents to be in place for external moderation should include but not limited to:

- Qualification document
- Assessment Instrument
- Assessment design and alignment matrix
- Marking key
- Internal Moderation report
- List of candidates and scores attained

- Examination Attendance register

Assessment and moderation will be carried out by BQA registered assessors and moderators in line with BQA/national policies.

RECOGNITION OF PRIOR LEARNING (if applicable)

There will be provision for awarding of the qualification through RPL in line with the national RPL Policy. There will also be provision for CAT awarding credits to the learner in a case where they do not complete the qualification or transfer to another institution.

PROGRESSION PATHWAYS (LEARNING AND EMPLOYMENT)

Learning Pathways

Vertical Articulation

- Bachelor of Laws Degree
- Bachelor of Arts in Law and Public Administration

Horizontal Articulation

- Diploma in Court Administration
- Diploma in Public Policy and Administration

Diagonal Articulation

- Bachelor of Arts in Public Administration
- Bachelor of Arts in Community Development

Employment Pathways

This course is specifically designed to provide a route into a Paralegal career. Upon completion of this course learners will have skills, knowledge and experience to provide para legal services to the public and legal professional both in the private and public sector as:

- Court Interpreters
- Court Clerks
- Court Reporters
- Court Bailiffs
- Consultants
- Legal Assistants at Law Firms, Non-Governmental Institutions and Government Offices
- Legal Secretaries

QUALIFICATION AWARD AND CERTIFICATION

Upon successful completion of a two and a half year study period, the candidate will be awarded a certificate in Diploma in Law in accordance with the qualification composition rules and applicable policies. For a candidate to be awarded with the qualification he/she must have accumulated a total of 360 credits. Those candidates who have not met the minimum requirements but have accumulated credits from the qualification sought will not be awarded

the qualification but may be considered for an appropriate exit awards in accordance with the University Assessment Policy.

REGIONAL AND INTERNATIONAL COMPARABILITY

The qualification compares well with the Diploma in Law offered by the Kenya School of Law, University of South Africa (UNISA) and University of East London (FDA Law)

- **The Kenya School of Law (Kenya)**

Similarities and differences

This qualification is similar to the Diploma in Law offered by the Kenya School of Law. The two qualifications are placed at NCQF level 6 and share common modules such as constitutional Law, Criminal Law, Law of Contract, Family Law, Criminal Procedure and Introduction to Law just to name a few. The mode of study is also similar as it is on a full time basis with both day and evening classes. The exit outcomes are also similar to this qualification. However, a number of differences can also be noted. At the Kenya School of Law, the learners are exposed to 3 semesters a year for a period of two years while under this qualification the learners are exposed to 2 semesters a year for a period of two and a half years. Also the learners under this qualification are exposed to modules such as Administration of Estates, Social Security Law, Customary Law Local Government Law and industrial attachment unlike those at the Kenya school of Law.

- **University of South Africa (UNISA South – Africa)**

Similarities and differences

The University of South Africa's Diploma in Law is presented by the Faculty of Law and is a qualification that focuses on the basic principles of law in combination with the skills that a paralegal needs to work with in the field of law which is similar to this qualification. The two qualifications are placed at NCQF level 6 with a total number of 360 credits. The University of South Africa (UNISA) offers a number of similar modules which aim at equipping the students with knowledge and skills to provide primary legal services to the public and support to legal professionals. Such modules include Law of Delict, Family Law, Local Government Law, Introduction to Law, Social Security Law to name a few.

However, the following differences can be noted among the two qualifications, UNISA offers modules which are not offered by this qualification like Introduction to Paralegal Studies, Skills Course for Law Students, Introduction to Research Methodology for Law and Criminal Justice to name but a few. The learners under this qualification will be exposed to industrial attachment which is not the case with those in UNISA.

- **University of East London (FDA Law) - United Kingdom**

Similarities and differences

At the international level the qualification was benchmarked with the Diploma in Law offered by the University of East London (FDA Law) in the United Kingdom. Similarities are that both institutions offer a number of law modules namely the law of obligations (Tort and Contract Law), Civil Litigation, Criminal Litigation, Criminal Law and Practice to name just a few. The two qualifications are also placed at NCQF level 6. However, a number of differences were also noted among the two qualifications. The University of East London offers yearly modules whereas under this qualification the modules are offered per semester. Also the programme in the University of East London is offered for a period of two years and runs throughout the year while under this qualification it is offered for a period of two and half years. The modules of the University of East London focus more on law of obligations and procedure while under this qualification students are exposed to modules from other disciplines such as Computing and information Skills, Records Management, Human Resource Management and Fundamentals of Accounting. Also learners under this qualification are exposed to Industrial attachment which is not the case with the University of East London.

In general, this qualification compares well with its regional and international counterparts. The only major differences are in mode of study and scope of coverage or focus offered by the universities. Majority of the modules offered by these universities compare favorably with few differences. This qualification is presented in the form of both evening and regular education for students and is therefore in line with the BQA requirements and objective of providing access, mobility and progression for learners.

REVIEW PERIOD

This qualification will be reviewed after 5 years upon registration as per the qualification/programme review policy.