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Recognition of Prior Learning for Community-based Paralegals



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SUMMARY

The South African paralegal education landscape is fragmented, with too few programmes accredited by the Higher Education Quality Council (HEQC) or the Quality Council for Trade and Occupations (QCTO) to provide the requisite educational support for the institutionalisation and sustainability of an array of paralegal services rendered by the paralegal sector. This, inarguably, contributes to the growing unmet primary legal and quasi-legal needs of South African society.

Recent consultations on the recognition and regulation of Community Advice Offices (CAOs) by the Department of Justice and Constitutional Development included possible minimum prescribed standards for education and training for community-based paralegals (CBPs), which may exclude CBPs who have been in practice for decades. These CBPs have been rendering vital socio-legal and quasi-legal services to vulnerable communities in the country without formal recognition. The recent implementation of the Bachelor of Paralegal Studies programme (professional/vocational) at the Cape Peninsula University of Technology (CPUT) raised questions around the accessibility of accredited training at institutions of higher learning for these CBPs.

Access to accredited training is granted through specific articulation (by agreement between different institutions), systemic articulation (as contained in laws and policies) and through Recognition of Prior Learning (RPL), a process that recognises forms of learning other than formal qualifications. The RPL process in South Africa has its focus on access and redress, in other words, restorative justice. In many instances the RPL route may be the only possible access route to the Bachelor of Paralegal Studies for CBP practitioners.

The Department of Applied Legal Studies therefore investigated how RPL could serve to validate the formal, non-formal and informal learning of CBPs in order to facilitate their access to this programme. The investigation focused firstly on the formal learning

(leading to qualifications or part qualifications), non-formal learning (planned learning not leading to a qualification or part qualification) and informal learning experiences (daily activities in the workplace or social life) of the participants in the study, and the implications thereof for the RPL process and instruments. However, accessibility is not only confined to access to this programme but includes a mode of delivery that would enable CBPs to attend and successfully complete the programme. This investigation therefore also made enquiries into a possible mode of delivery for CBPs in practice.

The recent implementation of the Bachelor of Paralegal Studies programme (professional/vocational) at the Cape Peninsula University of Technology (CPUT) raised questions around the accessibility of accredited training at institutions of higher learning for these CBPs.

The results reveal an array of formal, non-formal, and informal learning experiences of the participants in the study, which were categorised into twelve different training typologies. This establishes a solid foundation from which the possibility for systemic articulation, specific articulation and RPL for access to any programme could be explored. The range of typologies reflects the complex hybridity of the knowledge and skills of the participants and demands an RPL process and instruments that are shaped around that hybridity and are fit for purpose. Furthermore, three types of CBP practitioners are proposed. These types could serve as the basis for deliberations on the minimum standards for education and training for CBP practitioners.



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LIST OF ABBREVIATIONS

ACAOSA	Association of Community Advice Offices of South Africa
AULAI	Association of University Legal Aid Institutions
B.PARALEGAL STUDIES	Bachelor of Paralegal Studies
CAO	Community Advice Office
CAOSA	Centre for the Advancement of Community Advice Offices in South Africa
CAT	Credit Accumulation and Transfer
CBP	Community Based Paralegal
C-CBP	Competent Community Based Paralegal
CPA	Consumer Protection Act
CPUT	Cape Peninsula University of Technology
DHET	Department of Higher Education and Training
HEQC	Higher Education Quality Committee
HSRC	Human Science Research Council
IT	Information Technology
LLB	Bachelor of Laws / Baccalaureus Legum
MVA	Motor Vehicle Accident
NADCAO	National Alliance for the Development of Community Advice Offices
NPP	National Paralegal Policy
NCV	National Certificate Vocational
N-CBP	Novice Community Based Paralegal Practitioner
NCV- SS	National Certificate Vocational - Safety in Society
NQF	National Qualifications Framework
PDC	Portfolio Development Course
PSET	Post School Education and Training
POE	Portfolio of Evidence
QCTO	Quality Council for Trade and Occupations
RPL	Recognition of Prior Learning
SAPS	South African Paralegal School
SAQA	South African Qualifications Authority
SCAT	Social Change Assistance Trust
SAOSF	South African Occupational Skills Framework
TVET	Technical and Vocational Education and Training
UCT	University of Cape Town
UNESCO	The United Nations Educational, Scientific and Cultural Organization
UAL	Unit for Applied Law



GLOSSARY

Access	The opportunity to pursue education and training, including relevant qualifications and part-qualifications; professional designations; opportunities in the workplace, and career progression.
Community-based paralegal	Persons who work within the CAO sector on human rights and social justice issues as well as on matters of public interest. They provide free-of-charge services including information, advice, support and assistance, mediation and advocacy aimed at resolving issues straddling legal and social justice systems.
Credit	The volume of learning required for a qualification or part-qualification, quantified as the number of notional study hours required for achieving the learning outcomes specified for the qualification or part-qualification. One credit is equated to ten (10) notional hours of learning.
Formal training	Learning that occurs in an organised and structured education and training environment, and that is explicitly designated as such. Formal learning leads to the awarding of a qualification or part qualification registered on the NQF.
Informal training	Learning that results from daily activities related to paid or unpaid work, family or community life, or leisure.
Legal practitioner	An advocate or attorney admitted and enrolled as such in terms of section 24 and 30 of the Legal Practice Act, 2014.
Non-formal training	Planned learning activities not explicitly designated as learning towards the achievement of a qualification or part qualification; it is often associated with learning that results in improved workplace practice.
Paralegal	A paralegal is a person with or without formal legal training, who renders basic legal and quasi-legal services with or without reward.
Recognition of Prior Learning (RPL)	The principles and processes through which the prior knowledge and skills of a person are made visible, mediated, and assessed for the purposes of alternative access and admission, recognition and certification, or further learning and development.
Specific articulation	Specific articulation is based on formal and informal agreements within the education and training system, mostly between two or more education and training sub-systems, between specific institutional types, and guided by guidelines, policies, and accreditation principles.
Systemic articulation	Systemic articulation refers to articulation routes that are contained in legislation, national policy and the formal requirements within the education and training system.

1





1 Introduction

A scan of the South African paralegal education landscape in 2015 revealed a fragmented approach, with most of the education and training falling outside the National Qualifications Framework (NQF) (SAQA 2013). Moreover, too few programmes were accredited by the Higher Education Quality Committee (HEQC) or the Quality Council for Trade and Occupations (QCTO) to provide the requisite educational support for the institutionalisation and sustainability of the paralegal sector amid the growing unmet primary legal and quasi-legal needs of society. Community-based paralegals (CBPs) in the Community-based Advice Offices (CAOs) have rendered a vital socio-legal and quasi-legal service to vulnerable communities for decades in South Africa. These services have been stretched thinly across the justice gap and are made possible with almost exclusive dependence on external donor funding and volunteerism (Leach, 2018).

1.1 The Justice Gap

The Measuring the Justice Gap report issued by the World Justice Project in 2019 defines the justice gap as 'the number of people who have at least one unmet justice need. These are people who are ultimately not getting the justice they need for both everyday problems and severe injustices' (World Justice Project, 2019: 4). The report notes that there are, in total, 5.1 billion people who do not have their justice needs met. In 2010 the Open Society Institute reported that 4 billion people across the world were excluded from the rule of law (Open Society Institute, 2010). It would therefore appear, almost a decade later, that the justice gap is expanding.

The Report of the United Nations Secretary-General (2009) noted that poverty could be considered as both the cause and the consequence of this exclusion. This applies equally to the South African context where the statistics on poverty levels are well documented and where poverty presents a formidable barrier to access to justice, in spite of the country's liberal Constitution and the state institutions tasked with the protection and promotion of human rights (Leach, 2018). Therefore, even in a constitutional democracy such as South Africa with its progressive laws, citizens experience a difference between the letter of the law and its practice, as the manner in which the law is entrenched in the social and political order affects its potential to empower individuals and groups (Hodgson, 2015; Foundation for Human Rights, 2016; Leach, 2018).

The legal needs of society are constantly evolving and there is the tendency globally to model the legal needs

of the poor and the not so poor on that of the high-end fee-paying client. South Africa is no exception. The challenge with legal education in the country, therefore, is in part a reflection of the mismatch between the unmet legal needs of society and the legal services rendered, as the focus still remains mostly on secondary legal services and criminal justice. The unmet primary legal needs ultimately develop into legal problems that necessitate intervention at a secondary level, adding to the expense of legal services and rendering these services unaffordable for the majority of citizens in the country. An investment in the education and training of the community-based paralegal sector in particular is therefore critical to meeting the justice gap in South Africa.

1.2 Community-based Paralegals: An 'occupational identity'?

'Occupational identity', a construct initially coined by Kielhofner (2002), is an emerging construct that is broad, value-laden and unexplored in the CBP sector. A detailed exposition of what exactly the construct means within the context of the CBP sector falls beyond the scope of this report and cannot be addressed without exploration through scientific research and an elucidation of the underlying theories and assumptions. This report will therefore address in brief the description of the label 'community-based paralegal', which speaks to its characteristics, and the general function that they perform, which speaks to the occupation. This is inextricably linked to a Recognition of Prior Learning (RPL) process.

Paralegals, for the most part, are seen as adjunct to

attorneys, who do not require specialist training, but need only be trained for the superficial aspects of the law and administration. However, the draft description of CBPs distinguishes these practitioners from other paralegals as follows:

Community-based paralegals are persons who work within the CAO sector on human rights and social justice issues as well as on matters of public interest. They provide free-of-charge services including information, advice, support and assistance, mediation and advocacy aimed at resolving issues straddling legal and social justice systems. Community-based paralegals may have a range of qualifications, ranging from experiential training through to a formal qualification. (Discussion Paper: Recognition and Regulation of the CAO Sector, March 2019)

A comprehensive critique of this draft description will take this report beyond its scope. However, three critical and interrelated aspects should be noted. First, there is no reference to representation as a function or service that community-based paralegals currently perform. Secondly, CBPs are expected to render a pro bono service and thirdly, there is the express recognition of workplace-based learning. Two of these aspects will be addressed here. The absence of reference to representation in the description may be attributed to the fact that legal services have not been defined in the country. As a result, there is no common understanding as to what legal services entail. The Discussion Paper (2019) addresses this definitional vacuum by referring to the description proposed by Leach (2018), which is illustrated in Figure 1 below. Moreover, recognition of workplace-based learning holds particular significance for this project, which focuses on RPL, including experiential learning.

The accredited education and training of paralegal practitioners has received scant attention to date in the country compared to the legal education of legal practitioners. A pilot study, hereafter referred to as the UAL pilot, conducted among a non-representative sample of CBPs by the former Unit for Applied Law (now Department of Applied Legal Studies) at the Cape

Peninsula University of Technology (CPUT) suggested an ageing cohort with substantial gaps in formal legal education (Leach, 2016). This lack of accredited formal legal education led the legal profession to question the standing of CBPs during policy reforms in the legal profession (Benjamin, 2012). This contributed to the CBP occupation being rendered almost invisible, their competencies not being recognised or valued within the legal profession, and many CBPs not having adequate access to further education and training opportunities due to the admission criteria of institutions of higher learning. This exclusion does not only have implications for the market opportunities for paralegals in general but denies the majority of citizens in the country access to primary legal services, particularly of a civil and administrative nature.

Although CBP practitioners do not exactly command a dominant label such as that of legal practitioners or lawyers, this label nevertheless comes with accompanying 'cultural history' and 'occupational essence' (Fine, 1996: 91). Community-based paralegal practitioners have been the first aid for legal problems and the advance guard of access to justice in South Africa for decades. The literature confirms that these practitioners function distinct from but complementary to legal practitioners (Benjamin, 2012; Bodenstein, 2007; Davids & Verwey, 2014). These practitioners were found to 'regularly operate beyond the capacity, locality or comfort of the legal profession'. (Dugard & Drage, 2013). Leach (2018) notes that their 'practice' is characterised by a 'court room' that does not necessarily consist of four walls, while many of them received their education and training in advocacy and human rights protection in the school of life rather than through formal legal education. It would therefore seem that the workplace has provided CBP practitioners with the opportunity to acquire the attributes that a new constitutional order demands from entrants into the legal profession. These attributes include advocacy and active citizenship, emotional literacy, social intelligence and a human rights-based approach to access to justice. The socio-legal and quasi-legal services that these CBP practitioners perform and the conditions under which they operate, present unique characteristics of an occupation for which the practice has not been sufficiently codified in the academy.

The formal recognition and regulation of community-based advice offices may be accompanied by minimum prescribed standards for formal education



and training for the paralegals who operate these offices, which may exclude CBPs who have been in practice for decades. There is, therefore, a need to expand the capacity of the existing cohort, attract a younger generation of CBPs and expand the capacity of paralegal practitioners in general to render primary legal and quasi-legal services to society at large, but particularly to vulnerable communities. The Department of Applied Legal Studies at CPUT has as its focus professional/vocational education and responded to this need. It therefore sought to narrow the gap between the workplace and the academy, strengthen the occupation and the institution of the paralegal and challenge the silo approach to legal education in the country by curricularising the new Bachelor of Paralegal Studies programme.

1.3 Bachelor of Paralegal Studies (Professional/Vocational)

The Bachelor of Paralegal Studies programme, the first of its kind in the country, is designed to consolidate the fragmented approach to paralegal education in South Africa and bring comprehensive paralegal education firmly within the domain of institutions of higher learning. The programme was designed by the Department of Applied Legal Studies at CPUT, in collaboration with National Alliance for the Development of Community Advice Offices (NADCAO) and the Association of Community Advice Offices of South Africa (ACAOSA), with input from members of the legal profession, Black Sash, the drafters of Justice Vision 2000, paralegals in practice in South Africa, and members of paralegal organisations in the United Kingdom and the United States of America.

The purpose and rationale of the programme suggests that it points both ways in more ways than one. The programme points towards the academy and the workplace as well as the paralegal 'profession' and the legal profession. The Bachelor of Paralegal Studies programme 'seeks to equip the qualifying learner with the principles, theory, procedural knowledge and work-integrated learning (practice) for application in key areas of the law and provide them with an understanding of the application of the law within the broader South African social context, for the purpose

of rendering primary and quasi-legal services'¹. This speaks to the identity of a graduate and a practitioner that is informed by and informs the curriculum and who contributes to the codification of workplace knowledge through engagement between the workplace and the academy. Through this engagement, these practitioners are thus afforded the opportunity to contribute to the production of recontextualised knowledge in the legal services sector.

Alongside this programme, a broad framework of legal services in South Africa is proposed, as illustrated in Figure 1 opposite.

Legal services, in terms of this framework, constitute a continuum of services that can be categorised as primary or secondary legal services. This continuum of services requires the legal practitioner or paralegal practitioner to inform, to advise, to support and/or represent a client. Legal services are categorised as primary or secondary depending on the degree of legal complexity of the service and the risk to the client should it be rendered by an unqualified practitioner. The degree of complexity and risk of the legal service also assists in determining which practitioner is better qualified to render the service.

Determining the latter is indeed not an uncontested space among legal practitioners, nor between legal and paralegal practitioners. Given the fact that neither legal practitioners nor paralegal practitioners represent a homogenous group, the multiple shaded areas between the conventional domain of the practitioners represents the potentially contested space. However, there are legal services at the high complexity/risk end that can clearly only be performed by individuals who have received specialised training. This could be the domain of the legal practitioner and the trained paralegal may perform a support function under the supervision of the legal practitioner.

On the other hand, there are legal and quasi-legal services at the low complexity/risk end that can be performed by individuals who have acquired a certain degree of literacy or narrowly focused legal training and/or experience and gained insights into the social complexities of the situation that manifests as a legal

1 South African Qualifications Authority registered qualification: Bachelor of Paralegal Studies document (Registered 2018/07/01 to 2021/06/30).

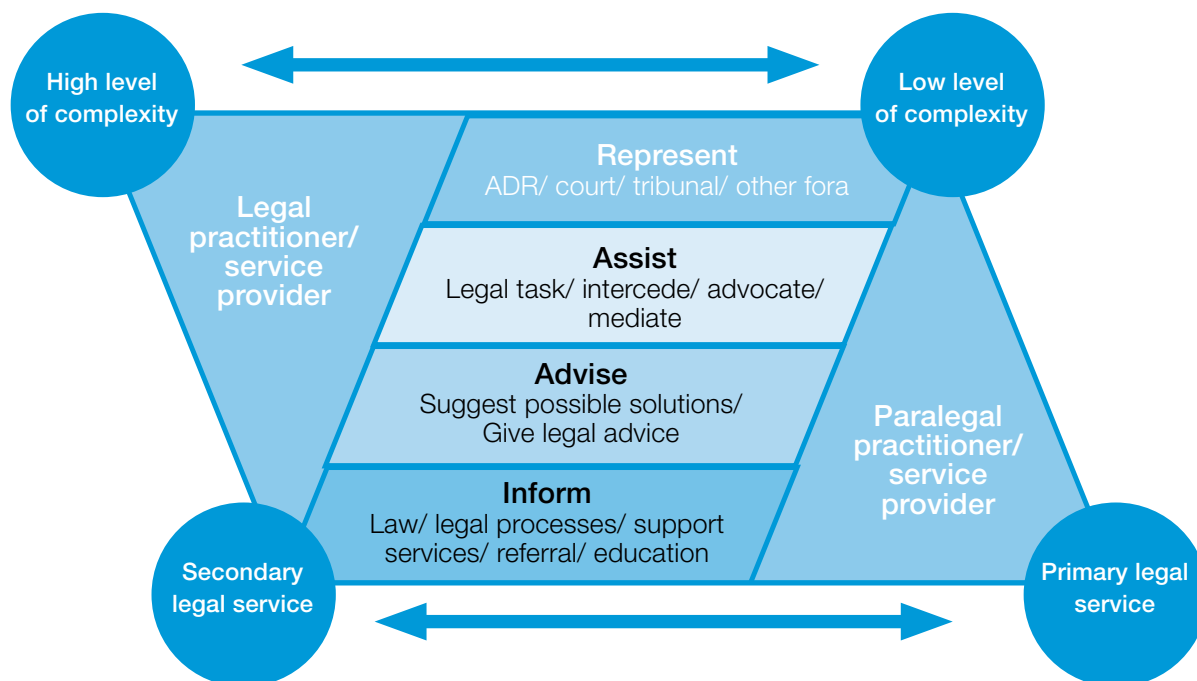


Figure 1: Proposed Legal Services Framework (Leach, 2018)

problem. This could be the domain of the paralegal practitioner; while the legal practitioner might perform a support function, as legal assistance at this end might include a range of remedies which might or might not include litigation.

1.4 Barriers to Admission to the Bachelor of Paralegal Studies

Admission to the Bachelor of Paralegal Studies programme is currently granted in three ways, namely through systemic articulation², specific articulation³ and RPL⁴. Although most of the participants in the UAL Pilot study were in possession of a matric certificate, very few had accredited post-school legal training.

More importantly, the results show that none of the participants met the minimum prescribed statutory criteria for admission to a Bachelor programme. These paralegals have nevertheless been in practice for at least 15 years and should be provided opportunity for access through alternative forms of admission such as the RPL. After all, it is the current and potential scope of practice of these practitioners that inspired the design of the Bachelor of Paralegal Studies programme.

1.5 What is Recognition of Prior Learning?

Recognition of Prior Learning (RPL) is defined as 'the principles and processes through which the prior knowledge and skills of a person are made visible,

² Academic Point Score (APS) = 30
OR
National Senior Certificate (Matric) with degree admission:
• English home or first additional language level 4 [50%]
• Mathematics level 3 or Mathematical Literacy level 4 [50%]
• One official language other than English level 4 [50%]
Life Orientation is excluded from the designated subject list.
OR
(TVET) National Certificate (Vocational) Level 4
• Official language at first additional language level, including English (score at least 60%)
• Mathematical Science (Score at least 60%)

• Any four vocational components (Score 70%)
OR
Horizontal articulation from NQF LEVEL 5 Public Administration programme (TVET) NCV level 4 Safety in Society
Matric +
Test 1 Mathematical literacy
Test 2 English proficiency
Average of 4 vocational subjects (Score 60%)
4 Matric +
Test 1 Mathematical literacy
Test 2 English proficiency
Workplace experience



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mediated and assessed for the purpose of alternative access and admission, recognition and certification, or further learning and development' (SAQA, 2013, Paragraph 26). This policy makes provision for two main forms of RPL, namely, RPL for access and for credit. RPL for access creates an alternate pathway for access on the NQF other than specific and systemic articulation. RPL for credit serves as a means through which credits are awarded towards a qualification/part qualification that is registered on the NQF, subject to the residency clause⁵ (Policy for Credit Accumulation and Transfer within the National Qualifications Framework, 2014; Council for Higher Education [CHE], 2016).

It would therefore appear that an RPL process has the potential to benefit the community-based paralegal sector in multiple ways. It could provide paralegal practitioners with a means to access further accredited education and training, which is the focus of this investigation. However, RPL could serve the paralegal sector beyond mere access. It could serve as a means to validate and give formal recognition to the experiential and non-formal learning of CBP paralegal practitioners who have been rendering this unique service for decades. This is particularly important in the light of the current efforts around the recognition and regulation of the Community Advice Offices (CAOs) sector as policy reform may be accompanied by minimum standards with regards to education.

Though RPL is well intended, it is not without its challenges. The Minister of Higher Education and Training attributes these challenges to sociological differences, steeped in a cultural history of discrimination, contestations between communities of practice, and the sharp distinctions drawn between the 'codified' knowledge in the academy and the 'uncodified' knowledge of 'every day' life (DHET, 2013:94). He summarises the RPL 'dilemma' as follows: *On the one hand, there has been substantive, sustained scholarship concerning the differences in academic and non-academic communities of knowledge; the effectiveness of RPL as a pedagogical device; and the need to attend to issues of epistemological access. On the other hand, however, the relative lack of academic literacy and formal*

theory among workplace practitioners, confluences of knowledge that are difficult to categorise in disciplinary and/or academic terms, and other differences have made many South African academics wary of RPL. (DHET, 2013:94)

These are the contestations that confront an RPL process for access to the Bachelor of Paralegal Studies programme for candidates from the CBP sector. On the one hand, there is the promise of a process for validation and recognition while, on the other hand, there may be a lack of formal theoretical knowledge underpinning the practice, and a lack of academic literacy to meet the demands of the programme. This requires a conceptual framing of RPL that not only confronts these challenges and navigates these tensions, but meets the ultimate purpose of including broader segments of the adult population into an accessible education and training system, thus building more inclusive societies as recommended by The United Nations Educational, Scientific and Cultural Organization Guidelines (UNESCO, 2012). The statutory framework of RPL alludes to this purpose.

1.6 Statutory Framework of RPL

South Africa has adopted a human rights-based approach to access to justice. Three fundamental values entrenched in its Constitution, namely human dignity, equality and freedom have been codified as substantive human rights in the Bill of Rights, clothing them with particular foundational importance (Leach, 2018). These values form the prism through which all rights in the Bill of Rights and, as a consequence, all laws and policies in the country, are to be interpreted.

At the heart of the RPL process is the constitutional imperative of restorative justice. This constitutional mandate is entrenched in a range of legal instruments⁶. This has particular significance for the community-based paralegal sector, bearing in mind its unique role in ensuring access to procedural and substantive justice. The National Policy for the Implementation of the RPL (SAQA, 2013), is acutely aligned to the

⁵ Students must complete at least 50% of the subjects in any programme at the institution awarding the qualification

⁶ The Skills Development Act No. 97 of 1998
Higher Education Act No. 101 of 1997, as amended
Higher Education Amendment Act, No. 23 of 2001
National Education Policy Act (No. 23 of 1996)

objectives of the National Qualification Framework Act 67 of 2008 (hereafter referred to as the NQF Act). The NQF Act mandates institutions of learning to facilitate access, mobility and progression⁷ and to accelerate redress of past unfair discrimination in education, training and employment opportunities⁸.

The Council on Higher Education (CHE) therefore published the Policies on the Recognition of Prior Learning (RPL policy), Credit Accumulation and Transfer (CAT policy) and Assessment in Higher Education (CHE, 2016). The CHE's commitment to the NQF's mandate is explicitly contained in the following statement: 'The purpose of the CHE policy on RPL is to develop and facilitate the implementation of RPL across the higher education sector and should be based on the principles of equity, access, inclusivity and redress of past unfair discrimination with regard to educational opportunities' (CHE, 2016, pg.iv). Two of the policies focus on different forms of learning. The RPL policy concerns itself with non-formal and informal learning whereas the CAT policy focuses on formal, accredited qualifications and part qualifications. However, the RPL policy states clearly that, in cases where the CAT policy is found not to be applicable, the RPL route may be explored.

The findings recorded below in this research report confirm that most of the community-based paralegals in South Africa have sought to enhance their qualifications and practices through combinations of formal study, short courses and experiential learning, hence the validity and importance of well researched RPL and articulation pathways into the Bachelor of Paralegal Studies programme. See Section 4.2 below for further discussion of the implications of these principles, policies and practices for the programme.

However, RPL in the paralegal sector should serve a purpose beyond 'access' and 'redress'. Recognition and validation of the non-formal and informal learning of community-based paralegals could solidify the role of these practitioners in the services sector. This has the potential to provide them with greater bargaining power in negotiating their scope of practice, raise their esteem in the eyes of the community and the legal fraternity and inform policy makers. It is therefore

important to develop a flexible mode of delivery to ensure access, not only in form, but also in substance.

The Bachelor of Paralegal Studies occupies a unique space on the Post School Education and Training (PSET) continuum. It does not only serve as a conduit from the paralegal sector to the LLB but also opens access to a range of other post-graduate qualifications in the form of Post-Graduate Diplomas and Honours degrees in related fields, as intended by the NQF and its related statutes. Bearing in mind the mandate that the statutory framework provides, it is important to adopt a conceptual framework that is most closely aligned with that mandate.

1.7 In Search of a Conceptual Framework

Approaches to RPL in essence focus on RPL as an assessment-driven process. The purpose of this process is firstly to determine the authenticity of claims made of the existence of prior learning, secondly to ensure that academic standards are not compromised, and thirdly to maintain the confidence of the public in the qualifications offered by the institution (Cooper and Ralphs, 2016). This approach is problematic for the community-based paralegal as equivalence cannot easily be drawn between CBP practice (experiential knowledge) and the codified knowledge of the academy. A CBP practitioner is required to negotiate the boundaries between the different discourses of knowledge. Bearing in mind that the codified knowledge of the academy is inaccessible even for some of those who meet the statutory admissions requirements for access, this would require a different approach to the RPL process for CBP practitioners.

A fundamental question to be asked in search of a conceptual framework for RPL is, 'What constitutes pedagogy, knowledge and learning?' Cooper (2005), whilst examining the trade union organisational context, opted to draw selectively upon four theoretical perspectives in order to define what constitutes 'evidence' of pedagogy, learning and knowledge. A common thread to all these theoretical perspectives is the emphasis on the collective and social nature of the learning processes (Cooper, 2005). The trade union

7 Section 5(1)(b)
8 Section 5(1)(d)



context resonates well with the community-based paralegal sector as they share similar origins and often intersect.

Cooper et al. (2016) departed from the conventional wisdom of RPL as an assessment-driven process. Their point of departure is that knowledge is differentiated and socially situated which requires RPL practice to be explored as a specialised form of pedagogy for mediating the visibility and nature of the similarities and differences involved. Knowledge generated within an academic context is typically characterised by its more theoretical and generalising nature, its scientific research origins, as well as by its recontextualization (Bernstein, 2000) within qualification and curriculum structures for the general undergraduate degree programmes and/or the field-specific vocational/professional programmes. Students acquire this knowledge through the pedagogic activities and text-based practices of the academic programme and related assessments.

On the other hand, knowledge generated outside of the academy e.g. as part of a business, government or other organisation is typically generated and distributed in and through the activities of the organisation and is often incidental⁹ to these activities and closely related to a specific context. Workers acquire this knowledge through their participation, initially as apprentices in these activities, and in the continuing discourse associated with these communities of practice (Wenger, 1998) but also through supplementary formal and non-formal training programmes as required. Cooper et al. (2016) therefore recommended a 'specialist pedagogic role in mediating the complexities of knowledge recognition across different learning pathways' (Cooper et al., 2016).

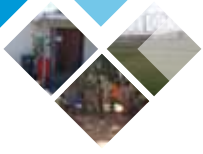
The implications for the paralegal context are, on the one hand, that the validation of paralegal practice through RPL has to take into consideration not only what knowledge has been acquired but where and how the knowledge is acquired. On the other hand, an RPL process for CBP practitioners has to maintain an

acute awareness of the dominance that the academy exercises over knowledge production in the legal field, and the unequal power relations between the legal practitioners and paralegal practitioners. This study therefore draws on the notion of RPL as a specialised form of pedagogy when it examines the levels of education and training of CBP practitioners and explores the RPL processes, instruments and modes of delivery that may be appropriate for the recognition and validation of prior learning in the CBP sector.

⁹ See Eraut's (2004) refined typology of informal learning which distinguishes between implicit, reactive and deliberative learning activity. See also Gamble (2006) on the distinction between principled and procedural knowledge acquired in traditional craft-based apprenticeships where the principles are often tacitly embedded in the practical and procedural forms of the 'master' craftsman.

2





2 Research process and methods

The research project required the compilation of an appropriate survey and effective means to conduct the survey. This project was conducted in two phases: (1) survey construction, and (2) data collection and analysis.

The aim of the RPL survey was to collect data in order to:

- Determine the levels of education and training of CBPs to ascertain the gap (if any) between their current education and training and the level required for access to the Bachelor of Paralegal Studies programme in order to make recommendations for RPL processes and instruments;
- Inform the recommendations for an appropriate mode of delivery for CBPs who qualify for access to the Bachelor of Paralegal Studies Programme.

2.1 Ethical Principles

The ethical principles of respect, autonomy, beneficence and non-maleficence have been maintained during this study.

2.1.1 Respect and Autonomy

All participants were informed of their right to exercise their autonomy and have exercised this by granting informed consent to participate in the research study. The purpose of this study was explained to the participants with emphasis placed on their ability to withdraw from the research study at any given time. The participants were given opportunities to ask questions pertaining to the study with the research assistant or directly to the principal investigator via electronic communication or telephonically.

Participants maintain the right to request that the information obtained from them be removed from the study if they choose to withdraw. The right of participants to practice their autonomy was observed as follows:

- The online questionnaire did not allow the prospective participant to proceed without giving consent to participate in the study.
- Confidentiality was upheld by ensuring that the participants' identifiers are not disseminated with any links to the information provided by the participant. Participants had access to information regarding the use and dissemination of data collected about them.
- Ensuring a time and place to participate in the study according to each participant's preference.

2.1.2 Beneficence

Beneficence was achieved by ensuring that the participants were aware of the aim and nature of the study. Participants were informed that they would not benefit directly from their participation in the research.

The indirect benefits of the study were explained to the participants with regards to the development of RPL processes, instruments and programmes for community-based paralegal practitioners.

2.1.3 Non-maleficence

This study did not pose any direct risk to the participants involved. However, the nature of the survey required the sharing of personal information. Therefore, it was emphasised that they were under no obligation to complete the survey.

2.1.4 Confidentiality

The data obtained during this study was in the form of participant completed electronic- and paper-based surveys assisted by a researcher where required. This information was kept secure with password-protected electronic file management. Access to data was restricted to the research team as well as the ethics committee concerned. No personal information regarding participants was shared with other parties.

2.2 Sampling method

This study made use of purposeful sampling followed by snowball sampling. Databases of community advice offices were obtained through national databases maintained by the former NADCAO, CAOSA and two intermediaries, SCAT and AULAI. These databases were verified by the CPUT team and it was identified that approximately half of the CAOs that were listed were contactable by telephone. This led to the use of snowball sampling to expand the sample size. A subset of these participants was used by the HSRC as a pilot group to validate the methods used to obtain the data. Additional research participants were identified at the Dullah Omar School for Paralegalism to maximise the sample size. A final cohort of 104 paralegals was surveyed for this research. This

represents approximately one-third of the projected number of CAO's currently in operation in South Africa. Efforts were made to minimise bias in the sampling by attempting to contact CBPs irrespective of gender, race, currency of the practice, and geographic location.

2.3 Phase 1 - Construction of the Survey Instrument

The Department of Applied Legal Studies at CPUT constructed the draft survey instrument. The Principal Investigator (PI) at CPUT was responsible for the finalisation of the first draft of the RPL survey instrument. The draft survey instrument was presented at a workshop attended by specialists in RPL and teaching and learning, researchers from the HSRC and CPUT, as well as academics and researchers from the Department of Applied Legal Studies. The research team reached consensus on the main themes, indicators, levels of skills, competencies and sources of knowledge and skills in paralegal practice which were to be reflected in the survey. An online version of the survey was created by the HSRC and an in-house pilot was conducted. This was followed by the technical refinement of the online survey instrument by the HSRC.

The survey instrument was constructed along three main themes, namely demographic information, information related to education and training, and self-reported levels of skills, competencies and sources of knowledge and skills in paralegal practice. The training listed in the questionnaire was loosely categorised as formal, non-formal and informal training to enable the researchers to categorise the data gathered into these categories as defined by the National Policy for the Implementation of the Recognition of Prior Learning (SAQA, 2013). Formal training, in terms of this policy, is regarded as training that leads to qualification or part qualification registered on the National Qualifications Framework (NQF). Non-formal training refers to planned learning activities that do not explicitly lead to the achievement of such a qualification or part qualification; informal training involves daily activities related to paid or unpaid work, family or community life, or leisure. The purpose of gathering the demographic information was to inform recommendations on the mode of delivery of the programme for CBPs. The purpose of gathering information on the education and

training of CBPs was to inform both the articulation possibilities as well as recommendations on the RPL processes. The gathering of information on levels of skills and competencies together with the self-reported sources thereof was to inform recommendations on the RPL processes and instruments.

The specific sub-fields of paralegal practice were based on the core areas of the law¹⁰ and fundamentals¹¹ as reflected in the outcomes of the Bachelor of Paralegal Studies programme and the training units in the Paralegal Manual (Black Sash, 2015). The specific indicators for the skills and competencies were derived from the broad categories of legal services (inform, advise, assist and represent) identified by Leach (2018) in the proposed legal services framework (See Figure 1). These were refined by the PI in consultation with the RPL and teaching and learning specialists as well as during telephonic consultations with paralegals in practice and Black Sash.

The indicators were carefully formulated as statements of activities that would be more familiar to practitioners than official curriculum statements. See Table 1 and 2 for the detailed list of knowledge areas and activity indicators in each of the sub-fields.

Four levels of competence were identified in consultation with the researchers from the HSRC as well as the RPL and teaching and learning specialists. These levels reflect four categories, namely Level 0 (no competence), Level 1 (novice/ beginner), Level 2 (intermediate / requires limited supervision and Level 3 (advanced/ specialist and can supervise). Respondents were invited to self-appraise and indicate their level of competence in relation to each of the listed activities.

The sources of knowledge and skill were divided into broad categories, namely, formal, informal and non-formal training as defined in the definitions section of this report. The term training rather than learning was used in the questionnaire as it was assumed this is the more familiar descriptor for the respondents.

The instrument was then disseminated to a pilot sample of the CBP cohort to assess the data collection method further. Data collection is discussed in section 2.4, Phase 2 - Data Collection and analysis. See Appendix A for the final paper-based version of the RPL survey instrument.

10 Property law, criminal law, succession and the administration of estates, labour law, family law, consumer law, delict and motor vehicle accidents, constitutional law, business law.

11 Communication, information technology, legal research and interpretation, accounting (record keeping and reporting), advice office practice.



Recognition of Prior Learning for Community-Based Paralegals

Table 1: Legal sub-fields of paralegal practice

KNOWLEDGE AREA	INDICATORS
PROPERTY LAW	Challenging illegal evictions (e.g. farms and urban areas)
	Obtaining a housing subsidy
	Public education relating to e.g. land, grants, distribution, land laws, security of tenure
	Advising clients on the role of local government in providing access to housing
	Advising clients on buying or renting a house
	Mediating landlord-tenant disputes
	Lodging complaints with Rental Housing Tribunal
CRIMINAL LAW	Public education on criminal procedures involving the courts and the police (e.g., search and seizure and arrest)
	Assisting a client to lay criminal charges
	Preparing an accused for trial
	Explaining bail conditions
	Negotiating police bail
	Participating in police forums
	Advising detainees of their rights
	Assisting victims of crimes
	Reporting police misconduct
	Applying for legal aid
SUCCESSION AND ADMINISTRATION OF ESTATES	Appointments as administrators/ power of attorneys in cases of persons who are declared mentally unfit to manage their legal affairs
	Drafting basic wills
	Giving advice when someone dies without leaving a will
	Reporting to the Master's office the estate of someone who has died
	Accepting an appointment as administrator or executor of the estate of someone who has died
	Reporting to the Master's office
LABOUR LAW	Public education on the administration of estates
	Assisting with claims for unemployment insurance (UIF)
	Explaining the terms and conditions of an employment contract
	Challenging unfair labour practices
	Challenging unfair dismissals
	Conducting workshops for vulnerable employees (e.g., farm and domestic workers)
	Settling labour disputes
	Referrals to the CCMA
	Representing clients at the CCMA
	Assisting clients at disciplinary hearings

KNOWLEDGE AREA	INDICATORS
FAMILY LAW	Registration of births and deaths
	Advocacy work relating to LGBTQ communities
	Advising on the different forms of marriages and partnerships (e.g. customary marriages)
	Public education and assistance with domestic violence
	Obtaining a protection order
	Public education and assistance with childcare and protection
	Assisting with maintenance matters
	Facilitating workshops on HIV and AIDS
	Obtaining social assistance
	Public education on the rights of parents and children
CONSUMER LAW	Drafting a basic contract (e.g. sale of a second-hand car)
	Interpreting and explaining the terms and conditions of a contract (e.g. rental agreement)
	Applying for a loan
	Advising a consumer who has been blacklisted for outstanding debt
	Advising on buying goods on credit
	Advising on enforcement of guarantees on goods
	Advising on falling into arrears with instalments
	Debt counselling and restructuring
	Public education on consumer protection
	Dealing with debt-collecting agencies
DELICT AND MVAS	Filing complaints to regulatory offices (e.g. Consumer Tribunal)
	Advice and information on claims against the Road Accident Fund
	Intermediary between claimants and attorneys
CONSTITUTIONAL LAW	Monitoring the progress with the claim
	Citizenship applications
	Advocacy (e.g. organising campaigns / demonstrations / picketing)
	Human rights education
	Voter education (e.g. national / provincial / local elections)
	Helping communities to take part in local government
	Assisting clients to lodge complaints with Chapter 9 institutions (e.g. Public Protector, Human Rights Commission)
BUSINESS LAW	Represent a client whose human rights have been violated in a forum other than a court of law
	Registering an NPO (Non-Profit Organisation)
	Registering a company (SMME)
	Advising on compliance by NPO (e.g. reporting to the relevant government department)
	Advising on compliance by a company (e.g. reporting to the Companies and Intellectual Property Commission)

Table 2: Fundamental sub-fields of paralegal practice.

KNOWLEDGE AREA	INDICATORS
COMMUNICATION SKILLS	Consulting with clients face-to-face
	Consulting with legal practitioners (e.g. attorneys)
	Facilitating meetings
	Making enquiries on behalf of a client
	Taking down statements
	Making oral or written referrals to other services (e.g. health / social development departments)
	Making telephone calls
	Writing reports or memoranda
	Writing letters
	Acting as a translator/ interpreter
	Facilitating workshops in the community
INFORMATION TECHNOLOGY	Using electronic messaging (e.g. WhatsApp / email)
	Using the internet
	Drafting letters or memos using Microsoft Word
	Maintaining an electronic case management system
	Keeping electronic records (e.g. of income and expenditure/petty cash/income and expenditure)
RECORD KEEPING	Drawing up an income and expenditure journal
	Keeping a petty cash journal
	Keeping an activity journal
	Reporting to funder / intermediary
LEGAL RESEARCH AND INTERPRETATION	Collecting information from a variety of sources (not only legal) to help you solve a client's (legal or non legal) problem
	Monitoring and giving feedback (e.g. on service delivery in your area)
	Assisting clients to understand formal communications (e.g. letter from an attorney)
	Assisting clients to understand laws that affect them
ADVICE OFFICE PRACTICE	Establishing a CAO (e.g. draft constitution, establish a management board)
	Preparing a business plan for an advice office
	Designing a marketing strategy for an advice office
	Establishing a basic administrative system for an advice office

2.4 Phase 2 - Data Collection and Analysis

2.4.1 Data Collection

Initial construction of the RPL Instrument was to be implemented through an online survey. However, in assessing the pilot sample it was determined that a mixed method would best suit the sector; using both the online modality and a paper-based version of the

same survey would be best in reaching the majority of CBPs.

This section therefore briefly outlines 1) the online survey method and 2) paper-based survey. This online electronic survey was important since it allowed all the CBPs to participate in the survey in a way that ensured confidentiality. In other words,

those paralegals who completed the online survey had the opportunity to respond to the survey in their own offices and at a time that was most convenient for them. The online survey is different from paper and pencil questionnaires, because data verification takes place while the respondent is undertaking the survey. All the data is captured electronically, and no manual data entry is involved. The HSRC data analyst was responsible for the finalisation of the web-based survey instrument as well as creating the survey link. The CPUT research assistants provided support to the participants to access the survey link and complete the questionnaire. The online participants had access to the survey by clicking on the link sent to them via email. After the online participants clicked on the link, they were asked to follow the instructions carefully. The survey introductory note provided participants with the following information:

- 1) There are no correct or incorrect responses; 2) The questionnaire is divided into sections each with a sub-title; 3) Instructions on how to complete the questionnaire appear at the beginning of each section; 4) That they are kindly requested to answer all questions; and 5) It will take approximately 40 – 60 minutes to complete the questionnaire.

The paper-based process entailed telephonic calls from the CPUT research assistants to determine whether the identified participants were willing and ready to participate in the study, and forwarding hard copies of the questionnaires to the identified participants. This

was followed by further communications to arrange the retrieval of the questionnaires.

Upon retrieval, completed questionnaires were captured by a team of research assistants at CPUT onto the e-database. Data captured through the online methods and paper-based survey were then merged and analysed according to demography, education and training, competencies, and knowledge sources in the area of paralegal practice.

2.4.2 Data analysis

All data was merged and kept on an access-controlled e-database prior to analysis. All data was then analysed using Microsoft Excel® software and represented in the form of graphs and tables.

Demography

Descriptive statistics in the form of graphs were used to represent data related to demography.

Constructing a Training Typology to position the respondents' eligibility for RPL

After recognising the broad ambit of the study's data collection instrument, and in order to determine the potential pathways accessible to the research cohort, a typology of pathways was constructed. This typology was informed by the various logical paths to enter the Bachelor Studies Programme. Using specific questions in the data collection instrument, as described in Figure 1 below, the following logical alternatives can be determined per respondent:

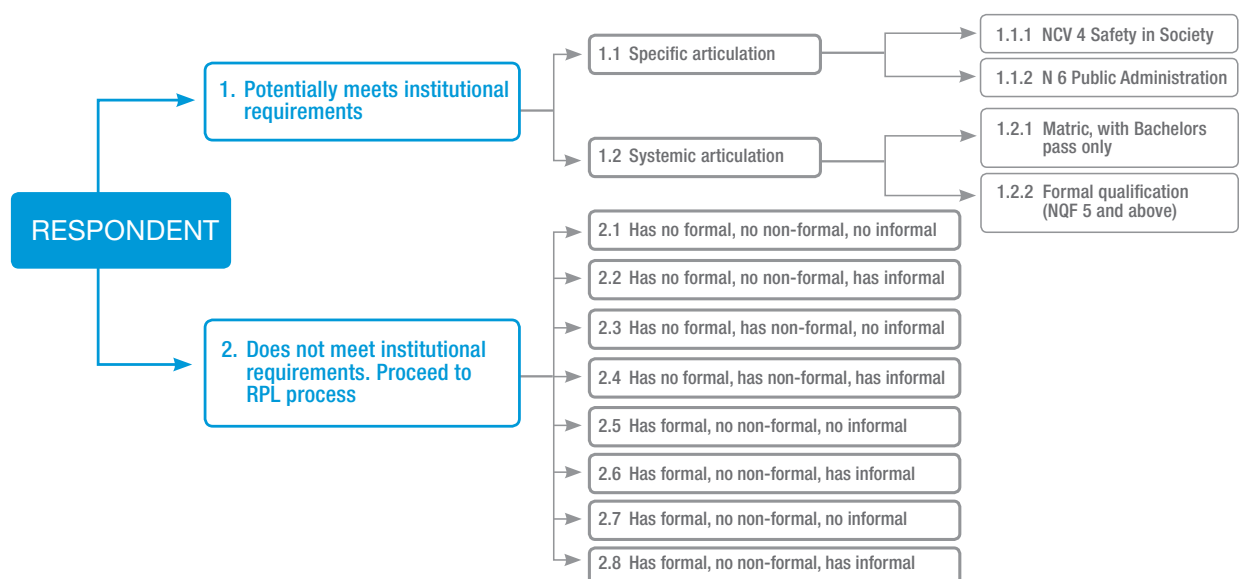


Figure 2: Flow diagram describing the construction of typologies



One of the following five conditions should evaluate as true for a respondent that would potentially meet institutional requirements.

First, as referred to in Box 1.1.1 in the diagram above, respondents potentially meet the conditions for Specific Articulation to the Bachelor of Paralegal Studies programme, by noting within the questionnaire that they have secured an NCV4 Safety in Society qualification. Within the questionnaire, this is determined if the respondent selected the option 'National Certificate Vocational (NCV) Level 4 Safety in Society' to question 25 – 'Please select the relevant qualification, if you have completed one or more of the following'. In addition, in response to question 22 – 'Through which institution did you complete your matric?' – the respondent had to answer either 'School' or 'FET/TVET College.' Where respondents have selected both of these options to questions 22 and 25, they meet the conditions for Box 1.1.1, Box 1.1 and Box 1.

Second, as referred to in Box 1.1.2 in the diagram above, respondents potentially meet the conditions for Systemic Articulation in the Bachelor of Paralegal Studies by noting within the questionnaire that they have secured an NQF5 Public Administration qualification; or both an NCV4 and NQF5 Public Administration; or have formal qualifications which are found to be of level NQF5 or higher; or have completed school or attained a TVET qualification at level NQF4. To meet the criteria associated with Box 1.1.2, the respondent had to answer 'Diploma: Public Administration (N6)' in response to Question 25 – 'Please select the relevant qualification, if you have completed one or more of the following.' In addition, in response to question 22 – 'Through which institution did you complete your matric?' – the respondent had to answer either 'School' or 'FET/TVET College.' Where respondents have selected both of these options to questions 22 and 25 respectively, they meet the conditions for Box 1.1.2, Box 1.1 and Box 1.

To meet the criteria associated with Box 1.2.2, the respondent had to answer, 'Both a NCV Level 4 Safety in Society' and 'Diploma: Public Administration (N6)' in response to Question 25 – 'Please select the relevant qualification, if you have completed one or more of the following.' Where respondents selected this option, they met the conditions for Box 1.2.2, Box 1.2 and Box 1.

To meet the criteria associated with Box 1.2.1, the respondent had to answer either 'School' or 'FET/TVET College' in response to question 22: 'Through which institution did you complete your matric?' In addition, in response to question 23, 'Please select the type of pass that you have obtained in matric,' the respondent had to select 'Matric pass for studying towards a bachelor's degree / obtained a matric exemption at a University or University of Technology.' Where respondent have selected both of these options to questions 22 and 23, they meet the conditions for Box 1.2.1, Box 1.2 and Box 1.

To meet the criteria associated with Box 1.2.2, respondents had to capture a qualification which the research team determined to be of NQF level 5 or above, based on their responses to the following three questions: Name of qualification (questions 32, 37 and 44), Institution (questions 33, 38 and 42), Status of qualification (questions 35, 40 and 45) and Duration (questions 34, 39 and 43). Respondents were allowed to identify three formal qualifications they had obtained. If their qualification was found to be of NQF 5 level or above, the respondent met the conditions for Box 1.2.2, Box 1.2 and Box 1.

To determine whether the respondent was located within Box 2: 'Does not meet institutional requirements: Follow RPL Evaluation Process,' the respondent had to not meet any of the above criteria in relation to Box 1. In this particular scenario, it was further necessary to identify the types of qualifications that respondents had secured to understand what appropriate RPL process would be suited for their needs. With this in mind, eight combinations were identified in relation to whether the respondent had secured formal, non-formal or informal training as defined in the National Policy for the Implementation of RPL. To determine whether the respondent had achieved any of these forms of training, three questions were posed within the questionnaire to test these responses. These were question 27 (Have you received formal post-school training not stated in 25 above? (In other words, College/ SETA Service provider/ University/ University of Technology with a set curriculum?)), question 46 (Have you received non-formal training in paralegal or related work, such as short courses, workshops, seminars, online courses... (eg: at the Dullah Omar School)) and question 61 (Have you received informal paralegal training i.e. learning that takes place through doing tasks at the advice office,

at home, in the community, or by reading, or through the media and/or informal discussions and advice from peers and supervisors. This is not formally assessed.). 'Yes' or 'No' answers are received in response to these questions, which determine whether the respondent falls into the categories specified in Box 2.1. to Box 2.8.

Levels of Competency and Sources of Knowledge

For each form of sub-field of paralegal practice, questions (indicators) pertaining to the knowledge base of each area were asked. In response to these questions describing the particular knowledge base, the respondents were asked to self-appraise and determine their level of competency from Level 0 – No Competency, Level 1 – Beginner, Level 2 – Requires limited supervision and Level 3 – Specialist/ Can supervise others. In addition, per sub-field of paralegal practice, the respondent also indicated if he / she received Formal, Non-formal or Informal forms of training. In order to produce an aggregate score describing the average level of competency across the knowledge base, per respondent, the number of responses received between L0 to L3 were counted per competency-level and divided by the number of questions per the knowledge base. This average score per respondent indicated how often the respondent indicated a Level 0 to Level 3 degree of expertise. When reported across the cohort, these numbers were averaged per respondent to provide an average aggregate view of the cohort's performance across the knowledge base of each sub-field of paralegal practice.

Similarly, a calculation was produced to assess the aggregate of the average source of knowledge per legal sub-field of paralegal practice across the questions of the particular knowledge base. The response received indicating formal, non-formal and informal sources of knowledge were counted and divided by the number of questions per the knowledge base of each sub-field of paralegal practice. These averages thereafter represent an aggregate score, highlighting the degree to which the respondents derived knowledge from a particular knowledge source (ie. Formal, Non-formal or Informal).

3



3 Survey Results

The results from both the paper-based survey (=94) and the online survey (n=10) were merged in a database (n=104) and analysed to produce the following results according to demography, level of education and training, competence and knowledge sources.

3.1 Demographics

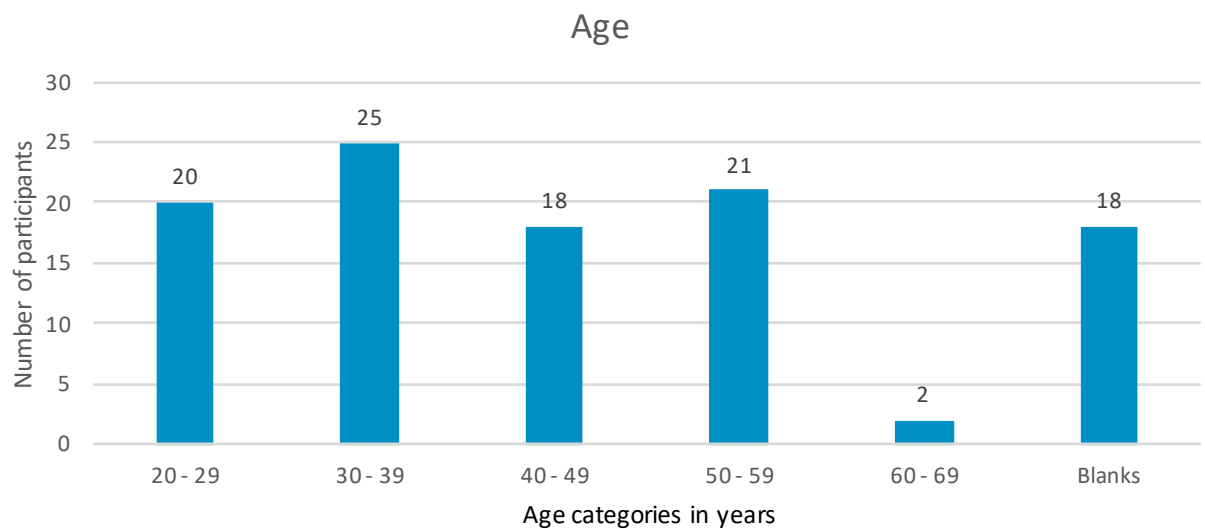
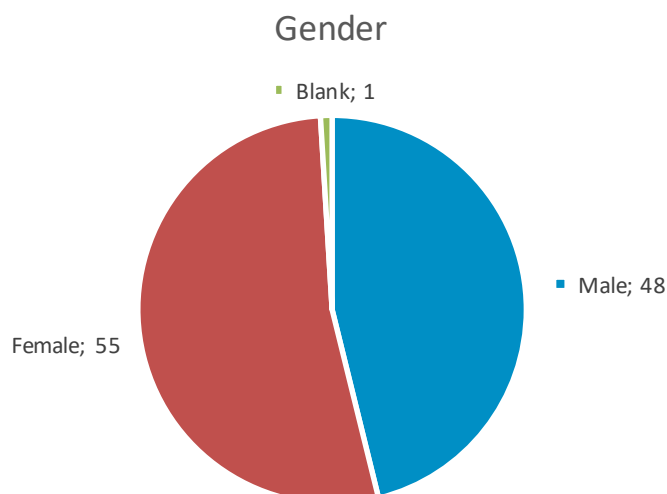


Figure 3: Age distributions of CBPs (n=104). Ages were distributed as follows: 20-29 (n=20, 19.23%), 30-39 (n=25, 24.04%), 40-49 (n=18, 17.31%), 50-59 (n=21, 20.19%) and 60-69 (n=2, 1.92%). Eighteen respondents (17.31%) did not answer this question.



When adjustments were made to exclude the blank responses, 55.81% (45/86) of respondents were below the age of 40 years. While, 47.67% (41/86) of the research participants were between the ages of 40 and 69, with more than half of this group being above the age 50 (using the same adjustment to exclude blank responses).

The results show a greater number of female respondents (n=55, 52.88%) than there are male respondents (n=48, 46.15%).

Figure 4: Gender distribution of CBPs (n=104). A higher proportion of females (n=55, 52.88%) can be seen over males (n=48, 46.15%). One (n=1, 0.96%) participant did not represent his / her gender.

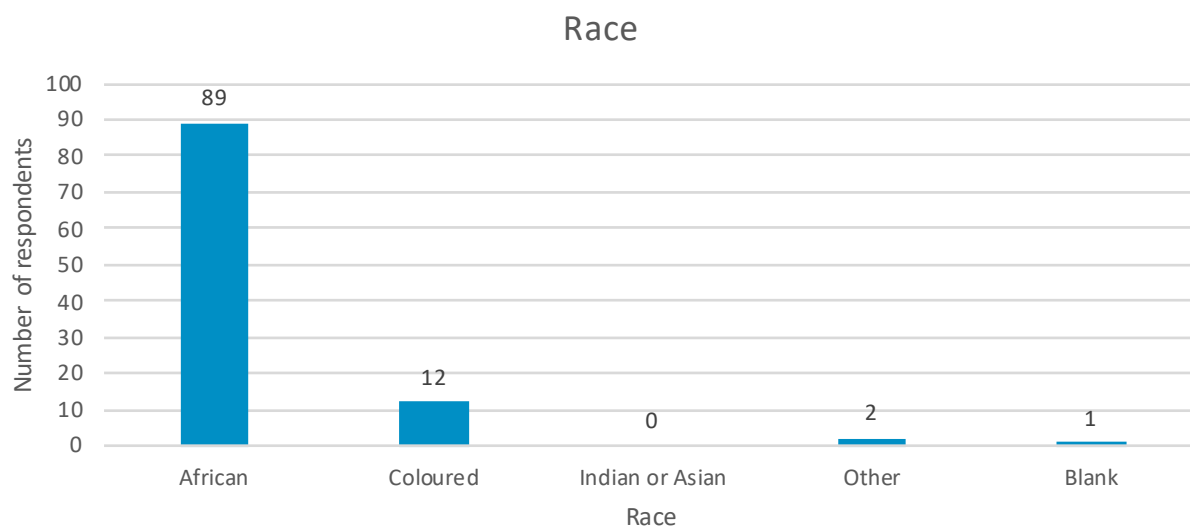


Figure 5: Race distribution among CBPs (n=104). Distributed as follows: African (n=89, 85.58%), Coloured (n=12, 11.54%), Indian or Asian (n=0, 0%) and other (n=2, 1.92%). One participant did not state his / her race (n=1, 0.96%).

The majority (85.58%, 89/104) of CBPs self-classify as part of the African population group followed by the Coloured population group (11.54%, 12/104). Only three (n=3, 2.88%) respondents indicated that they fell outside of these race groups.

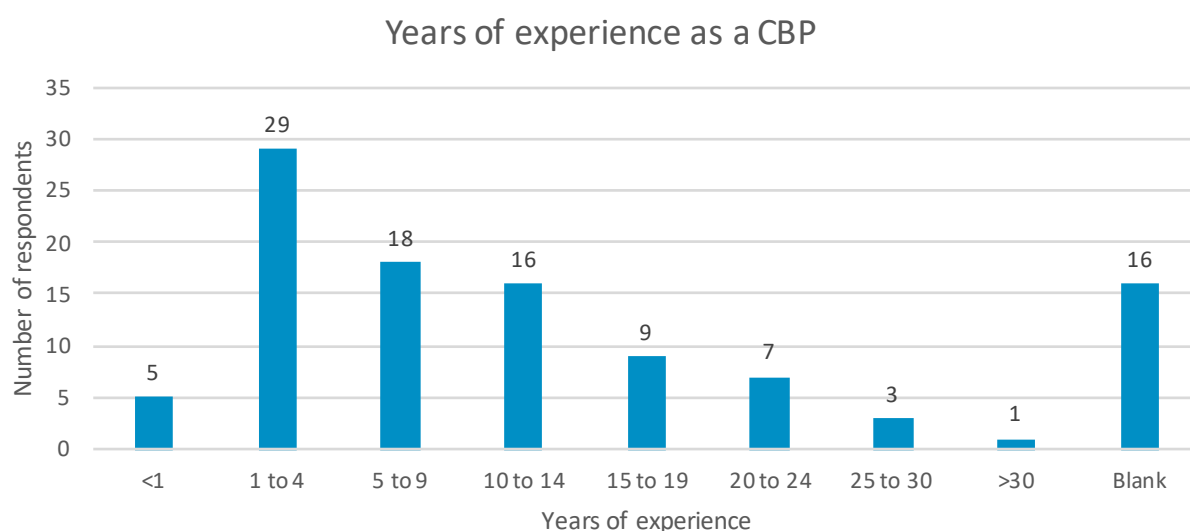


Figure 6: Years of reported experience as a CBP. Years of experience for the cohort (n=104) were distributed as follows: <1 year (n=5, 4.81%), 1-4 years (n=29, 27.88%), 5-9 years (n=18, 17.31%), 10-14 years (n=16, 15.38%), 15-19 years (n=9, 8.65%), 20-24 years (n=7, 6.73%), 25-30 years (n=3, 2.88%) and >30 years (n=1, 0.96%). Sixteen (n=16, 15.38%) participants did not state their experience.

The largest proportion of respondents (27.88%, 29/104) indicated that they had 1 to 4 years of experience, with the number steadily declining as years of experience increased. However, it can be seen that 34.61% (36/104) of the cohort indicated that they had more than 10 years of experience. This is comparable to the 32.69% (34/104) that indicated experience of 4 years or less.

Correlation between age and years of experience of CBPs

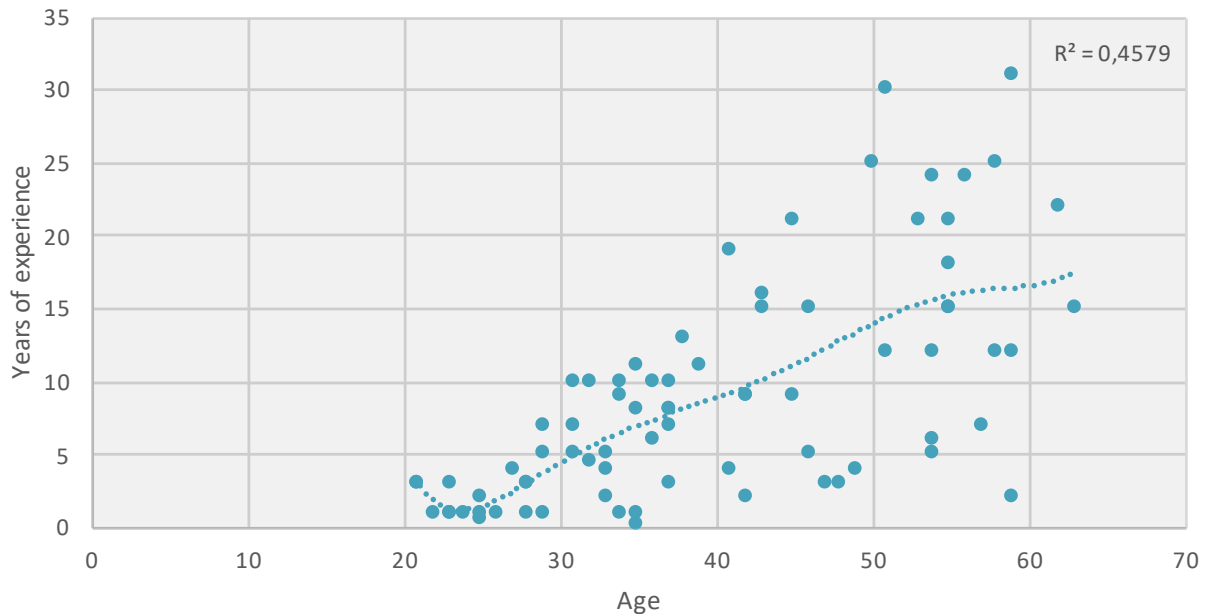
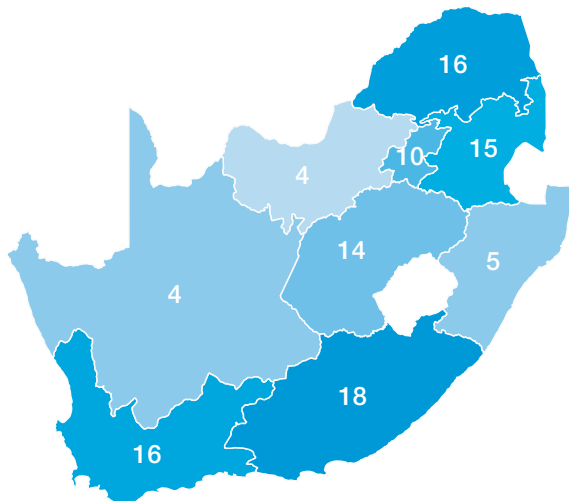


Figure 7: Correlation between age and the years of experience. A positive correlation was seen between age and years of experience for CBPs ($R^2=0.4579$). Note that only 77/104 of the total cohort are represented here due to missing information in one or both of the required questions.

A positive correlation was found between years of experience and age. It appeared that between 20 and 40 years old the correlation was greater than above this age. Respondents above 40 years of age had a greater variation in their years of experience. It can be seen that few respondents below the age of 40 had above 10 years of experience.

Paralegals per province



CBPs who participated in this study mostly practice in the Western Cape (15.38%, 16/104), Eastern Cape (17.31%, 18/104), Free State (13.46%, 14/104), Limpopo (15.38%, 16/104) and Mpumalanga (14.42%, 15/104). Gauteng was also well represented (9.62%, 10/104). North West, Northern Cape and Kwazulu-Natal province were found to have (5) or fewer respondents per province.

Figure 8: Geographic distribution of CBPs ($n=104$). The provincial distribution of CBPs was as follows: Western Cape ($n=16$, 15.38%), Eastern Cape ($n=18$, 17.31%), Northern Cape ($n=4$, 3.85%), North West ($n=4$, 3.85%), Free State ($n=14$, 13.46%), Kwazulu-Natal ($n=5$, 4.81%), Gauteng ($n=10$, 9.62%), Limpopo ($n=16$, 15.38%) and Mpumalanga ($n=15$, 14.42%). Two ($n=2$) participants did not indicate their geographic location.



Settlement type of location of advice office

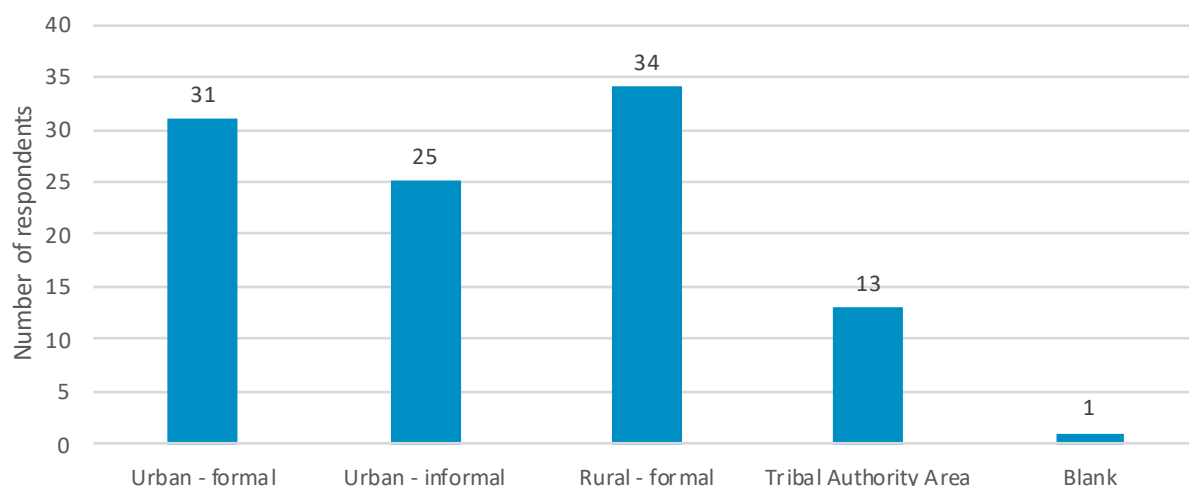


Figure 9: Location of advice office as reported by participants (n=104). Location of advice office was distributed as follows: urban-formal (n=31, 29.81%), urban-informal (n=25, 24.04%) rural-formal (n=34, 32.69%) and tribal authority area (n=13, 12.50%). One participant (n=1, 0.96%) did not indicate the location of the advice office.

Most advice offices were located in rural-formal areas (32.69%, 34/104), followed by urban-formal (29.81%, 31/104) and urban-informal areas (24.04%, 25/104). The tribal authority area was the least well represented and comprised 12.50% (13/104) of the respondents.

Advice office structure

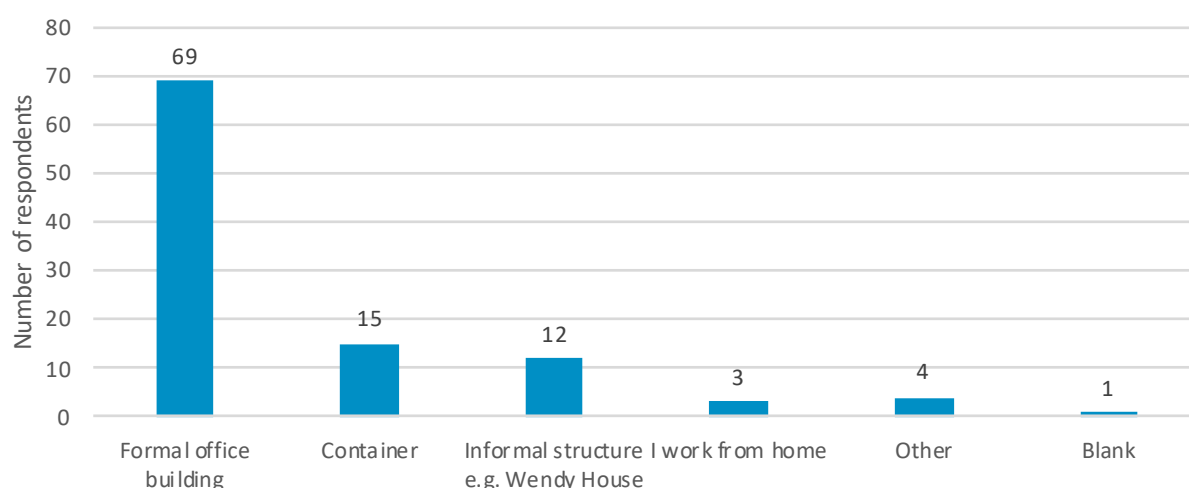


Figure 10: Advice office structure. Results from cohort (n=104). Advice structures were represented as follows: formal office building (n=69, 66.35%), container (n=15, 14.42%), informal structure (n=12, 11.54%), working from home (n=3, 2.88%) and other (n=4, 3.84%). One participant (n=1, 0.96%) did not enter a response.

The majority of CBPs in this study reported that they work from a formal office building (66.35%, 69/104). A comparable number of CBPs work from containers (14.42%, 15/104) and informal structures (11.54%, 12/104), while four or less worked from home and other structures respectively.

Working conditions

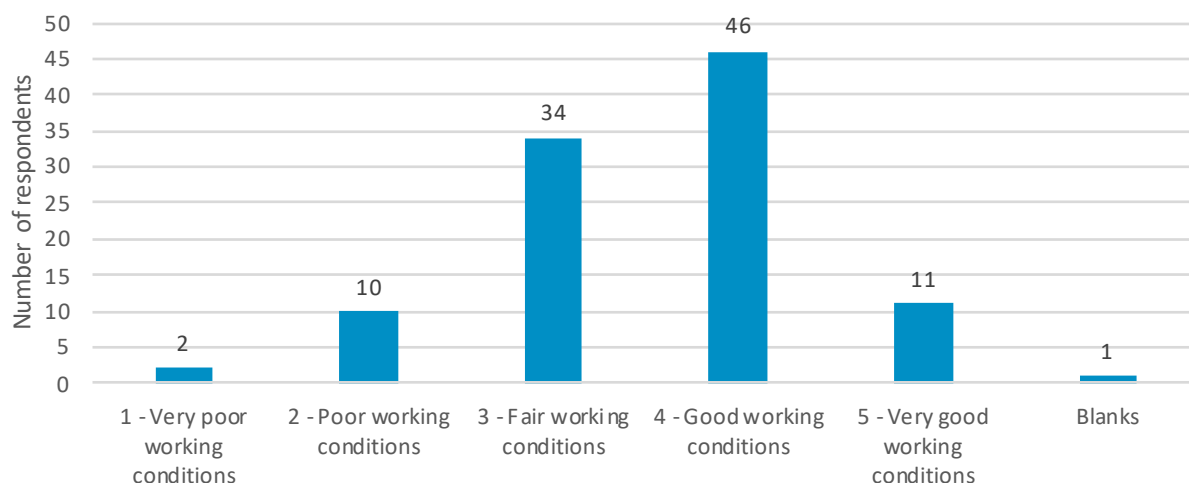


Figure 11: Reported working conditions. Total cohort (n=104). CBPs reported their working conditions as follows: very poor working conditions (n=2, 1.92%), poor working conditions (n=10, 9.62%), fair working conditions (n=34, 32.69%), good working conditions (n=46, 44.23%) and very good working conditions (n=11, 10.58%). One participant (n=1, 0.96%) did not answer this question.

The majority of CBPs claim to have good working conditions (44.23%, 46/104), followed by 32.69% (34/104) claiming to have fair working conditions. CBPs claiming to have poor working conditions (9.62%, 10/104) are comparable in number to those who have very good working conditions (10.58%, 11/104). Two (n=2, 1.92%) CBPs claimed to have very poor working conditions.

Access to services

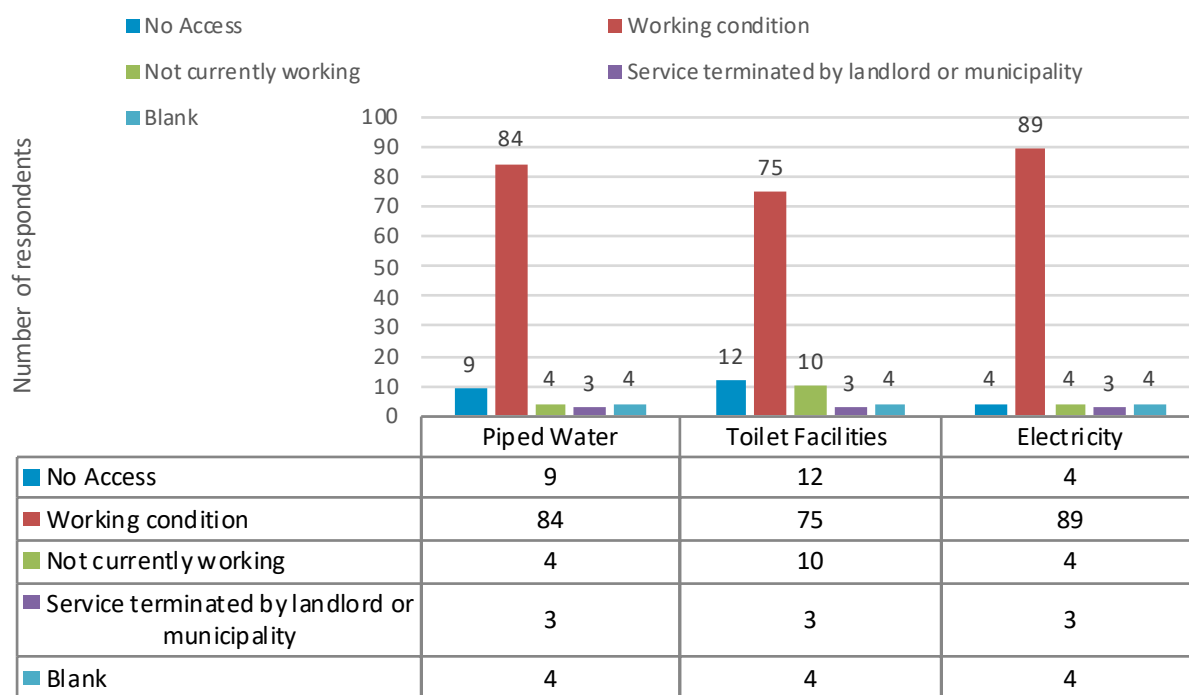


Figure 12: Access to service at advice office. Total cohort (n=104). See data table in figure for results pertaining to access to services. Four participants (n=4, 3.85%) did not answer this question.



The majority of advice offices had access to piped water (80.77%, 84/104), toilet facilities (72.12%, 75/104) and electricity (85.58%, 89/104) in working condition. However, some CBPs indicated they had no access to piped water (8.65%, 9/104), toilet facilities (11.54%, 12/104) and electricity (3.85%, 4/104) at their workplace. Additionally, there were some advice offices that had access to the following services, but they were not in working condition: piped water (n=4, 3.85%), toilet facilities (n=10, 9.62%), electricity (n=4, 3.85%). Three (n=3, 2.88%) CBPs indicated that their piped water, toilet facilities and electricity service had been terminated by the landlord or municipality.

Access to equipment

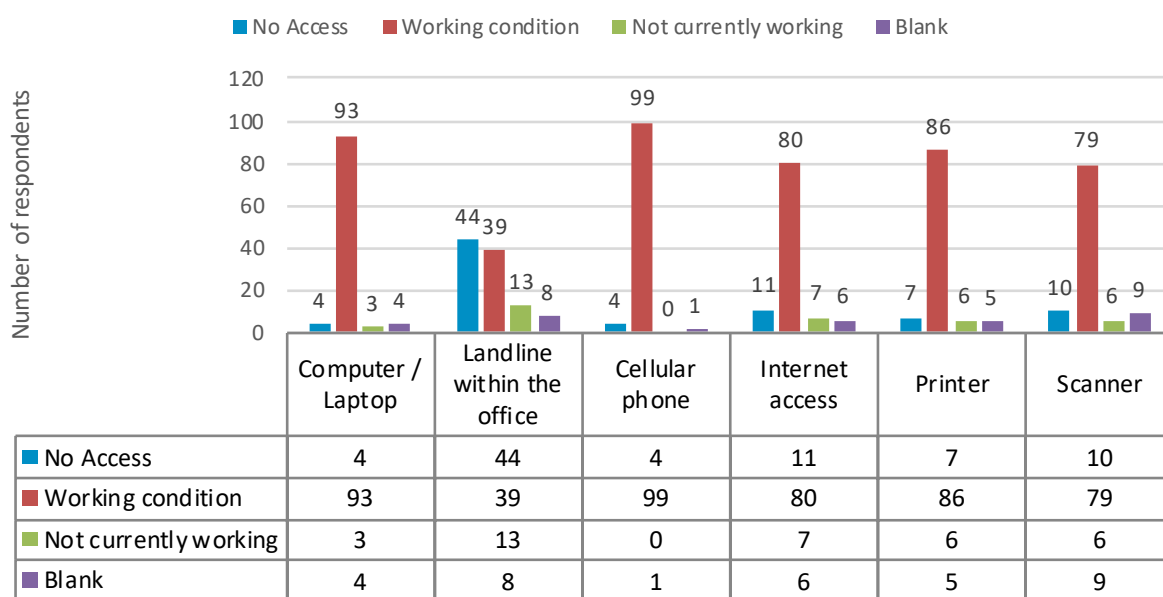


Figure 13: Access to equipment at advice office. Total cohort (n=104). See data table in figure for results pertaining to access to equipment.

The majority of CBPs indicated that they had access to the following equipment in working condition: computer / laptop (n=93, 89.42%), cellular phone (n=99, 95.19%), internet access (n=80, 76.92%), printer (n=86, 82.69%) and scanner (n=79, 75.96%). In contrast, it was found that a large number of CBPs did not have access to a landline within their workplace (n=44, 42.31%), with some indicating that they had access, but that it was not in working condition (n=13, 12.50%). It must be noted that there were varying levels of respondents who did not answer certain subsections of this question. This might imply that they did not have access to the service or that the service was not in working condition. However, this is unconfirmed.

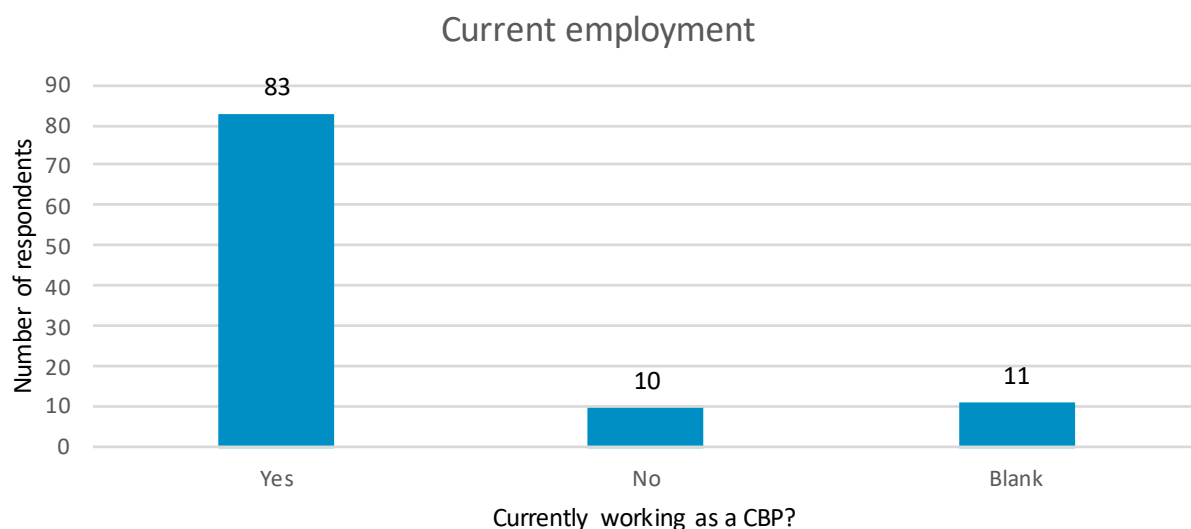


Figure 14: Current employment. Total cohort (n=104). Eighty-three (n=83, 79.81%) CBPs indicated that they were currently working as a CBP, while 10 (n=10, 9.62%) indicated that they did not currently work as a CBP. Eleven (n=11, 10.58%) did not answer this question.

The results indicated that 79.81% (83/104) CBPs reported that they are currently working as CBPs with only 10.58% (10/104) indicating that they are currently not working as CBPs.

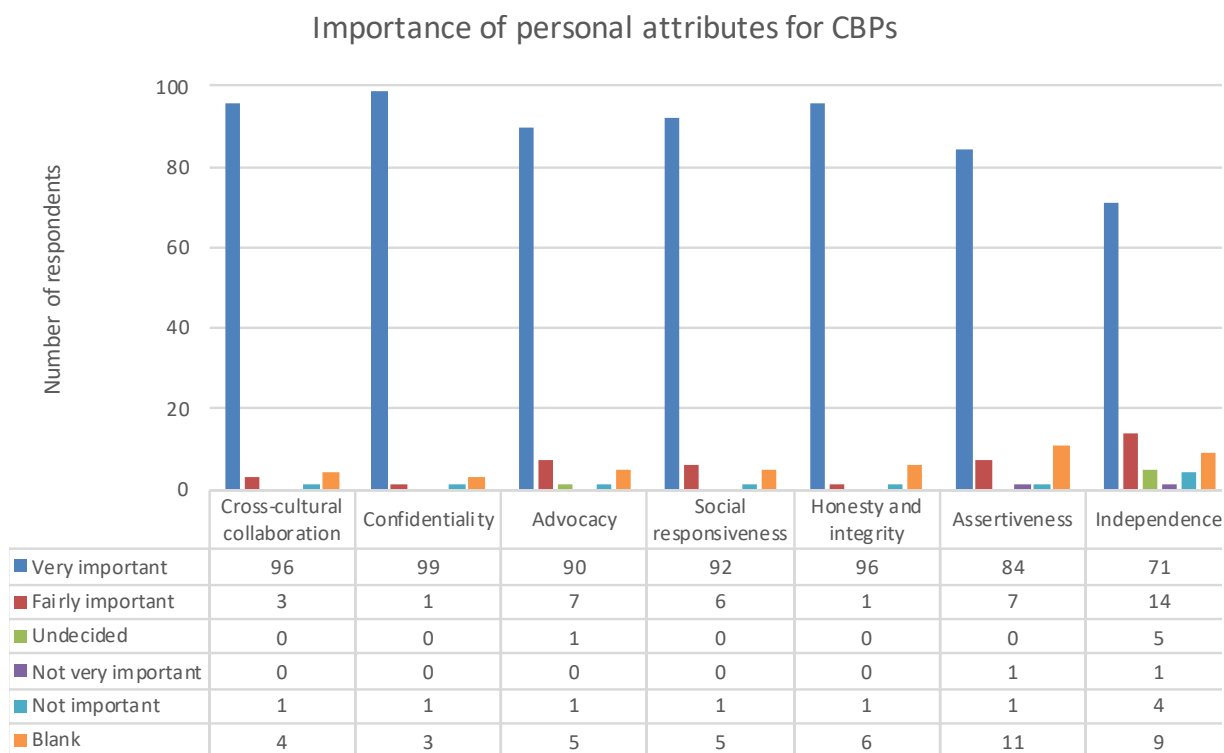


Figure 15: Importance of personal attributes for CBPs (n=104). Results indicate that the majority find all of the CBP attributes 'very important'. See data table in figure for results as indicated by CBPs.



The majority of CBPs (68.27% - 92.31%, (71/104 – 96/104) consider all the listed attributes to be ‘very important’. It can be noted that for the attributes ‘Assertiveness’ (80.77%, 84/104) and ‘Independence’ (68.27%, 71/104) received the lowest rating.

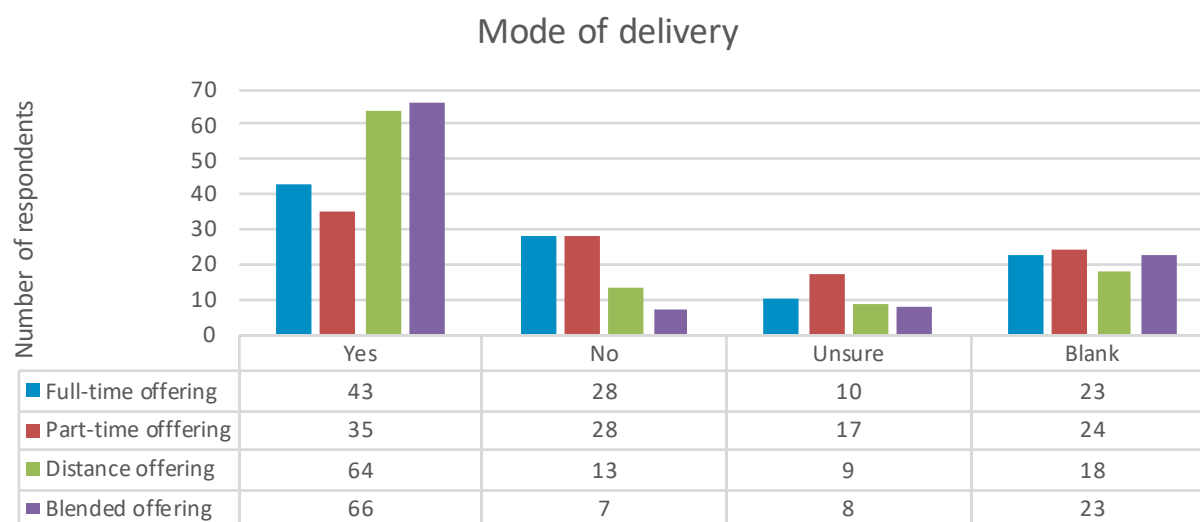


Figure 16: Preferred mode of delivery as indicated by cohort (n=104). See data table in figure for results reflecting the preferred mode of delivery for CBPs.

The majority of respondents have indicated a preference for the blended learning offering (n=66, 63.46%) and distance learning offering (n=64, 61.54%) types. Participants indicated their least preferred mode of delivery as the full-time and part time offerings with 25% (28/104) of the cohort indicating that this mode of delivery would not suit them best. It should be noted that between 17.31% (18/104) and 22.12% (23/104) responded to one or more of the delivery options.

3.2 Education and training

CBPs present with an array of education and training experiences from various sources. In these results training is described as formal training¹², non-formal training¹³ and informal training¹⁴.

¹² Learning that occurs in an organised and structured education and training environment, often leading to a qualification or past qualification

¹³ Planned learning activities not explicitly designated as learning towards the achievement of a qualification or part qualification, it is often associated with the learning that results in improved workplace practice.

¹⁴ Post-school training that occurs by performing tasks associated with the occupation.

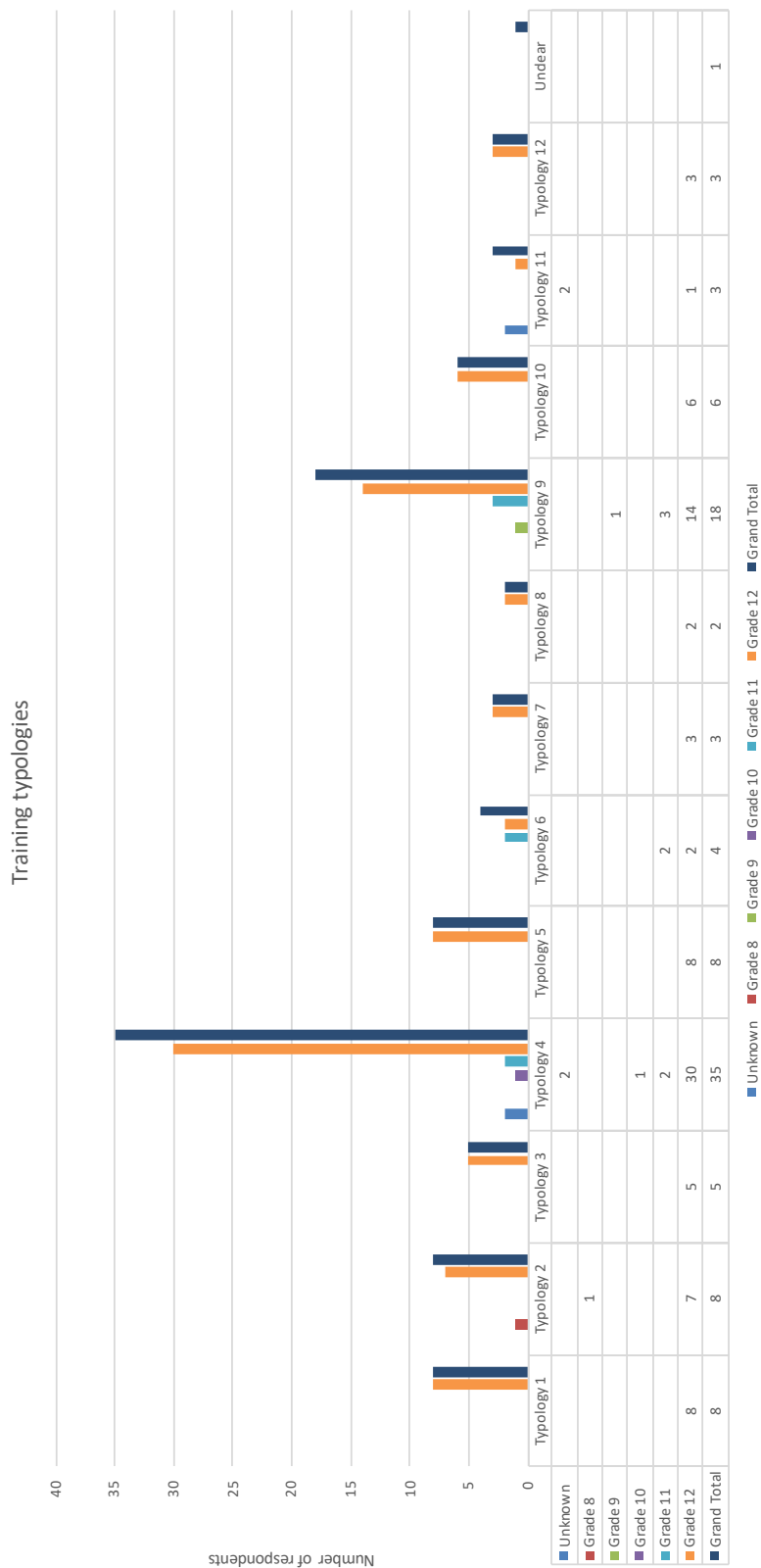


Figure 17: Training typologies. Total cohort (n=104). See data table in figure for results pertaining to the various training typologies. See Table 3 for the definitions of all typologies.



Recognition of Prior Learning for Community-Based Paralegals

Table 3: Training typology descriptors

TRAINING TYPOLOGY	DESCRIPTOR
TYPOLGY 1	Obtained only matric with a Bachelor's pass
TYPOLGY 2	Completed NCV 4 - Safety in Society
TYPOLGY 3	Completed N6 - Public Administration
TYPOLGY 4	Completed a Formal Qualification (NQF5 and above)
TYPOLGY 5	Has Formal Training, Has Non-Formal Training, Has Informal Training
TYPOLGY 6	Has Formal Training, Has Non-Formal Training, No Informal Training
TYPOLGY 7	Has Formal Training, No Non-Formal Training, Has Informal Training
TYPOLGY 8	Has Formal Training, No Non-Formal Training, No Informal Training
TYPOLGY 9	No Formal Training, Has Non-Formal Training, Has Informal Training
TYPOLGY 10	No Formal Training, Has Non-Formal Training, No Informal Training
TYPOLGY 11	No Formal Training, No Non-Formal Training, Has Informal Training
TYPOLGY 12	No Formal Training, No Non-Formal Training, No Informal Training

* Note that all qualifications in typologies 1 – 4 are recognised in the NQF. Typologies 1 – 4 include formal training (leading to qualification) that has been accepted, which would possibly lead to systemic or specific articulation into the Bachelor's programme. Typologies 5 – 12 refer to post-school training (for which the associated NQF level could not be verified at the time of the submission of the report) as well as non-formal and informal training relevant to RPL.

Typology 4 was found to be reflected most in the data with 33.65% (35/104) of the cohort falling into this category. Thirty of the thirty-five participants within this typology claimed to have completed an NQF Level 5 qualification, most of them in Paralegal Studies, after completing grade12. Typology 9, comprising 17.31% (18/104) of the cohort represented the second highest typology. Typologies 3, 1 and 5 were comparable, each having an equal representation of 7.69% (8/104) of the cohort. Typology 5 and Typology 10 were represented by 6.73% (8/104) and 5.77% (6/104) of the cohort respectively. The remaining typologies were represented by 4.81% or less per typology.

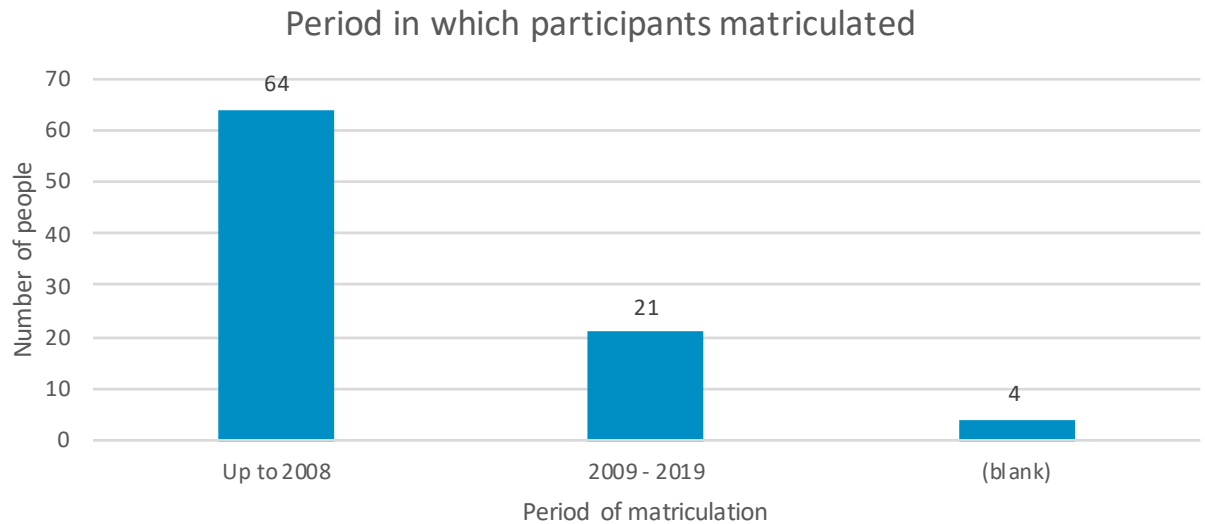


Figure 18: Period in which participants matriculated. Total respondents having completed matric (n=89). Sixty-four (n=64, 71.91%) graduated matric in or before 2008. Twenty-one (n=21, 23.60%) matriculated between 2009 - 2019. Four (n=4, 4.5%) of the respondents with matric did not indicate the period that they matriculated.

The results indicate that 71.91% (64/89) of respondents matriculated in or before 2008, while 23.60% (21/89) of respondents matriculated between 2009 and 2019.

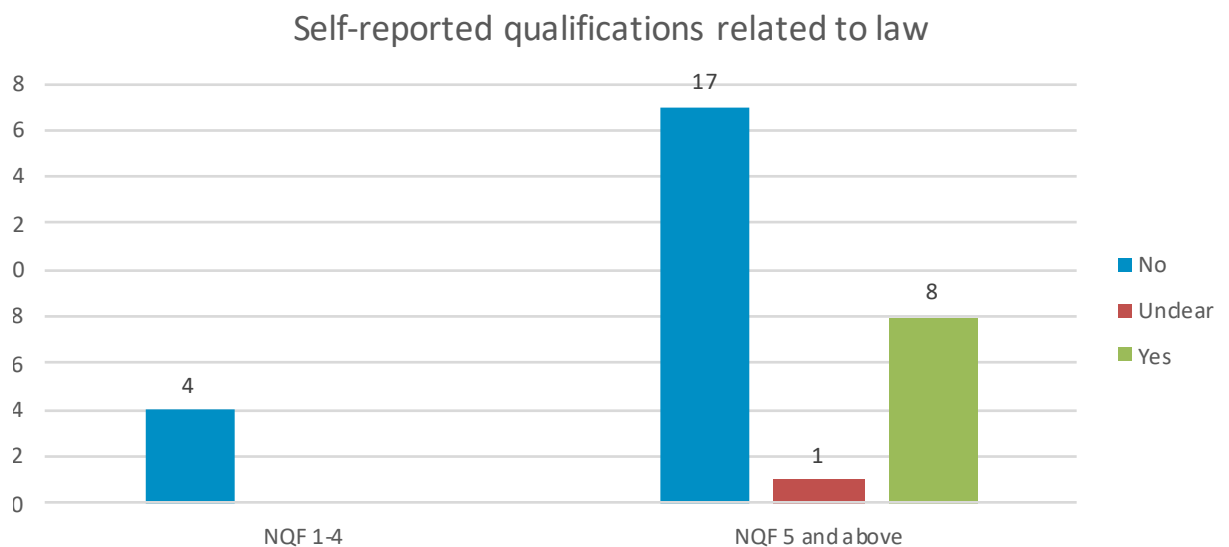


Figure 19: Formal qualifications related to law. It was shown that 30 respondents had qualifications with an NQF rating. They were distributed as follows: 'Related to law' (n=8, 26.67%), 'Unrelated to law' (n=21, 70.00%) and one qualification being 'unclear' (n=1, 0.03%).

The results indicated that of the cohort who had reported additional qualifications, the majority indicated that they were unrelated to law (70.00%, 21/30); while 26.67% (8/30), reported additional qualifications that were related to law.



Status of Qualification

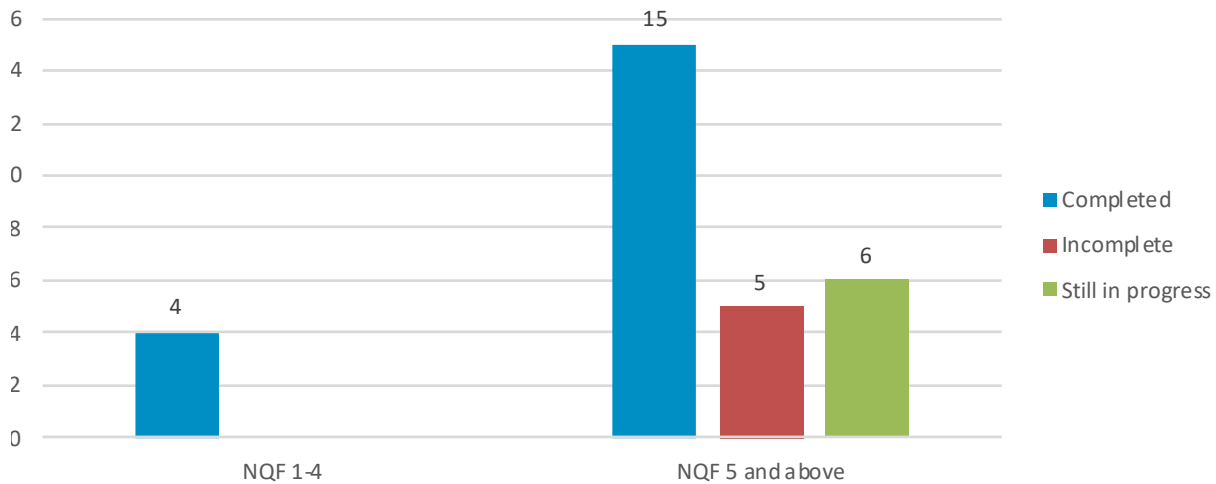


Figure 20: Status of additional qualifications. Portion of cohort (n=30). Of the additional qualifications it was found that nineteen (n=19, 63.33%) had been completed, six (n=6, 20.00%) were still in progress and five (n=5, 16.67%) were incomplete.

Of the respondents that have additional qualifications, 63.33% (19/30) indicated that their qualifications were complete, while 20.00% (6/30) indicated that their qualification were still in progress and 16.67% (5/30) indicated that their qualifications were incomplete.

Listed formal qualifications

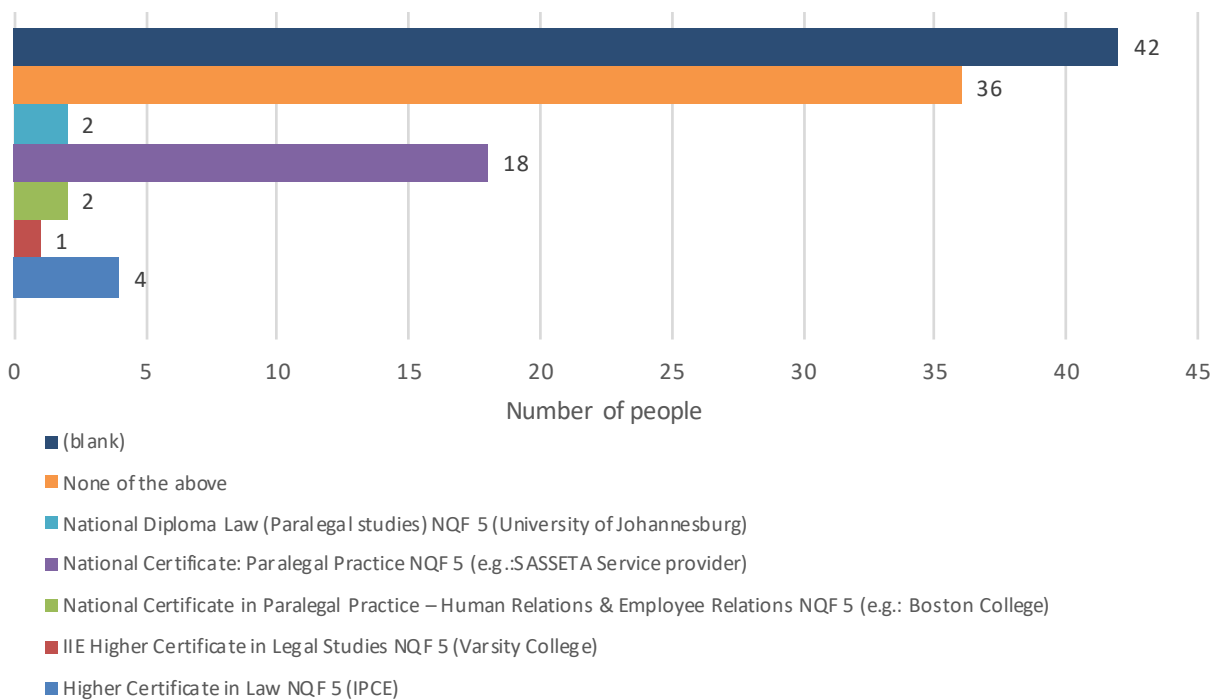


Figure 21: Reporting of listed formal qualifications. Total cohort (n=104). See data labels in figure for results pertaining to listed qualifications. Forty-two (n=42, 40.38%) of respondents did not answer this question.

The results indicate that 17.31% (18/104) of the respondents had completed the National Certificate: Paralegal Practice NQF 5. The remainder of the listed qualifications were completed by 3.85% (4/104) of the cohort or fewer. The majority of respondents (34.62%, 36/104) claimed that they had completed none of the listed qualifications.

The South African Paralegal School training

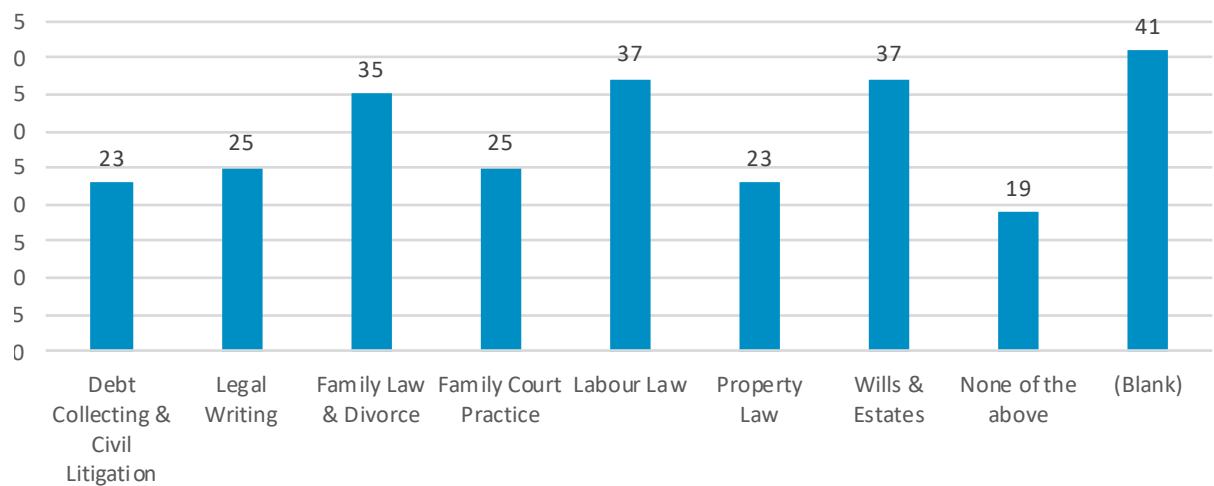


Figure 22: The South African Paralegal School training. Total cohort (n=104). See data labels for results pertaining to training offered from the South African Paralegal School. Forty-one (n=41, 39.42% of the respondents) did not respond to the question.

CBPs in this cohort had mostly completed training in Family Law & Divorce (33.65%, 35/104), Labour Law (35.58%, 37/104), and Wills & Estates (35.58%, 37/104). The remainder of the training offered by the South African Paralegal School was completed by between 22.12% and 24.04% (23-25) of the cohort.



Recognition of Prior Learning for Community-Based Paralegals

Dullah Omar School training

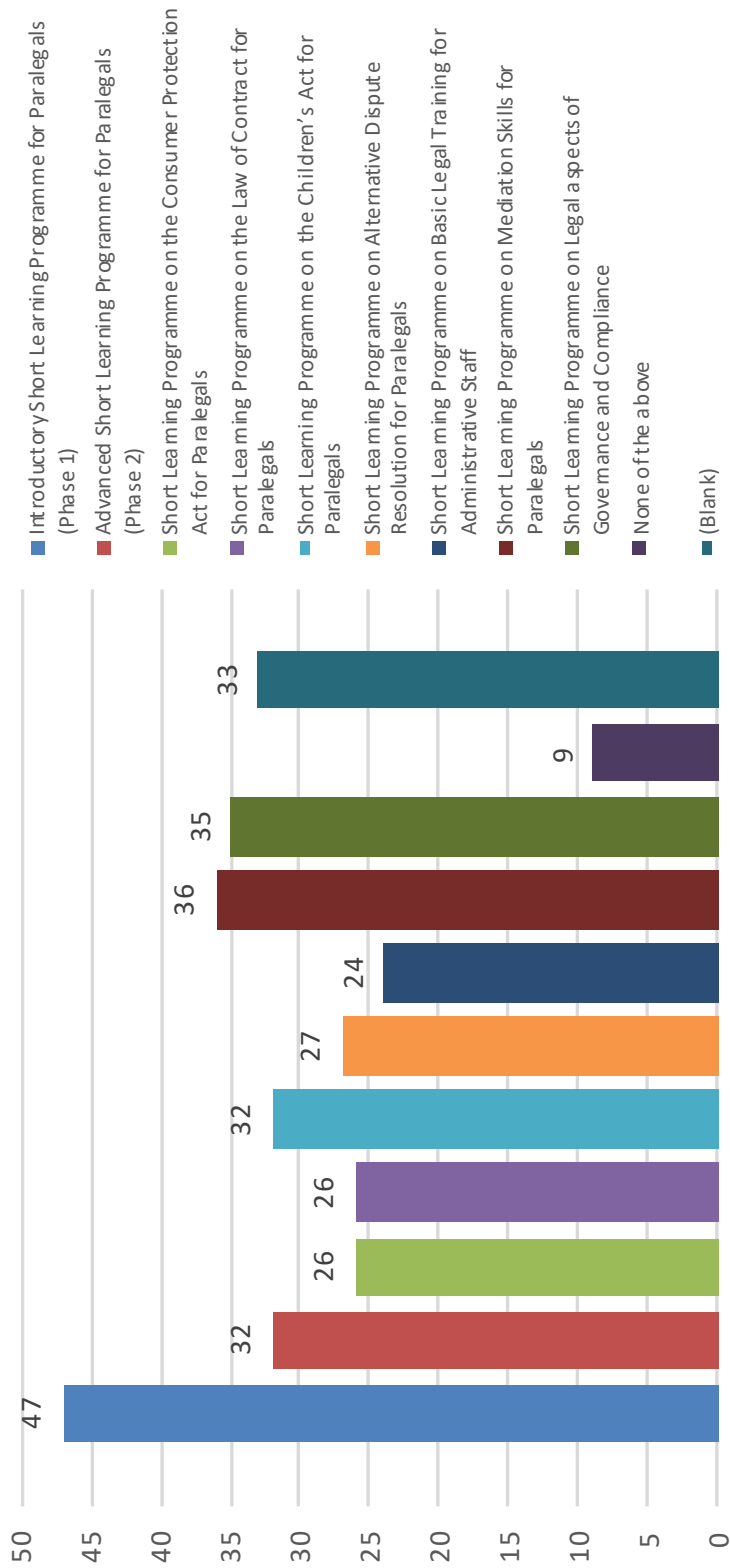


Figure 23: Dullah Omar School training. Total cohort (n=104). See data labels for results pertaining to training offered from the Dullah Omar School. Thirty-three (n=33, 31.73%) of the respondents did not respond to the question.

The results indicated that 45.19% (47/104) of the respondents had completed the Introductory Short Learning Programme for Paralegals (Phase1). Other short learning programmes were completed by between 23.08% (24/104) and 34.62% (36/104) of the respondents.

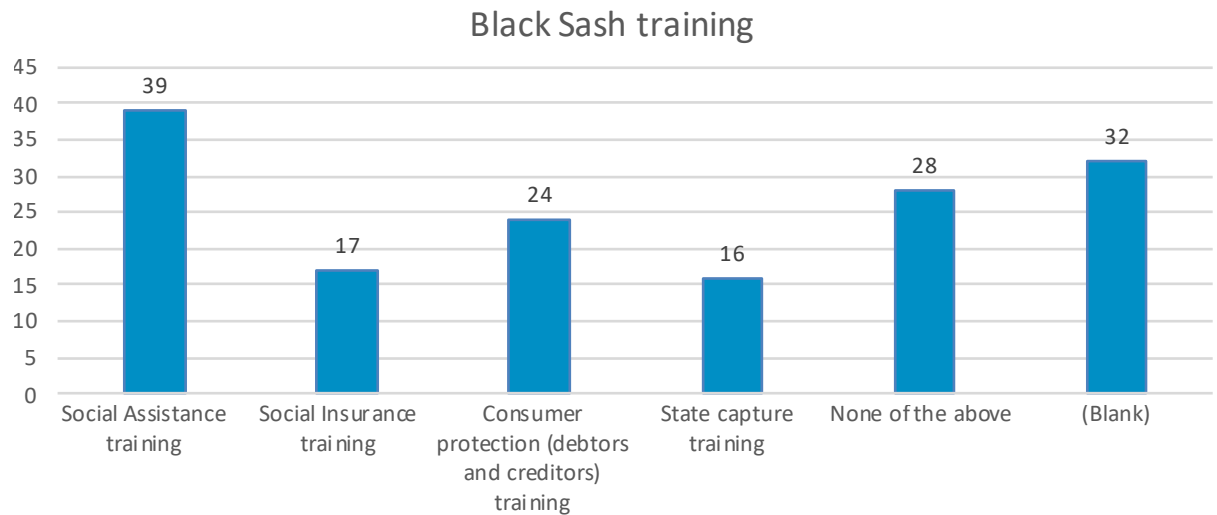


Figure 24: Black Sash training. Total cohort (n=104). See data labels for results pertaining to training offered by the Black Sash. Thirty-two (n=32, 30.77% of the respondents) did not respond to the question.

The Black Sash training that was undergone the most by the CBPs were Social Assistance training (37.50%, 39/104) and Consumer Protection (Debtors and Creditors) training (23.08%, 24/104). Social Insurance training and State Capture training were attended by 17/104 and 16/104 of the cohort respectively.



3.3 Competence and knowledge sources

Competence levels and knowledge sources in paralegal practice sub-fields

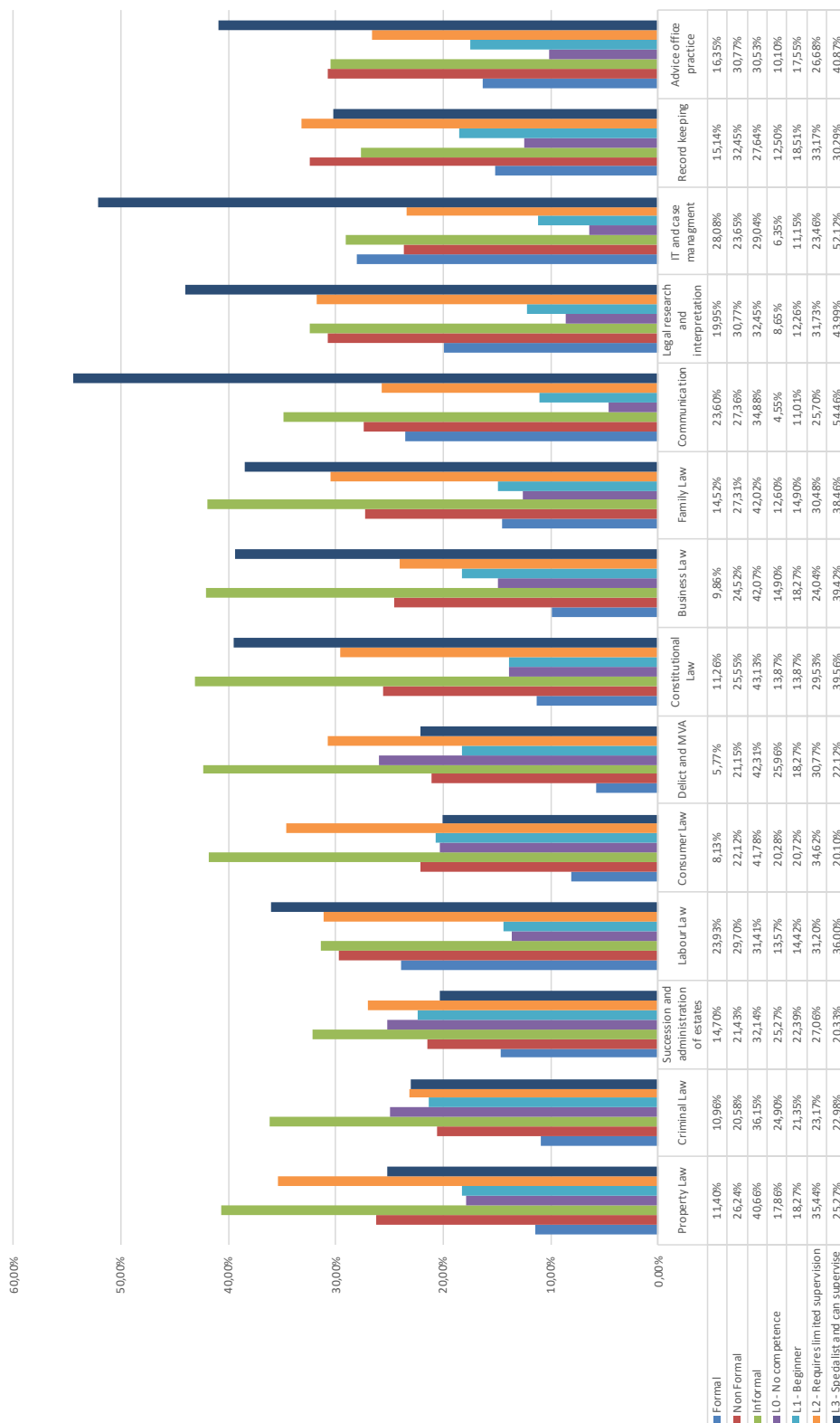


Figure 25: Reported competencies and knowledge sources in paralegal practice. Total cohort (n=104). The percentages in the data table represents the proportion of knowledge in a particular sub-field gained from a particular knowledge source. The percentages also refer to, the proportion of a given sub-field that has been reported at a particular competence level.

The results show that on average CBPs indicate 'L3'¹⁵ of the highest proportion in Constitutional Law (30.56%), Business Law (39.42%), Family Law (38.46%), Communication (54.46%), Legal Research and Interpretation, IT and Case Management (52.12%) and Advice Office Practice (40.87%). On average CBPs indicated an 'L2'¹⁶ as the highest proportional competence level for Property Law (35.44%), Succession and Administration of Estates (27.06%), Consumer Law (34.62%), Delict and MVA (30.77%) and Record Keeping (30.29%). On average an 'L1'¹⁷ level competence was not found to be the highest proportional competence level for a given sub-field. However, on average Criminal Law was found to have a 'L0'¹⁸ reported as its highest proportional competence level with participants indicating no competence in 25.27% in this sub-field of paralegal practice. Overall, Succession and Administration of estates, and Delict and MVA have the highest proportional competence levels reported at the level 'L0' with an average claim of no competence in 25.27% and 25.96% of the sub-field respectively.

The results indicated on average that the highest proportion of knowledge in a sub-field was gained through informal training for Property Law (40.66%), Criminal Law (36.15%), Succession and Administration of Estates (32.14%), Labour Law (31.41%), Consumer Law (41.78%), Delict and MVA (42.31%), Constitutional Law (43.13%), Businesslaw (42.07%), Family Law (42.02%), Communication (34.88%), Legal Research and Interpretation (32.45%), and IT and Case Management (29.04%). On average, knowledge in the sub-fields of Record Keeping and Advice Office Practice were reported to derive most from non-formal training.

Competencies and knowledge sources in paralegal practice

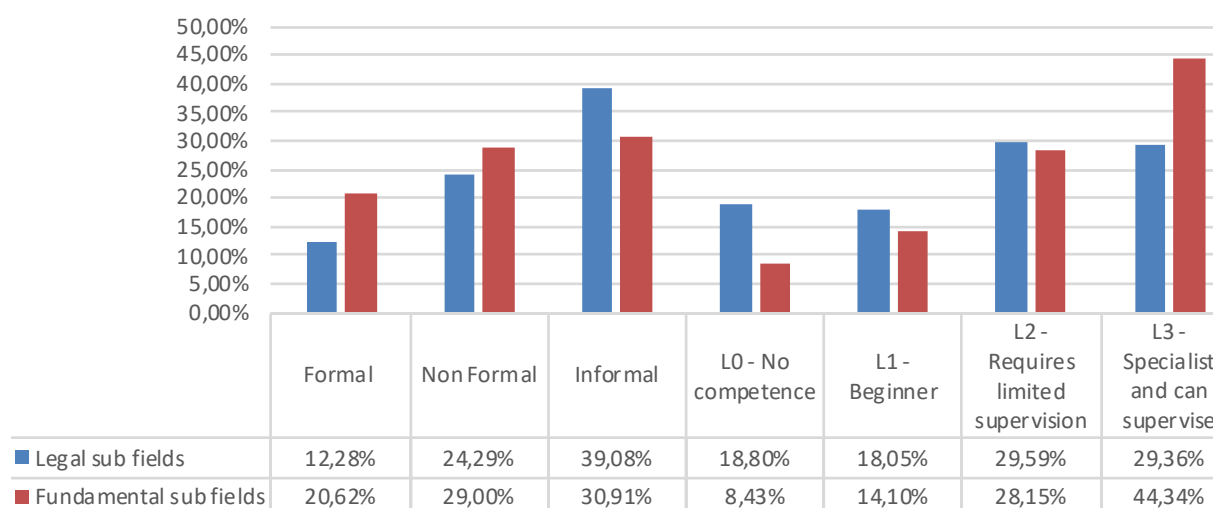


Figure 26: Summarised competencies and knowledge sources in paralegal practice according to legal and fundamental sub-fields. Total cohort (n=104). See data table in figure for results. The percentages in the data table represent the proportion of knowledge in legal and fundamental sub-fields gained from a particular knowledge source. The percentages also refer to the proportion of the fundamental or legal sub-fields that have been reported at a particular competence level.

When all the sub-fields were aggregated per legal sub fields of paralegal practice and fundamental sub-fields of paralegal practice, the highest aggregate for competence was reported at 'L3' for fundamental sub-fields of paralegal practice. Respondents indicated that on average they held this competence level for 44.34% of the content of this grouping. However, the respondents indicated a competence level of 'L2' and 'L3' for 29.59% and 29.36% of the content in legal sub-fields of paralegal practice. It must be noted that on average 'L0' was reported for 18.80% of the grouping legal sub-fields.

Respondents indicated the highest proportion of knowledge in both legal sub-fields and fundamental sub-fields of paralegal practice, with the groupings reporting 39.08% and 30.91% of the knowledge in those particular areas arose from informal training. It must be noted that on average respondents indicated that 12.28% of their knowledge in legal sub-fields of paralegal practice came from formal training.

¹⁵ Specialist and can supervise competence level
¹⁶ Requires limited supervision competence level
¹⁷ Beginner level competence level
¹⁸ No competence level

4



4 Analysis

Although the number of participants in the sample ($n=104$) has the potential to constitute a representative sample of the broader CBP population, no such assertion can be made as the total number of CBPs in the country could not be verified with any degree of certainty. Notwithstanding this limitation, the biographic and demographical data collected of CBPs and their workplace, as well as data related to education and training, provide valuable insights into the sector. These insights will be discussed with regard to the potentially emerging features of the CBP occupational sector in brief and the routes for access to the Bachelor of Paralegal Studies in detail.

4.1 Potential Emerging Features of the CBP Occupational Sector

Emerging features refer to the broad characteristics of this occupational sector that appear from the data gathered on personal attributes, work environment as well biographic and demographical data. However, this is by no means a definitive description of the features of this occupational sector but rather a basis from which an engagement with the CBP practitioners is to be had. Their rich experience and institutional memory are key factors in informing a conversation around the construct 'occupational identity' in the CBP sector.

The sector has a rich cultural history, steeped in a battle against disadvantage and discrimination and the struggle for social justice prior to 1994. This inarguably assisted in shaping this occupation and the profile of the practitioners. Although the results reflect that more participants fall in the age groups 20-39 (55.81%), a large number fall in the age group 40-69 (47.67%) and more than half of the participants in this age group are older than 50 years (when data was adjusted to exclude blank responses). The moderate positive correlation between age and years of experience ($R^2=0.4579$), suggests that the older group may constitute the largest repository for the institutional memory of the sector as all participants below 40 have less than 15 years' experience. The overwhelming majority of CBPs in this survey are African (85.58%) followed by those from the Coloured population (11.54%), and females enjoy greater representation (52.88%). Bearing in mind that CBPs often render pro bono socio-legal services in the communities where they reside, this could be indicative of the sectors of the population where the primary legal needs reside, the barriers to access to justice are most prevalent and where there is a

concentration of vulnerable communities.

The advice offices from which these CBPs operate are concentrated in the urban-informal (24.04%), rural-formal (32.69%) and tribal authority (12.50%) areas of the country. A number of CAOs (29.81%) have been reported to be situated in the urban-formal areas. These are concentrated in low socio-economic areas that experience similar barriers to access to justice. The areas where these CAOs are situated are under-served by legal practitioners. However, even if these communities had access to these services, the cost of these services could present a barrier. CBPs are very often not only the first aid to the legal problem in these communities but the only aid. These CBP practitioners thus perform a function distinct from that of legal practitioners. The service that they render thus assists in bridging the justice gap that exists in the country.

Although the sample shows a greater concentration of participants in the Eastern Cape (17.31%), Western Cape (15.38%) Limpopo (15.38%), Mpumalanga (14.42%), Free State (13.46%) and Gauteng (9.62%), the participation from other provinces suggest that the CBP sector has a national footprint.

Most of the CBPs reported what they perceive to be a favourable work environment at the time when the survey was conducted with access to municipal services equipment, internet and telephones (see Figure 12 and 13). However, there are a number of CBPs that reported that they do not enjoy similar conditions (see Figure 11). In some CAOs the equipment, telephones and facilities are not in working condition or the services have been terminated by the landlord or municipality. It has to be noted that the sample consists mainly of CBPs who were currently in practice, in other words they were funded to render their services, mainly by donors outside the



country. The sample excludes most CBPs who were currently not in practice, very often due to a lack of funding. This alludes to the vulnerability of the sector.

The results from the enquiry into the importance of the listed personal attributes of CBP practitioners confirms the value of these listed attributes for their occupation. An attribute such as maintaining confidentiality obtained the highest score (99/104), followed by honesty and integrity (96/104) and the capacity for intercultural collaboration (96/104). Being socially responsive (92/104) and engaging in advocacy (90/104) were also scored as very important. Fewer participants regarded acting assertively (84/104) and working independently and without supervisor (71/104) as very important. There is thus a strong awareness of and association with the core personal attributes that tend to characterise an occupation of this nature. The importance attributed to these attributes also alludes to the collaborative, collective and mediating nature of the practice.

4.2 Possible Routes for Access to the Bachelor of Paralegal Studies Programme

The data gathered from the sample suggest that there is the potential for access to the Bachelor of Paralegal Studies programme through specific and systemic articulation, as well as RPL. We are guided in this regard by the policies of the SAQA (2014), the Council for Higher Education (2016) and the Senate of CPUT.

4.2.1 Route A: Articulation

The conclusions drawn from the data reflected in Figure 17 is subject to the caveat that these claims are self-reported and will have to be substantiated with evidence upon submitting an application for access to the Bachelor of Paralegal Studies programme. Moreover, other factors, such as the currency of prior non-formal training or completed qualification or part qualifications, may impact on the eligibility for access through articulation. Notwithstanding these limitations, it would appear that for the Training typologies 1 – 4, there is the potential for vertical or horizontal articulation to the Bachelor of Paralegal Studies programme among this sample through systemic or specific articulation.

Specific articulation

Thirteen (12.5%) of participants are reflected under

Typology 2 and 3. These participants have indicated that they have completed one or both of the two qualifications listed under the specific articulation route. Five of these participants (4.81%) have completed the N6 Certificate in Public Administration and eight (7.69%) the NCV 4 Safety in Society programme. This indicates potential eligibility for vertical access to the Bachelor of Paralegal Studies programme through specific articulation, provided that the applicant meets the specific articulation criteria specified in the articulation agreements between CPUT and TVET service providers.

Systemic articulation

Systemic articulation, for the purpose of this report, will focus on the matric pass type as well as the formal post-school qualifications completed at NQF level 5 and above.

Matric pass type

Most participants (70.19%, 73/104) reported that they obtained a matric type that makes them eligible to study towards a certificate or diploma on the NQF and not a degree. Eight (7.69%, 8/104) participants reported that they obtained a bachelor's pass only, which, on its own, may allow vertical access to the Bachelor of Paralegal Studies programme provided that they meet the faculty- or qualification-specific admissions criteria. However, most of these matric passes (71.91%, 64/89) are reported to have been obtained prior to 2009, which may raise questions about the currency thereof if no further post school learning (formal, informal or non-formal) occurred.

Post-school qualifications

The results further show that forty (38.46%, 40/104) of the participants reported that they had completed a formal qualification at NQF level 5 and above (including N6 Public Administration). This may allow horizontal access to the Bachelor of Paralegal Studies programme through systemic articulation provided that the applicant meets the admissions criteria of the programme. However, these qualifications differ not only in respect of their admissions requirements but also in type, duration and content. The majority of these post-school qualifications (56.67%, 17/30) are also unrelated to law (see Figure 19). This may impact on the eligibility for access to the Bachelor of Paralegal Studies programme.

Participants who do not qualify for admission to the Bachelor of Paralegal Studies programme through systemic or specific articulation, may gain access through an RPL process. These will include Training typologies 1 – 4 who do not qualify for systemic or specific articulation, as well as Training typologies 5 – 12.

4.2.2 Route B: Recognition of Prior Learning

The conceptual starting point for an analysis of the findings of the survey, as suggested in the introduction, is to recognise the differentiation and relations between forms of knowledge generated and taught in a university-based law degree, and that which is generated and applied as part of a paralegal practice in a thriving CAO. Recognition of prior learning is particularly concerned with the latter, sometimes referred to as a specialised form of experiential learning, and how it compares or articulates with the former.

The more fine-grained analysis of the survey findings below aims to elicit what the findings reveal or do not reveal about the form and composition of the CBP practitioner's repertoire of knowledge and skills. This analysis seeks to inform the integration of the principle of RPL into the admissions policy and curriculum design of the Bachelor of Paralegal Studies programme at CPUT, and furthermore, to guide the design and implementation of an RPL process and related tools for prospective CBPs seeking admission to the qualification.

Notwithstanding the principle of differentiation referred to above, the key concept for this research project is the concept of hybridity (Cooper, 2006), which suggests that specialised forms of experiential knowledge are typically present in the complex combinations of theoretical and practical knowledge, forged with reference to particular organisational purposes and related social, cultural and historical activities, in this case CBP work. Hence, the focus of the analysis that follows is to unpack the patterns of hybridity that are evident in the CBP data produced by the survey, and what that means for an alternative admissions process via RPL for access to the Bachelor of Paralegal Studies at CPUT.

Yet, there are methodological limitations to the

analysis. It is not possible to derive a detailed and accurate picture of the level and quality of specialised experiential knowledge of the individual respondents from the survey data. Specialised forms of experiential knowledge are forged over time within specific organisational contexts and activity systems (Engestrom and Sanino, 2010). Some CAOs have greater access to professional support and resources than others, some may be in the midst of protracted conflicts or funding crises which undermine their effectiveness and others may have much better or worse track records than others.

It follows therefore, that this analysis of the results of the survey can only offer an indicative typology of the diversity evident in the hybridised competency profiles of the CBPs in the study. The focus next is on the different dimensions of formal, non-formal and experiential learning (informal training) that constitute the hybridity of the CBPs' repertoire of knowledge, skills and languages of learning, as well as the diversity thereof.

4.2.2.1 The Currency, Quality and Level of Matric Qualifications and Formal Post-School Education and Training

The survey indicates that whereas 85.58% of the respondents had a matric certificate, 25% of these were acquired before 2008, with the majority only being eligible for admission to certificate and diploma level programmes at university. Moreover, whilst 68% of the respondents have clearly completed some form of post-school qualification or part thereof, only 23% have completed NQF Level 5 or Level 6 certificate or diplomas in paralegal studies. Others have certificates or diplomas in business and administration studies (20%), adult education and others (21%) such as community development, social work and development studies. The last three areas of study may be unrelated to law but nevertheless remain very relevant for CBP practice, bearing in mind the socio-legal nature of the CBP practitioner's work.

The significance of this data relates to the purpose, content, currency and quality of the qualification, not only as a basis for CBP practice but also as a foundation for university level study. The formal nature of these qualifications is significant as it provides some indication of the foundations and level of 'fitness' for



the text-based nature of academic practices (Shalem & Slonimsky, 2006). A gap in excess of ten years since obtaining a matric certificate, for example, unaccompanied by any further formal or non-formal study at these levels, raises concern, particularly if the performance in some of the subject areas are well below the quality standard required for entry to undergraduate study. The student, may for example, not meet the language requirements for access to the Bachelor of Paralegal Studies programme.

An additional concern relates to the status of the paralegal related qualifications and short courses (registered or not registered on the NQF) and the providers (accredited or not accredited) offering these qualifications and short courses. However, these features are not uncommon in a knowledge field and occupation that is relatively new in the labour market. A significant number of respondents in the survey indicated that they had completed courses at the SA Paralegal School (n=44), UCT Online Short Course in Paralegal Studies (n=3) and numerous other providers (n=43); but none of these courses currently meet the criteria for specific articulation into the Bachelor of Paralegal Studies programme at CPUT. Only 15 respondents with post-school qualifications in NCV Safety in Society and the N6 Public Administration may meet these requirements at this point.

4.2.2.2 The Source, Currency and Quality of the Non-formal training in CBP Practice

The survey clearly indicated the prevalence of short courses, workshops and seminars in the training of CBPs, with three sources dominating the provision where many of the respondents reside and work. Just over 65% of the respondents reported that they had enrolled in non-formal training (learning that leads to a qualification or part-qualification registered on the NQF) offered by institutions such as North West University at the Dullah Omar School for Paralegalism, the SA Paralegal School, the Black Sash and other providers around the country.

The data clearly indicates the scope if not the scale of the provision of this training. Most respondents have participated in a number of these courses. Some courses are clearly more popular than others and may

be more relevant to community needs and struggles. The question of currency is also important given the range and focus of short courses and seminars listed in the survey. Some of these are clearly introductory, whilst others are specialised and focused on the policy and procedures associated with specific sub-fields of the law, for example, the Children's Act¹⁹ or the Consumer Protection Act²⁰. This form of non-formal education and training clearly plays an important part in the continuing education of CBP practitioners. However, the challenge is how practitioners integrate the knowledge and skills acquired into their practice, and into their applications for access to degree level study through RPL. Furthermore, the data does not speak to the content, comparability, languages, and pedagogies of the different courses and what evidence or records might be available to authenticate claims by CBPs to have completed a course, workshop or seminar. These and other RPL implications are discussed in more detail in the section below.

4.2.2.3 Informal Training and its Contribution to the Competence and Experiential Learning Profile of CBPs

The data dealing with the perceived levels of competence in the survey (Figures 25 and 26) is arguably a very close proxy for the complex hybridity and specialised nature of the CBPs knowledge and skills repertoire and for comparing this repertoire to the curriculum of the Bachelor of Paralegal Studies programme. The design of the questions in this section of the survey required respondents to compare and rate themselves against curriculum standards that had been carefully reworded by the PI and academic staff in consultation with CBP practitioners so as to reflect a practitioner's discourse. This in itself is often the first step in an RPL process where occupational qualifications and standards are translated for the purposes of comparison with the discourse and evidence of competence in the workplace (Deller, 2016).

Respondents were asked to compare and rate themselves in terms of their role and levels of competence in meeting the standards either as L1 beginners, or as L2 practitioners under supervision, or as L3 specialists with the ability to supervise others. The respondents' self-rated assessments are

¹⁹ Act 38 of 2005
²⁰ Act 68 of 2008

arranged in relation to nine legal sub-fields and five fundamental (practical) sub-fields associated with CBP practice (see Figure 25 and 26). It is clear from the individual responses that CBPs focus in some sub-fields more than others and in some cases do not practice in a particular sub-field at all. This, to a large extent, is related to the purpose and context in which their advice office service is located, as well as the particular role and function of the respondent in that office e.g. some respondents are more involved in the administrative work at the CAO than specific front-line paralegal advising.

It is important to note that these proportions refer to the knowledge and skills base of the surveyed cohort as a whole and not to a numerical disaggregation of individual practitioner competencies which vary according to the scope and focus of their practice in different CAOs. In other words, most CBPs tend to specialise in some sub-fields and not in others, and consequently are beginners in some fields and not in others. The data in Figure 25 also indicates that the different levels of competence manifest in different proportions according to the different legal sub-fields. This suggests that the highest proportions of specialisation are likely to be found in the sub-fields of Constitutional Law, Business Law, Family Law and Labour Law, whilst the proportions of novice and 'no competence' are highest in the sub-fields of Delict and MVAs, Succession and the Administration of Estates, Criminal Law and Consumer Law.

Respondents were also invited to indicate what they identified the source of their competence in terms of formal, non-formal and informal training, where the latter included learning through paralegal work, or at home, or through online 'research' or reading. Unlike the specific descriptors of formal qualifications and non-formal training courses referred to in section above, the indicators provided here speak to the significance or weighting of different sources and forms of knowledge relevant to the levels of applied competence (self-rated) that the respondents recognise in themselves. Participants attribute the largest proportion of their knowledge source to informal learning (an aggregate of just under 40% (see Figure 26)) compared to formal learning (an aggregate of less than 13%). This could be attributed to the fact that more than 70% of the

respondents reported having had more than 4 years' experience in CBP practice.

Notwithstanding the aforementioned, it would be false to overstate the differences involved. The combinations and weightings of the different types constitute the hybridised nature of the CBP practitioner's competence on the job and, consequently, that distinguishes the novices from the specialists and those in between. Therefore, a response needs to be formulated to the question as to how to engage and recognise these hybridised forms of competence in an RPL process for the purposes of access to the Bachelor of Paralegal Studies programme, with or without recognition of exemption or transfer of credits.

The survey results show that informal learning is clearly indicated as the predominant source of knowledge and skill across all the legal sub-fields and that the combination of informal and non-formal training accounts for more than 60% of the CBP practitioner's knowledge source in all sub-fields except for Criminal Law and Succession and Administration of Estates. Labour Law shows a more even distribution of the sources and was reported to having obtained the largest contribution from formal training courses.

These figures and patterns provide a rich description of the elements that make up the complex hybridity of the CBPs' knowledge and skills base where the variations of informal training combine with variations in the combination of formal and non-formal training across the different sub-fields. However, it is in relation to the self-rated levels of competence that these complex hybridities of paralegal knowledge and skill are best viewed and understood. It is noticeable that in the sub-fields with the lowest levels of specialisation (L3), the proportions of formal and non-formal training fall below the averages for their respective contributions to all the sub-fields. The converse is also true for the sub-fields where higher levels of specialisation are recorded.

These patterns of hybridity in the repertoire of paralegal knowledge provide a valuable basis from which to view the diversity and capacity of the CBPs in the survey. They also provide insight into the knowledge gaps which a Bachelor of Paralegal Studies curriculum could address for those who wish to build their formal



knowledge base and progress to the level of specialist in their practice. This presupposes that the route to specialisation requires more formal study, which may not necessarily be the case in some of the sub-fields where more supervised experiential learning might prove to be as effective, assuming that adequate resources are provided and working relations exist for this level of supervision to be effective.

A more complete picture emerges when the other dimensions of the CBP's tool kit, the fundamental or practical competencies associated with paralegal practice, are considered. These include communication skills inclusive of legal research and interpretation, IT communication and case management, record keeping and reporting and advice office practice. It is important to be reminded that these proportions refer to the knowledge and skills base of the surveyed cohort as a whole and not to a numerical disaggregation of individual practitioner competencies which vary according to the scope and focus of their practice in different CAOs. In other words, most CBPs tend to specialise in some practical sub-fields and not in others and, consequently, are beginners in some sub-fields and not in others.

The patterns of CBP perceptions of their practical knowledge and skills, and the sources thereof, are different to those of the legal sub-fields as discussed above. Figure 25 indicates higher weightings of specialisation in Communication (54%), IT and Case Management (52%) Research and Interpretation (44%), with only Record Keeping and Reporting dropping to 30%. It is also evident that the proportion of 'no competence' in these sub-fields (8.43%) is much less than the legal sub-fields (18.5%).

It is also clear in Figure 26 that the identified sources of fundamental sub-fields include a moderately higher proportion of formal education as compared to the legal sub-fields analysed above. However, the combined contribution of informal and non-formal training to the fundamental (practical) knowledge base of the CBPs is just under 60%, which compares favourably with

the weighting for the core legal sub-field knowledge base. Given these indicative statistics, it is arguably with these levels of practical knowledge and skills that RPL applicants for access to the Bachelor of Paralegal Studies may well be considered for recognition of exemption from some of these fundamental modules on the programme. However, it is important to evaluate the detailed standards within each of these areas of practical knowledge to see where the curriculum nuances and differences exist. It is clear, for example, within the scope of Communication Skills²¹ that most of the respondents rate themselves as specialists in oral communication and facilitation skills with the clients they serve, but not as high in aspects of consultations with attorneys and writing reports and memoranda. Similarly, in Information Technology, keeping electronic records and maintaining an electronic case management system has decidedly more ratings than using electronic messaging systems and social media. It is these differences in the degree of complexity of the practice to which the proposed Legal Services Framework alludes (see Figure 1). These self-reported competencies point to a highly rated feature of the CBP discourse which is in mediating 'front line' legal concepts, principles, procedures and forms of communication to members of the public but which differs from their written communication with legal practitioners not as highly self-rated. This appears to be equally evident for the text-based discourse of formal paralegal studies.

4.2.2.4 A Typology of Community-based Paralegal Practitioners

The survey findings and analysis above enable the researchers to suggest three possible types of CBPs that might consider an RPL application for access to the Bachelor of Paralegal Studies programme. The criteria for the typology are based on the three dimensions of the CBPs' repertoire of knowledge and skills discussed above, namely their prior formal, non-formal and experiential knowledge (informal training). **This typology is tentative at this stage but nevertheless forms a basis for engagement between CBP practitioners and the academy.** The Specialist CBP practitioner is

21 It is important to remember that the content and standards against which the respondents were rating themselves are based on the curriculum structure as 'translated' by Dr Leach and colleagues for the purpose of the survey. So, it is not enough to look at the average of the self-rating for the whole 'module' but also for each of the content standards that form part of the module.

22 Recognition as in membership of a CBP organisation and/or employment status in a registered Community Advice Office.

23 As defined by National Paralegal policy and/or the SA Occupational Skills Framework.

24 Communication and Interpretation, IT and Case Management; Record Keeping and Reporting; Advice Office Practice.

included in this typology although s/he may qualify for admission under the articulation rules of the university and may consider bringing an application for exemption through an RPL process once admitted.

Type 1 – Specialist CBP Practitioner (S-CBP)

- The S-CBP is a recognised²² CBP practitioner and can supervise other practitioners and novices in at least three legal sub-fields²³, and
- Is able to function as a competent CBP practitioner without supervision in 4 other legal sub-fields, and in all other aspects²⁴ of a paralegal practice.
- Has a matriculation qualification plus a higher certificate (Level 5) and/or a diploma (Level 6) in Paralegal Studies or a related qualification recognised by the university;
- Has attended regular non-formal training events, courses, or seminars relevant to her/his specialisation and field of competence;
- Has a proven track record of experiential learning (case studies) and valid collegial references from legal practitioners and where possible, clients served.

Type 2 – Competent CBP Practitioner (C-CBP) with limited supervision

- The C-CBP is a recognised²⁵ CBP practitioner and has begun to specialise in at least three legal sub-fields²⁶, and
- Is able to function as a competent CBP Practitioner with limited supervision in four other legal sub-fields, and in all other aspects²⁷ of a paralegal practice.
- Has a matric and has completed some subjects towards a higher certificate (Level 5) in Paralegal Studies or a related qualification recognised by the university;
- Has attended regular non-formal training events, courses, or seminars relevant to her/his specialisation and field of competence;
- Has a proven track record of experiential learning (case studies) and valid collegial references from legal practitioners and where possible, clients served.

Type 3 – Novice CBP Practitioner (N-CBP) under supervision

- The N-CBP is learning to function as a competent CBP Practitioner under supervision in two or more legal sub-fields, and in at least two other aspects²⁸ of a paralegal practice.
- Has a Gr11 or matric qualification and /or a Level 4 TVET qualification and/or some subjects towards a higher certificate (Level 5) in Paralegal Studies or a related qualification recognised by the university;
- Has completed some non-formal training events, courses, or seminars relevant to her/his work as a novice CBP practitioner;
- Has a limited track record of experiential learning (case studies) with valid references from her/his supervisor and where possible, clients served.

4.2.2.5 Implications for RPL Policy and Practice in the Bachelor of Paralegal Studies programme

It is clear from the analysis above that the CBPs in the survey have accumulated a diverse but valuable repertoire of experiential knowledge (informal training) and formal and non-formal training.

This means that:

- a) Some of the specialists among them (Type 1 above) might well be able to access the Bachelor of Paralegal Studies via recognition of their formal qualifications, and may even be able to claim advanced credit (exemption) in some areas (if this is possible);
- b) For the others like Type 2 above, an RPL process should tap evidence of their knowledge and skills gained from both formal and non-formal training, as well as learning on the job;
- c) And for others still, an RPL advising and information process could include a pre-selection test to indicate whether applicants have the foundational literacies to cope in an undergraduate degree programme or not.

The experiential knowledge of the respondents evidenced by the research has a number of implications for the RPL process as well as the Bachelor of Paralegal Studies curriculum.

²⁵ Recognition as in membership of a CBP organisation and/or employment status in a registered Community Advice Office.

²⁶ As defined by National Paralegal policy and/or the SA Occupational Skills Framework.

²⁷ Communication and Interpretation, IT and Case Management; Record Keeping and Reporting; Advice Office Practice.

²⁸ Communication and Interpretation, IT and Case Management; Record Keeping and Reporting; Advice Office Practice.



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It is recommended that the RPL process should not necessarily assess conceptual expertise in various areas of the legal sub-fields per se, although many of these potential candidates clearly do indicate an established competence in providing paralegal information, advice, assistance and representation in many of these sub-fields. However, the RPL process should rather assess broader, meta-capabilities. These include the ability to work between concepts and application, broader language skills and relevant literacies, some 'soft' skills (including advocacy skills) as well as particular dispositions and values such as active citizenship, emotional literacy, social intelligence and a human rights-based approach to access to justice.

It is not inconceivable that some of the RPL candidates have a significant head start compared to younger applicants entering the programme directly from high school. Some of the academic development literature (Bangeni & Greenbaum (2013) for example) argues that novice law students experience considerable difficulty in accessing the specialised discourse or genre of legal writing and/or argument in the legal field. Leach (2015) expresses similar concerns and argues for mother-tongue tuition to overcome the language barrier presented by the language of instruction and the specialised discourse. However, it is evident, that many of the CBP respondents in this pilot survey have already acquired some of the key elements of this discourse, albeit in oral form. These key elements include:

- an understanding of the relationship between applied legal principles and particular, concrete cases and
- knowing what counts as crucial information to make a case.

The RPL process should attempt to surface these applied competencies where they are present.

The diverse experiences of the CBPs will not only provide a rich basis for the development of a learning portfolio of their knowledge, skills and competencies but could also play an important role in enriching the curriculum of the Bachelor of Paralegal Studies programme. This is in line with the particular theoretical framing of this RPL project and speaks to the importance of the Bachelor of Paralegal Studies curriculum being responsive to this rich experiential knowledge. This could be evidenced in its selection of

subject matter, sequencing of topics and in the design of assignments, seeking ways of engaging with and capitalising on the CBP practitioner's knowledge.

However, it has to be emphasised that some of the CBPs may well struggle with the more text-based discourses of formal study, particularly paralegal studies. The RPL process will need to identify cases where this might occur and provide appropriate advice and/or curriculum support. In addition, it is also generally accepted that experiential knowledge (informal training) might not always provide a platform for new learning but may, on occasion, act as a barrier to new learning. It might be worth it for the RPL process should also gauge the candidates' openness to new learning and preparedness to accept situations where their prior learning might be incorrect.

The disciplinary context or knowledge domain into which an RPL candidate is seeking access plays an important role in determining the feasibility of RPL. Cooper & Harris (2013) and Cooper, Harris & Ralphs (2018) argue that where the academic knowledge field is an applied field, closely related to the field of professional practice and following a 'contextual' rather than a 'conceptual' logic, this could offer distinct affordances for RPL.

The proposed Legal Services Framework (see Figure 1) indicates that there are significant differences between primary and secondary legal services, although there is no hard boundary between them. This means that there is a difference between paralegal studies and law studies in that paralegal studies have 'softer' boundaries with the 'everyday' discourse of practice, and its curriculum tends to follow a contextual logic – i.e. structured around the logic of practice rather than following a conceptual logic.

This means that the particular knowledge field covered by the Bachelor of Paralegal Studies will most likely lend itself well towards RPL, thus confirming the value of this investigation.

Finally, the assumptions about the differentiated and socially situated nature of knowledge underpinning this project also means that the generic skills required for access to the Bachelor of Paralegal Studies should ideally be assessed in context. Writing skills, reading for meaning and identifying key lines of argument,

or searching for information, for example, should be surfaced in the RPL process in the course of documenting the paralegal knowledge gained via the work experience of the RPL candidates.

4.2.2.6 Proposed RPL Process and Tools

The research findings and the adopted theoretical framework suggest that the academy embarks on a process of consultation with the CBP sector around a proposed RPL process and programme that would facilitate access to the Bachelor of Paralegal Studies programme. It is evident from the typologies that have emerged following the enquiry into the formal, non-formal and informal learning of the participants, that one singular process and a single instrument would not do justice to the endeavour to enable access to this bachelor's programme. The variety of typologies (Typology 1 – 12), which reflects the complex hybridity of the knowledge, skills and competencies of the participants, demands an RPL process and instruments that are shaped around that hybridity. An RPL process could therefore encompass what is referred to in this report as an extended, regular or accelerated process.

An extended RPL process could conceivably comprise an information and advising component, a pre-selection process, a Portfolio Development Course (PDC) with extensive support provided throughout the process, possible assessment and development of the literacy and numeracy skills in context and evaluation of the Portfolio of Evidence (POE).

A regular RPL process could entail an information and advising component, a pre-selection process, the compilation of a POE with regular support, possible assessment of the literacy and numeracy skills in context and the evaluation of the POE.

An accelerated RPL process could entail an information and advising component, a pre-selection process, the compilation of a more selective, abbreviated POE with support as required and the evaluation of the POE.

It would therefore appear that a pre-selection instrument, in the form of a questionnaire, may be a suitable tool. However, the decision arising out of this pre-selection process will be subject to an appeal process which will enable the prospective applicant to request to nevertheless proceed with

the RPL application in the event of the applicant being unsuccessful to progress beyond the initial pre-screening phase.

The most important instrument through which the evidence of all forms of learning could be gathered is through the development of a POE which would enable the academy to make an informed decision.

The assessment of literacy and numeracy skills in the form of written tests could also possibly serve as tools through which the level of competence could be determined where it is not clear from the evidence gathered.

It is not advisable at this stage to determine which typology would be best suited for which particular RPL process as the formal and non-formal learning of these CBPs has to be examined more closely and final conclusions can only be drawn upon consultation with the CBP sector.

4.3 Mode of delivery

The research results clearly show a preference among the majority of participants for blended learning (63.46%) and distance learning (61.54%). Some have indicated support for full time as well as part-time study (Figure 16). Considering the fact that the participants are located across the nine provinces in South Africa and most are in full time employment as paralegals, full time and part-time study would not be feasible unless the participant is within reasonable travelling distance from the university or the participant gives up the practice for the duration of the study period. Many participants have expressed a preference for distance learning. However, this mode of delivery has proven to be a challenge for many undergraduate students. It requires self-motivation as face-to-face time with the lecturers and accessibility to the lecturer is limited. The student might not have continuous access to technology and thus suffer isolation from his/her peers. Feedback might also be delayed. A blended mode of delivery, meaning a combination of face-to-face contact time and distance learning, is recommended. This would allow the student uninterrupted face-to-face contact time with the lecturers for specific periods, followed by online support during the period when the student is not on campus.

5



5 Conclusion

One of the main premises of RPL is the acknowledgement that learning trajectories may take different routes and forms to access higher education.

South Africa's markedly unequal society created clear distinctions between students who were afforded opportunities of accessing and succeeding in formal education, and others who engaged in alternative forms of learning that might be considered to be tacit understandings, knowledge and skills. It is a combination of formal, informal and non-formal learning that RPL seeks to foreground to determine

It is a combination of formal, informal and non-formal learning that RPL seeks to foreground to determine the academic readiness of students who wish to pursue Higher Education studies.

the academic readiness of students who wish to pursue HE studies. Within the context of the paralegal sector, the focus of developing an RPL strategy for access is opportune given the number of candidates who ably provide paralegal services without formal higher education qualifications.

The instrument used in this study provided detailed data that signalled the plethora of skills acquired in contextual learning, to be complemented with concomitant conceptual understandings presented by formal learning. Through a measure of self-assessment, this study reveals statistics of highly skilled paralegals, who, with the necessary support should be able to succeed in formal studies. Of import here is how robust, fair, valid and reliable the RPL instruments and measures of learning would be to determine candidates' readiness to access the bachelor's programme. The theoretical and empirical underpinnings that informed the recommended RPL instruments for future implementation renders this study ground-breaking at CPUT and augurs well for the next phase of this project. Paralegals in practice who wish to pursue formal education will, via RPL, be afforded an educational experience that is unequivocally an apt example of social justice in action.

6



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7 Appendices

APPENDIX A – RECOGNITION OF PRIOR LEARNING SURVEY INSTRUMENT

Bachelor of Paralegal Studies - RPL Questionnaire

Dear Community-based Paralegal

You are invited to take part in a research project about access to the Bachelor of Paralegal Studies degree offered at the Cape Peninsula University of Technology (CPUT). Very few community-based paralegals (CBPs), qualify for admission to this programme. Until 2018 CBPs who did not qualify could be admitted under the age exemption which was 23 years. However, the Faculty has done away with this exemption. This means that CBPs who do not meet the admissions requirements can only be admitted via a process of Recognition of Prior Learning (RPL). The purpose of this research, therefore, is to gather information about the training that current community-based paralegals (CBP) have undergone to date. This information will enable the Unit for Applied Law to ...

- a) design and implement appropriate Recognition of Prior Learning (RPL) programmes and instruments that will allow for the admission of CBPs to the Bachelor programme, and
- b) determine the most appropriate way to deliver the programme to CBPs across the country.

Please note that ...

- a) by completing the accompanying questionnaire, you are consenting to participate in this research project and that the findings may be used for publication purposes.
- b) your participation is entirely voluntary and your identity will remain confidential.
- c) You may withdraw from taking part in this survey at any point before submitting the questionnaire.
- d) by taking part it does not automatically follow that you will be admitted to the programme, however, further communication will follow about CPUT's RPL processes for CBPs.

The survey will take approximately 40 - 60 minutes to complete. You may complete the survey by:

1. Completing the print version that you have received via the mail and returning it in the preaddressed envelope provided.
OR
2. Waiting for a research assistant to contact you telephonically and completing the survey online on your behalf.

Should you require assistance with the online survey, you may

- a) call Gisela Noble on (021) 959 6751 or
- b) send an e-mail to Gisela at NobleG@cput.ac.za or
- c) send a WhatsApp message to Gisela at 063 009 9138

Thank you for your participation

Noleen Leach
(Interim Co-ordinator: Unit for Applied Law – CPUT)

** Required*

1. Do you give consent to participate in this survey? * *Mark only one oval.*

☐
☐

Yes

No

Skip to "Thank you."

DEMOGRAPHICS

2. Name *

Please note your details will remain confidential

2. Email address *

4. Please indicate who is capturing the information in survey * *Mark only one oval.*

☐
☐

Paralegal worker

Researcher

5. In which province do you reside? * *Mark only one oval.*

☐
☐
☐
☐
☐
☐
☐
☐
☐

Eastern Cape

Free State

Gauteng

Kwazulu-Natal

Limpopo

Mpumalanga

Northern Cape

North West

Western Cape

6. Where is the advice office at which you are working located? * *Mark only one oval.*

☐
☐
☐
☐

Urban - formal

Urban - informal

Rural - formal

Tribal Authority Area



7. Please describe the type of office from which you work * *Mark only one oval.*

☐	Formal Office Building
☐	Container
☐	Informal structure e.g. Wendy House
☐	I work from home
☐	_____

8. Please rate the working conditions of the office from which you work * *Mark only one oval.*

☐	1 - Very poor working conditions
☐	2 - Poor working conditions
☐	3 - Fair working conditions
☐	4 - Good working conditions
☐	5 - Very good working conditions
☐	I decline to answer

9. Do you have access to the following services * *Mark only one oval.*

	No access	Working condition	Not currently working	Service terminated by landlord or municipality
Piped (tap) water within 200m from the office	☐	☐	☐	☐
Flushing toilet facilities within the office building	☐	☐	☐	☐
Electricity for heating and lighting within the office	☐	☐	☐	☐

10. Do you have access to the following equipment * *Mark only one oval per row.*

	No access	Working condition	Not currently working
Computer / Laptop	☐	☐	☐
Landline within the office	☐	☐	☐
Cellular phone	☐	☐	☐
Internet access	☐	☐	☐
Printer	☐	☐	☐
Scanner	☐	☐	☐

11. Age *

12. Gender * *Mark only one oval.*

☐

Male

☐

Female

☐

Other: _____

13. Race * *Mark only one oval.*

☐

Eastern Cape

☐

Black African

☐

Coloured

☐

Indian or Asian

☐

White

☐

Other: _____

14. In what language(s) do you most commonly speak to your clients? *

Select more than one where applicable. Check all that apply.

☐

Afrikaans

☐

English

☐

IsiNdebele

☐

IsiXhosa

☐

IsiZulu

☐

Sepedi

☐

Sesotho

☐

Sign Language

☐

Siswati

☐

Tshivenda

☐

Xitsonga

15. Do you currently work as a paralegal? * *Mark only one oval.*

☐

Yes

☐

No



Recognition of Prior Learning for Community-Based Paralegals

16. How many years of work experience do you have as a paralegal? *

17. Where did you perform the paralegal work? * *Check all that apply.*

☐

Established community-based advice office

☐

Law firm

☐

Home

☐

Legal Aid Clinic

☐

Trade Union Office

☐

Other: _____

LEVEL OF BASIC EDUCATION

18. Have you passed matric? * *Mark only one oval.*

☐

Yes

☐

No

BASIC EDUCATION

19. What is the highest level of basic education (school education) you have passed?
* *Mark only one oval.*

☐

Grade 12

☐

Grade 11

☐

Grade 10

☐

Grade 9

☐

Grade 8

☐

Pre-Grade 8

20. Please specify the subjects that you have passed? *

BASIC EDUCATION - MATRIC

21. When did you pass matric? * *Mark only one oval.*

☐

Up to 2008

☐

2009 - 2019

22. Through which institution did you complete your matric? * *Mark only one oval.*

☐

School

☐

FET/TVET College

☐

Adult Basic Education / Community College

☐

I am not sure

☐

23. Please select the type of pass that you have obtained in matric * *Mark only one oval.*

☐

Matric pass for studying towards a certificate or diploma at a university / college / university of technology

☐

Matric pass for studying towards a bachelor degree / obtained a matric exemption at university or university of technology

24. Please specify the subjects that you have passed in matric? *

TVET/FET EDUCATION: ARTICULATION PATHWAY

25. Please select the relevant qualification, if you have completed one or more of the following:
* *Mark only one oval.*

☐

National Certificate Vocational (NCV) Level 4 Safety in Society .

☐

Diploma: Public Administration (N6)

☐

Both a 'National Certificate Vocational (NCV) Level 4 Safety in Society' and 'Diploma:

☐

Public Administration (N6)'

☐

None of the above



CONSENT

26. Do you give consent for the researcher to contact you to determine whether you meet CPUT's admission requirements? ** Mark only one oval.*

☐	Yes
☐	No

LEVEL OF POST SCHOOL EDUCATION

27. Have you received formal post-school training not stated in 25 above? (In other words, college/ SETA service provider/ university/ university of technology with a set curriculum?) ** Mark only one oval.*

☐	Yes
☐	No

POST SCHOOL EDUCATION DETAILS (FORMAL TRAINING)

Please provide detail of the formal post-school training below:

28. Have you completed any of the following formal training? ** Mark only one oval.*

☐	National Certificate: Paralegal Practice NQF 5 (e.g SASSETA Service provider)
☐	Higher Certificate In Paralegal Studies NQF 5 (e.g Lyceum College)
☐	National Certificate in Paralegal Practice – Human Relations & Employee Relations NQF 5 (e.g Boston College)
☐	IIE Higher Certificate in Legal Studies NQF 5 (Varsity College)
☐	National Diploma Law (Paralegal studies) NQF 5 (University of Johannesburg)
☐	Higher Certificate in Law NQF 5 (IPCE)
☐	None of the above

29. Have you completed any of the following formal training from the South African Paralegal School?

** Check all that apply.*

☐	Debt Collecting & Civil Litigation
☐	Legal Writing
☐	Family Law & Divorce
☐	Family Court Practice
☐	Labour Law
☐	Property Law
☐	Wills & Estates
☐	None of the above

30. Have you completed formal training from UCT - the Paralegal Practitioner Online Short Course? *

Mark only one oval.

☐

Yes

☐

No

31. Apart from the afore-mentioned formal training, have you completed any other formal training *

Mark only one oval.

☐

Yes

☐

No

POST SCHOOL EDUCATION DETAILS (FORMAL TRAINING)

32. Name of qualification *

33. Institution *

34. Duration *

35. Status of the qualification * *Mark only one oval.*

☐

Completed

☐

Still in progress

☐

Incomplete

☐

Not applicable

36. Have you completed a second qualification? * *Mark only one oval.*

☐

Yes

☐

No



POST SCHOOL EDUCATION DETAILS - SECOND QUALIFICATION

37. Name of qualification (second qualification) *

38. Institution (second qualification) *

39. Duration (second qualification) *

40. Status of the qualification (second qualification) * *Mark only one oval.*

☐

Completed

☐

Still in progress

☐

Incomplete

☐

Not applicable

41. Have you completed a third qualification? * *Mark only one oval.*

☐

Yes

☐

No

POST SCHOOL EDUCATION DETAILS - THIRD QUALIFICATION

42. Institution (third qualification) *

43. Duration (third qualification) *

44. Name of qualification (third qualification) *

45. Status of the qualification (third qualification) * *Mark only one oval.*

☐

Completed

☐

Still in progress

☐

Incomplete

☐

Not applicable

NON-FORMAL TRAINING IN PARALEGAL OR RELATED WORK

46. Have you received non-formal training in paralegal or related work, such as short courses, workshops, seminars, online courses... (eg: at the Dullah Omar Institute) * *This is learning that is not assessed against a SAQA registered qualification or Unit Standards) Mark only one oval.*

☐ Yes

☐ No

NON-FORMAL TRAINING IN PARALEGAL OR RELATED WORK

47. Have you completed any of the following Non-formal training from North West University - Dullah Omar School? * *Check all that apply*

☐ Introductory Short Learning Programme for Paralegals (Phase 1)

☐ Advanced Short Learning Programme for Paralegals (Phase 2)

☐ Short Learning Programme on the Consumer Protection Act for Paralegals

☐ Short Learning Programme on the Law of Contract for Paralegals

☐ Short Learning Programme on the Children's Act for Paralegals

☐ Short Learning Programme on Alternative Dispute Resolution for Paralegals

☐ Short Learning Programme on Basic Legal Training for Administrative Staff

☐ Short Learning Programme on Mediation Skills for Paralegals

☐ Short Learning Programme on Legal aspects of Governance and Compliance

☐ None of the above

48. Have you completed any of the following Non-formal training from Black Sash? * *Check all that apply*

☐ Social Assistance training

☐ Social Insurance training

☐ Consumer protection (debtors and creditors) training

☐ State capture training

☐ None of the above

49. Apart from training from the North-West University Dullah Omar School and Black Sash, have you completed any other training? * *Mark only one oval.*

☐ Yes

☐ No



NON-FORMAL TRAINING IN PARALEGAL OR RELATED WORK

50. What was the focus of the training? *

For example mediation training/ conflict resolution/drafting basic wills

51. Institution *

52. Duration *

53. Have you completed any additional training? * *Mark only one oval.*

☐ Yes
☐ No

NON-FORMAL TRAINING IN PARALEGAL OR RELATED WORK (SECOND TRAINING)

54. What was the focus of the second training? *

55. Institution (second training) *

56. Duration (second training) *

57. Have you completed any additional training? * *Mark only one oval.*

☐ Yes
☐ No

NON-FORMAL TRAINING IN PARALEGAL OR RELATED WORK (THIRD TRAINING)

58. Nature of the training (third training)? *

59. Institution (third training) *

60. Duration (third training) *

INFORMAL PARALEGAL TRAINING

61. Have you received informal paralegal training i.e. learning that takes place through doing tasks at the advice office, at home, in the community, or by reading, or through the media and/or informal discussions and advice from peers and supervisors. This is not formally assessed. * *Mark only one oval.*

☐ Yes
☐ No

PERSONAL QUALITIES OF A PARALEGAL

62. How important are the following qualities for performing the function of a community-based paralegal? * *Mark only one oval per row.*

	Very important	Fairly important	Undecided	Not very important	Not important
Work collaboratively with people from different cultural backgrounds	☐	☐	☐	☐	☐
Keep the information of clients confidential	☐	☐	☐	☐	☐
Engage in advocacy work	☐	☐	☐	☐	☐
Being socially responsive contributing to the well being of others)	☐	☐	☐	☐	☐
Acting honestly and with integrity, in other words, in an ethical manner	☐	☐	☐	☐	☐
Act assertively	☐	☐	☐	☐	☐
Work independently and without supervisor	☐	☐	☐	☐	☐



Recognition of Prior Learning for Community-Based Paralegals

63. In your view, please add any other important qualities of a paralegal *** Insert 'None' if not applicable*

PARALEGAL PRACTICE

64. Communication Skills - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter ** Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Consulting with clients face-to-face	☐	☐	☐	☐
Consulting with legal practitioners (e.g.: attorneys)	☐	☐	☐	☐
Facilitating meetings	☐	☐	☐	☐
Making enquiries on behalf of a client	☐	☐	☐	☐
Taking down statements	☐	☐	☐	☐
Making oral or written referrals to other services (e.g.: health/ social development departments)	☐	☐	☐	☐
Making telephone calls	☐	☐	☐	☐
Writing reports or memoranda	☐	☐	☐	☐
Writing letters	☐	☐	☐	☐
Act as a translator	☐	☐	☐	☐
Facilitate workshops in the community	☐	☐	☐	☐

65. Communication Skills - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Consulting with clients face-to-face	☐	☐	☐	☐
Consulting with legal practitioners (e.g.: attorneys)	☐	☐	☐	☐
Facilitating meetings	☐	☐	☐	☐
Making enquiries on behalf of a client	☐	☐	☐	☐
Taking down statements	☐	☐	☐	☐
Making oral or written referrals to other services (e.g.: health/ social development departments)	☐	☐	☐	☐
Making telephone calls	☐	☐	☐	☐
Writing reports or memoranda	☐	☐	☐	☐
Writing letters	☐	☐	☐	☐
Act as a translator	☐	☐	☐	☐
Facilitate workshops in the community	☐	☐	☐	☐

66. Please identify any other Communication Skills you may have * *Insert 'None' if not applicable*



Recognition of Prior Learning for Community-Based Paralegals

67. Information Technology - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Use electronic messaging (e.g.: WhatsApp/ e-mail)	☐	☐	☐	☐
Use the internet	☐	☐	☐	☐
Draft letters or memos using Microsoft Word	☐	☐	☐	☐
Maintain an electronic case- management system	☐	☐	☐	☐
Keep electronic records (e.g.: of income and expenditure/ petty cash/ income and expenditure)	☐	☐	☐	☐

68. Information Technology - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Use electronic messaging (e.g.: WhatsApp/ e-mail)	☐	☐	☐	☐
Use the internet	☐	☐	☐	☐
Draft letters or memos using Microsoft Word	☐	☐	☐	☐
Maintain an electronic case- management system	☐	☐	☐	☐
Keep electronic records (e.g.: of income and expenditure/ petty cash/ income and expenditure)	☐	☐	☐	☐

69. Please identify any other IT skills you may have * *Insert 'None' if not applicable*

70. Record keeping and reporting - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Draw up an income and expenditure journal	☐	☐	☐	☐
Keep a petty cash journal	☐	☐	☐	☐
Keep an activity journal	☐	☐	☐	☐
Report to funder/ intermediary	☐	☐	☐	☐

71. Record keeping and reporting - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Draw up an income and expenditure journal	☐	☐	☐	☐
Keep a petty cash journal	☐	☐	☐	☐
Keep an activity journal	☐	☐	☐	☐
Report to funder/ intermediary	☐	☐	☐	☐

72. Please identify any other Record keeping and reporting skills you may have * *Insert 'None' if not applicable*



Recognition of Prior Learning for Community-Based Paralegals

73. Legal research and interpretation - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Collecting information from a variety of sources (not only legal) to help you solve a clients (legal or non-legal) problem	☐	☐	☐	☐
Monitoring and giving feedback (e.g.: on service delivery in your area)	☐	☐	☐	☐
Assisting clients to understand formal communications (e.g.: letter from an attorney)	☐	☐	☐	☐
Assisting clients to understand laws that affect them	☐	☐	☐	☐

74. Legal research and interpretation - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Collecting information from a variety of sources (not only legal) to help you solve a clients (legal or non-legal) problem	☐	☐	☐	☐
Monitoring and giving feedback (e.g.: on service delivery in your area)	☐	☐	☐	☐
Assisting clients to understand formal communications (e.g.: letter from an attorney)	☐	☐	☐	☐
Assisting clients to understand laws that affect them	☐	☐	☐	☐

75. Please identify any other Legal Research and Interpretation skills you may have * *Insert 'None' if not applicable*

76. Advice Office practice - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Establish a community advice office (e.g.: draft constitution. establish a management board)	☐	☐	☐	☐
Prepare a business plan for an advice office	☐	☐	☐	☐
Design marketing strategy for an advice office	☐	☐	☐	☐
Establish a basic administrative system for an advice office	☐	☐	☐	☐

77. Advice Office practice - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Establish a community advice office (e.g.: draft constitution. establish a management board)	☐	☐	☐	☐
Prepare a business plan for an advice office	☐	☐	☐	☐
Design marketing strategy for an advice office	☐	☐	☐	☐
Establish a basic administrative system for an advice office	☐	☐	☐	☐

78. Please identify any other practical skills you may have, working within the Advice Office* *Insert 'None' if not applicable*



PARALEGAL SKILLS AND COMPETENCIES

79. Property Law - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Illegal evictions (e.g.: farms and urban areas)	☐	☐	☐	☐
Obtaining a housing subsidy	☐	☐	☐	☐
Public education relating to e.g.: land grants, distribution, land laws, security of tenure	☐	☐	☐	☐
Advising clients on the role of local government in providing access to housing	☐	☐	☐	☐
Advising clients on buying or renting a house	☐	☐	☐	☐
Mediating landlord - tenant disputes	☐	☐	☐	☐
Lodging complaints with Rental Housing Tribunal	☐	☐	☐	☐

80. Property Law - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Illegal evictions (e.g.: farms and urban areas)	☐	☐	☐	☐
Obtaining a housing subsidy	☐	☐	☐	☐
Public education relating to e.g.: land grants, distribution, land laws, security of tenure	☐	☐	☐	☐
Advising clients on the role of local government in providing access to housing	☐	☐	☐	☐
Advising clients on buying or renting a house	☐	☐	☐	☐
Mediating landlord - tenant disputes	☐	☐	☐	☐
Lodging complaints with Rental Housing Tribunal	☐	☐	☐	☐

81. Please identify any other Property Law skills you may have * *Insert 'None' if not applicable*

82. Criminal Law - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Public education on criminal procedures involving the courts and the police (e.g.: search and seizure and arrest)	☐	☐	☐	☐
Assisting a client to lay criminal charges	☐	☐	☐	☐
Preparing an accused for trial	☐	☐	☐	☐
Explaining bail conditions	☐	☐	☐	☐
Negotiating police bail	☐	☐	☐	☐
Participating in plice forums	☐	☐	☐	☐
Advising detainees of their rights	☐	☐	☐	☐
Assisting victims of crime	☐	☐	☐	☐
Reporting police misconduct	☐	☐	☐	☐
Applying for legal aid	☐	☐	☐	☐

83. Criminal Law - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Public education on criminal procedures involving the courts and the police (e.g.: search and seizure and arrest)	☐	☐	☐	☐
Assisting a client to lay criminal charges	☐	☐	☐	☐
Preparing an accused for trial	☐	☐	☐	☐
Explaining bail conditions	☐	☐	☐	☐
Negotiating police bail	☐	☐	☐	☐
Participating in plice forums	☐	☐	☐	☐
Advising detainees of their rights	☐	☐	☐	☐
Assisting victims of crime	☐	☐	☐	☐
Reporting police misconduct	☐	☐	☐	☐
Applying for legal aid	☐	☐	☐	☐



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84. Please identify any other Criminal Law skills you may have ** Insert 'None' if not applicable*

ADMINISTRATION OF ESTATES

85. Succession and administration of estates - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter ** Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Appointments as administrators/power of attorneys in cases of persons who are declared mentally unfit to manage their legal affairs	☐	☐	☐	☐
Drafting basic wills	☐	☐	☐	☐
Giving advice when someone dies without leaving a will	☐	☐	☐	☐
Reporting to the Master's office of the estate of someone who died	☐	☐	☐	☐
Accepting an appointment as administrator or executor of the estate of someone who died	☐	☐	☐	☐
Reporting to the Master's office	☐	☐	☐	☐
Public education on the administration of estates	☐	☐	☐	☐

86. Succession and administration of estates - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply ** Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Appointments as administrators/power of attorneys in cases of persons who are declared mentally unfit to manage their legal affairs	☐	☐	☐	☐

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Drafting basic wills	☐	☐	☐	☐
Giving advice when someone dies without leaving a will	☐	☐	☐	☐
Reporting to the Master's office of the estate of someone who died	☐	☐	☐	☐
Accepting an appointment as administrator or executor of the estate of someone who died	☐	☐	☐	☐
Reporting to the Master's office	☐	☐	☐	☐
Public education on the administration of estates	☐	☐	☐	☐

87. Please identify any other 'Succession and administration of estates' related skills you may have *
Insert 'None' if not applicable

LABOUR LAW

88. Labour Law - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Claims for Unemployment Insurance (UIF)	☐	☐	☐	☐
Explaining the terms and conditions of an employment contract	☐	☐	☐	☐
Giving advice when someone dies without leaving a will	☐	☐	☐	☐
Challenging unfair labour practices	☐	☐	☐	☐



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	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Workshops for vulnerable employees (e.g.: farm- domestic workers)	☐	☐	☐	☐
Settling labour disputes	☐	☐	☐	☐
Referrals to the CCMA	☐	☐	☐	☐
Representing clients at the CCMA	☐	☐	☐	☐
Assisting clients at disciplinary hearings	☐	☐	☐	☐

89. Labour Law - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Claims for Unemployment Insurance (UIF)	☐	☐	☐	☐
Explaining the terms and conditions of an employment contract	☐	☐	☐	☐
Giving advice when someone dies without leaving a will	☐	☐	☐	☐
Challenging unfair labour practices	☐	☐	☐	☐
Workshops for vulnerable employees (e.g.: farm- domestic workers)	☐	☐	☐	☐
Settling labour disputes	☐	☐	☐	☐
Representing clients at the CCMA	☐	☐	☐	☐
Assisting clients at disciplinary hearings	☐	☐	☐	☐

90. Please identify any other Labour Law skills you may have * *Insert 'None' if not applicable*

FAMILY LAW

88. Family Law - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Registration of births and deaths	☐	☐	☐	☐
Advocacy work relating to LGBTQ communities	☐	☐	☐	☐
Advising different forms of marriages and partnerships (e.g.: customary marriages)	☐	☐	☐	☐
Public education and assistance with domestic violence	☐	☐	☐	☐
Workshops for vulnerable employees (e.g.: farm- domestic workers)	☐	☐	☐	☐
Obtaining a protection order	☐	☐	☐	☐
Public education and assistance with childcare and protection	☐	☐	☐	☐
Maintenance	☐	☐	☐	☐
Facilitating workshops on HIV and AIDS	☐	☐	☐	☐
Obtaining social assistance	☐	☐	☐	☐
Public education on the rights of parents and children	☐	☐	☐	☐



Recognition of Prior Learning for Community-Based Paralegals

92. Family Law - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Registration of births and deaths	☐	☐	☐	☐
Advocacy work relating to LGBTQ communities	☐	☐	☐	☐
Advising different forms of marriages and partnerships (e.g.: customary marriages)	☐	☐	☐	☐
Public education and assistance with domestic violence	☐	☐	☐	☐
Workshops for vulnerable employees (e.g.: farm- domestic workers)	☐	☐	☐	☐
Obtaining a protection order	☐	☐	☐	☐
Public education and assistance with childcare and protection	☐	☐	☐	☐
Maintenance	☐	☐	☐	☐
Facilitating workshops on HIV and AIDS	☐	☐	☐	☐
Obtaining social assistance	☐	☐	☐	☐
Public education on the rights of parents and children	☐	☐	☐	☐

93. Please identify any other Family Law skills you may have * *Insert 'None' if not applicable*

CONSUMER LAW

94. Consumer Law - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Drafting a basic contract (e.g.: sale of a second hand car)	☐	☐	☐	☐
Interpreting and explaining the terms and conditions of a contract (e.g.: rental agreement)	☐	☐	☐	☐
Applying for a loan	☐	☐	☐	☐
Advising consumer who has been blacklisted for outstanding debt	☐	☐	☐	☐
Buying goods on credit	☐	☐	☐	☐
Advice on enforcement of guarantees on goods	☐	☐	☐	☐
Advice on falling into arrears with instalments	☐	☐	☐	☐
Debt counselling and restructuring	☐	☐	☐	☐
Public education on consumer protection	☐	☐	☐	☐
Dealing with debt-collecting agencies	☐	☐	☐	☐
Filing complaints to regulatory offices (e.g.: Consumer Tribunal)	☐	☐	☐	☐

95. Consumer Law - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Drafting a basic contract (e.g.: sale of a second hand car)	☐	☐	☐	☐
Interpreting and explaining the terms and conditions of a contract (e.g.: rental agreement)	☐	☐	☐	☐



Recognition of Prior Learning for Community-Based Paralegals

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Applying for a loan	☐	☐	☐	☐
Advising consumer who has been blacklisted for outstanding debt	☐	☐	☐	☐
Buying goods on credit	☐	☐	☐	☐
Advice on enforcement of guarantees on goods	☐	☐	☐	☐
Advice on falling into arrears with instalments	☐	☐	☐	☐
Debt counselling and restructuring	☐	☐	☐	☐
Public education on consumer protection	☐	☐	☐	☐
Dealing with debt-collecting agencies	☐	☐	☐	☐
Filing complaints to regulatory offices (e.g.: Consumer Tribunal)	☐	☐	☐	☐

96. Please identify any other Consumer Law skills you may have* *Insert 'None' if not applicable*

ROAD ACCIDENT FUND

97. Delict and MVA - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Advice and information on claims against the Road Accident Fund	☐	☐	☐	☐
Intermediary between claimants and attorneys	☐	☐	☐	☐

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Monitoring the progress with the claim	☐	☐	☐	☐

98. Delict and MVA - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Advice and information on claims against the Road Accident Fund	☐	☐	☐	☐
Intermediary between claimants and attorneys	☐	☐	☐	☐
Monitoring the progress with the claim	☐	☐	☐	☐

99. Please identify any other Delict and MVA skills you may have * *Insert 'None' if not applicable*

THE CONSTITUTION

100. Constitutional Law - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Citizenship applications	☐	☐	☐	☐
Advocacy (e.g.: organising campaigns/ demonstrations/ picketing)	☐	☐	☐	☐
Human rights education	☐	☐	☐	☐



Recognition of Prior Learning for Community-Based Paralegals

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Voter education (e.g.: national/ provincial/ local elections)	☐	☐	☐	☐
Helping communities to take part in local government	☐	☐	☐	☐
Assisting clients to lodge complaints with Chapter 9 institutions (e.g.: Public protector, Human Rights Commission)	☐	☐	☐	☐
Represent a client whose human rights have been violated in a forum other than a court of law	☐	☐	☐	☐

98. Constitutional Law - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Citizenship applications	☐	☐	☐	☐
Advocacy (e.g.: organising campaigns/ demonstrations/ picketing)	☐	☐	☐	☐
Human rights education	☐	☐	☐	☐
Voter education (e.g.: national/ provincial/ local elections)	☐	☐	☐	☐
Helping communities to take part in local government	☐	☐	☐	☐
Assisting clients to lodge complaints with Chapter 9 institutions (e.g.: Public protector, Human Rights Commission)	☐	☐	☐	☐
Represent a client whose human rights have been violated in a forum other than a court of law	☐	☐	☐	☐

102. Please identify any other Constitutional Law skills you may have * *Insert 'None' if not applicable*

BUSINESS ENTITIES

103. Business Law - Level of competence

Rate your level of competence on the scale from 0 to 3. You may also consult your colleagues or supervisor in deciding which level to enter * *Mark only one oval per row.*

	Level 0 (L0) - no competence	Level 1 (L1) - beginner	Level 2 (L2) - require limited supervision	Level 3 (L3) - specialist and can supervise
Registering an NPO (Non-Profit Organisation)	☐	☐	☐	☐
Registering a company (SMME)	☐	☐	☐	☐
Advising compliance by NPO (e.g.: reporting to the relevant government department)	☐	☐	☐	☐
Advising compliance by a company (e.g.: reporting to the Companies and Intellectual Property Commission)	☐	☐	☐	☐

104. Constitutional Law - Source/s of knowledge and skill

Please identify the kind of training that you have received to perform the tasks listed below: Select all the options which apply * *Check all that apply.*

	Formal training (FT) - e.g.: diploma/ certificate received	Non-formal training (NFT) - without assessment e.g.: certificate of attendance	Informal training (IFT) - in practice	None of the above
Registering an NPO (Non-Profit Organisation)	☐	☐	☐	☐
Registering a company (SMME)	☐	☐	☐	☐
Advising compliance by NPO (e.g.: reporting to the relevant government department)	☐	☐	☐	☐
Advising compliance by a company (e.g.: reporting to the Companies and Intellectual Property Commission)	☐	☐	☐	☐

105. Please identify any other Business Law skills you may have * *Insert 'None' if not applicable*



MODE OF DELIVERY

CPUT in the Western Cape is the only institution in South Africa that currently offers the Bachelor of Paralegal studies degree.

106. Should you be successful in the future in gaining access to the programme, and your studies be funded, what forms of delivery will suit you best? * *Mark only one oval per row.*

	Yes	No	Unsure
Full-time offering during the day: Face-to-face contact with facilitators	☐	☐	☐
Part-time offering during the evenings: Face-to-face contact with facilitators	☐	☐	☐
Distance offering (no face-to-face contact) - Lessons are conducted by correspondence only, requiring student to work independently	☐	☐	☐
Blended-learning: (combination of face-to-face learning and online learning, in other words, contact with the facilitators for a few weeks at a time followed by online support and independent learning)	☐	☐	☐

107. Will you be able to pay for your own studies if you are not funded? * *Mark only one oval.*

☐	Yes
☐	No
☐	Unsure

108. How would you prefer to answer a survey like this? * *Mark only one oval.*

☐	Electronically (online on a computer)
☐	In writing using a printed copy

THANK YOU

Thank you again for participating in this survey.



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