Online Pilot Test: Recognition of Prior Learning (RPL) Instrument

Project Report

Submitted to:

Unit for Applied Law
Faculty of Business and Management Sciences
Cape Peninsula University of Technology (CPUT)
Corner of Keizersgracht and Tennant Street
Zonnebloem

Submitted by:

Democracy Governance and Service Delivery programme
Human Science Research Council (HSRC)
Merchant House
116 – 118 Buitengracht Street
Cape Town, 8000, South Africa

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Contact persons for correspondence:

Dr Yul Derek Davids
Chief Research Specialist
DGSD
Tel: 021-466 7838
Email:ydavids@hsrc.ac.za

Mr Krish Chetty
Chief Researcher
DGSD
Tel: 021-466 7835
Email: kchetty@hsrc.ac.za

Research Team

HSRC

Dr Yul Derek Davids
Mr Krish Chetty
Ms Amarone Nomdo

CPUT

Dr Noleen Leach
Mr Jaudon Foiret

Democracy Governance and Service Delivery (DGSD) Contacts:

Prof Narnia Bohler-Muller
Executive Director
Human Sciences Research Council (HSRC)
Democracy Governance and Service Delivery Programme (DGSD)
Tel: 27 12 302 2502
Email: nbohlermuller@hsrc.ac.za
Cell: 066 085 0459
134 Pretorius Street
Pretoria
South Africa 0002

Dr Yul Derek Davids
Chief Research Specialist
Democracy, Governance and Service Delivery (DGSD)
Human Sciences Research Council
Merchant House 2nd Floor Rm. 217
116 – 118 Buitengrachht Street
Cape Town, 8000, South Africa
Tel: +27 21 466 7838 Fax: +27 21 466 7855
Cell: 083 448 4383 E-mail: ydavids@hsrc.ac.za

Acronyms

CAO	Community Advice Offices
CBP	Community-based Paralegal
CCJD	Centre for Community Justice and Development
CCMA	Centre for Conciliation, Mediation and Arbitration
CSA	COMMUNITY OF SOUTHERN AFRICA
CPUT	Cape Peninsular University of Technology
DGSD	Democracy, Governance and Service Delivery Research Programme
ETDP	Education, Training and Development Programme
FET	Further Education and Training
FHR	Foundation for Human Rights
FT	Formal Training
HSRC	Human Sciences Research Council
IFT	Informal Training
L0	Level 0 - No competence
L1	Level 1 - Beginner
L2	Level 2 - requires limited supervision
L3	Level 3 - specialist and can supervise
LLB	Bachelor of Laws (Legum Baccalaureus)
NACOSA	NETWORKING HIV & AIDS
NDA	National Development Agency
NFT	Non-Formal Training
NQF	National Qualifications Framework
PCRD	Post Conflict Reconstruction and Development
PI	Primary Investigator

RAF	Road Accident Fund
RPL	Requirements for Prior Learning
SCAT	Social Change Assistance Trust
SETA	State Education and Training Authority
TVET	Technical and Vocational Education and Training
UNISA	University of South Africa
WSU	Walter Sisulu University

Contents

1 Introduction 7

2 Background 8

3 Methodology 8

4 Questionnaire Refinement 11

4.1 Mandatory Questions vs Physical Data Capture 11

4.2 Logic Flow 11

5 Survey results 12

5.1 Demographics / Mode of Deliver 12

5.2 Mode of delivery 16

5.3 Level of Basic Education 16

5.4 TVET/FET Education: Articulation Pathway 17

5.5 Level of Post School Education 17

5.6 Non-formal training in paralegal or related work 20

5.7 Informal Paralegal Training 24

5.8 Personal Qualities of a Paralegal 24

5.9 Paralegal Practice 25

5.9.1 Communication Skills 25

5.9.2 Information Technology 27

5.9.3 Recording Keeping and Reporting 28

5.9.4 Legal Research and Interpretation 29

5.9.5 Advice Office Practice 30

5.10 Paralegal Skills and Competencies 32

5.10.1 Property Law 32

5.10.2 Criminal Law 33

5.11 Administration of Estates 35

5.12 Labour Law 36

5.13 Family Law 38

5.14 Consumer Law 39

5.15 Road Accident Fund 40

5.16 The Constitution 42

5.17 Business Entities 43

6 References 45
7 Appendices 46

1 Introduction

In order to capacitate community-based paralegals (CBPs), they must first have access to quality and accredited education and training. However, that access to the Bachelor of Paralegal Studies is currently blocked by the systemic articulation criteria that are statutorily determined. The alternative route to access is through recognition of prior learning (RPL), and instruments have to be designed that enable access for paralegals in practice. The Unit for Applied Law at Cape Peninsula University of Technology (CPUT) therefore approached the Democracy, Governance and Service Delivery (DGSD) programme of the Human Sciences Research Council (HSRC) to implement a Recognition of Prior Learning (RPL) pilot survey. The main purpose of the study was to pilot test the draft RPL online survey instrument administered to community paralegals working at Community Advice Offices across South Africa. CPUT will use feedback from the pilot survey presented in this report to finalize the RPL instrument for implementation in the main study. Paralegals in practice, therefore, informed the design of the RPL instrument.

It is important to emphasize that the Unit for Applied Law will implement the final RPL instrument nationally among community-based paralegals to:

- determine the levels of education and training of community-based paralegals in the country,
- determine the gap between their current level of education and the level that is required for access to the Bachelor of Paralegal Studies programme,
- generate an appropriate RPL instrument that would measure their eligibility for access to the programme,
- determine what mode of delivery would be best suited for community-based paralegals in practice, and
- generate a body of evidence that would serve as empirical evidence for the motivation to increase the percentage of CBP RPL candidates that can be granted access to the programme.

Based on the empirical evidence generated, the Unit for Applied law will bring an application for an increase in the percentage of RPL candidates prescribed for the programme.

The ultimate aim of the broader RPL study is to use the RPL instrument to increase access for CBPs to the Bachelor of Paralegal Studies programme. Furthermore, the current scope of practice of community-based paralegals shaped the content as well as the context of the Bachelor of Paralegal studies programme in part and necessitated the research project, which will inform the RPL instrument. The Unit for Applied Law indicated that the advisory board provided valuable insight into the socio-legal context of paralegal practice in South Africa. However, the ever-changing legal needs of everyday life, especially those of vulnerable communities require an expanded scope of practice, and practitioners have to be equipped to respond to those needs. 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 at a foundation and intermediary level. The programme intends to provide them with an understanding of the application of the law within the broader South African social context, for rendering primary and quasi-legal services.

2 Background

A study conducted by the HSRC showed that despite advances in access to legal services, barriers continue to persist in democratic South Africa (Davids, et al. 2014). These barriers furthermore are strongly associated with poverty, location, gender and education levels. The South African Government, in terms of the Constitution as well as under various international instruments is obliged to ensure access to justice for all citizens as a basic human right. However, many communities, and particularly rural communities, do not have access to legal advice because of a lack of money (high costs of legal services), ignorance of the existence of state equivalent centres, a fear of engaging the legal aid system, and the distances they have to travel to get to such centres. Also, in poor and/or rural communities served by Community Advice Offices (CAOs), many potential social service beneficiaries are unaware of their eligibility for social benefits or are daunted by the administrative requirements involved in applying for them.

South Africa has a community-based CAO sector which goes back to the 1980s, and which provides a first stop or 'early action' paralegal services as well as a range of other advice and assistance functions. This sector, however, is ailing, primarily as the result of financing challenges, and there are clear prima facie reasons to consider the possibility of full or partial fiscal funding of CAOs as a means of enhancing access to justice as well as increasing social welfare in a long-term sustainable manner. Apart from funding constraints CAOs also face human resource challenges related to staff retention, skills required for the job, resources to fulfil their functions and lack of adequate office space (Davids et al 2015, Davids et al 2016).

It should be emphasized that the community-based paralegal (CBP) has rendered a crucial socio-legal service without formal recognition in South Africa among these communities since before 1994. However, the exclusive reliance on donor funding and volunteerism, the lack of accredited education and training and lack of recognition and regulation pose a risk to the sustainability of this service.

The recent developments around the transformation of the legal profession and the LLB crisis in South Africa presented the opportunity to introduce a different narrative into the dialogue, with the focus on the paralegal as the first aid to the legal problems in the everyday life of the majority of citizens in the country. This according to the CPUT's Unit for Applied Law provided them, as a higher education institution, with a core mandate of vocational education and training, community enhancement and research, the opportunity to bring paralegal education firmly within the domain of higher education by curriculating programmes. In other words, the Unit for Applied Law can now focus on preparing paralegals to meet the primary legal needs in the country and contribute to the legal empowerment of the poor. In so doing, it broke the conventional wisdom of legal education in South Africa, which focuses on the secondary legal services for those who can afford it.

3 Methodology

This study implemented the Recognition of Prior Learning (RPL) pilot survey instrument. A pilot survey was necessary because the Unit for Applied Law at CPUT wanted to test the questionnaire using a smaller sample and later administer it to the larger national sample. The pilot survey had several advantages, for example, it allowed CPUT to explore if the questions included in the survey were appropriate, if the

instructions was clear, if the skip patterns were correctly followed, if the online administration was better than the paper-based questionnaire, etc.

To implement the pilot survey the project team had to follow a number of steps.

Step 1:

The Principal Investigator (PI) at CPUT finalized the first draft of the RPL survey instrument.

Step 2:

The Unit for Applied Law at CPUT and the HSRC thereafter jointly agreed to finalize the pilot questionnaire.

After a few meetings, the team produced a revised draft of the RPL pilot survey instrument.

Step 3:

Next, the PI from CPUT presented the draft instrument at an Expert Workshop attended by key experts in the paralegal sector as well as researchers from the HSRC project team. The main purpose of the Expert Workshop was to review the content of the survey instrument. In other words, the experts provided input on the relevance and appropriateness of the indicators.

Another objective of the Expert Workshop was to discuss the technical aspects of the design of the indicators and the instrument in general. The Expert Group reached consensus on the indicators and included it in the survey. The expert members at the workshop essentially established if the indicators (questions) are indeed asking what they supposed to ask. In other words, the experts determined the face validity of each question. The group discussion around each question/indicator was therefore very useful and informative.

Step 4:

The PI from CPUT obtained research ethical clearance/approval from the university before the pilot study was implemented.

Step 5:

The initial plan was to implement the online pilot survey only in the Western Cape for logistical and budgetary reasons. However, we expanded the pilot study to include all provinces. Our estimated sample size depended on the number of functional (operational) Community Advice Offices (CAOs) located across the country. CPUT therefore, verified the CAOs database for the selection of the pilot study participants. A total of thirty-five (35) respondents participated in the online survey.

Step 6:

At this stage, the HSRC refined the proposed indicators to be included in a Final Draft Pilot RPL Survey instrument. In specific, this stage consisted of the finalization of the paper-based questionnaire. See Annexure A for the PDF version of the paper-based questionnaire.

The HSRC recommended that the implementation of the survey instrument (questionnaire) be online using a survey link. In other words, the HSRC converted the final draft paper-based Pilot RPL Survey instrument from a paper-based to an online electronic survey. The electronic survey was important since it allowed all the paralegals to participate in the survey in a way that ensures anonymity and confidentiality. Participants also had the opportunity to respond to the survey in their own offices and at a time that is 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. We therefore had an online survey data set immediately available for analysis.

Due to logistical challenges, CPUT recommended we allow some participants to complete the questionnaire online as well as in hard copy. More specifically, we requested participants who had access to computers and the internet to complete the questionnaire online, while those without access to the internet had to complete a hard copy of the questionnaire. In other words, we used two different methods to administer the RPL questionnaire. Although most participants indicated an online mechanism for answering the survey is their preferred method, few still completed the hard copy questionnaire. The research team believe this is due to internet access restrictions.

General comments:

- Majority of research participants were delayed in responding attributing it to a lack of available time as a reason for this.
    - This was overcome with multiple follow-up calls and offers to assist
    - Potential solutions included arranging telephonic appointments (possibly after hours)
- Hard-copy questionnaires were not always correctly interpreted and completed (with specific regard to skip methodology).
    - This leads to inconstancy in the potential number of individuals answering primer and follow-up questions.
    - This required the mechanics of the online survey to be adjusted with regards to the mandatory questions.

- Often sections appeared to be left purposefully left (this is a subjective view)
- Possibility of individuals in the same office completing questionnaires together
    - Similar answers with individuals per office
    - This may also be as result of similar staff development opportunities in a particular office/region
- No clear signs of research fatigue.
    - End of the questionnaire was completed with great care to detail

4 Questionnaire Refinement

4.1 Mandatory Questions vs Physical Data Capture

- Approximately 43% of the respondents indicated that they prefer completing the paper-based questionnaire. Our review of the inputs gathered in written form, many of these respondents did not strictly follow the rules of the questionnaire.
- The electronic questionnaire does not allow respondents to proceed to the section of the survey unless all questions flagged as mandatory have been completed. However, in written form, such checks are not enforced. We therefore find that the expected number of respondents per section does not match the total number of respondents.
- Depending on how the research team plans the full survey, care must be taken in how one enforces mandatory question responses when inputs are received in writing.

4.2 Logic Flow

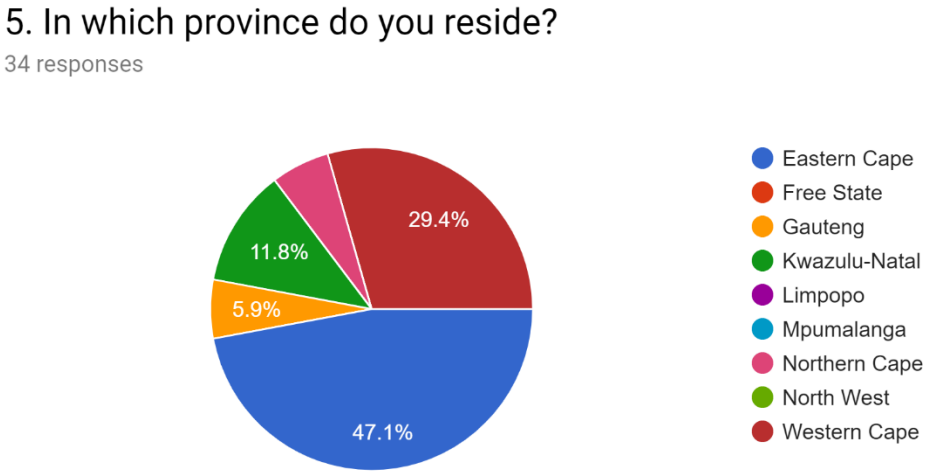
- The skip sequencing through the Basic Education questions (Q18 – 24) is erroneous.
    - The logic flow following question 18 "Have you passed matric?" It is anticipated that all answers of 'Yes' should to jump to question 21, which is correctly sequenced, but answers of "No" should only answer questions 19 and 20 and skip questions 21 to 24.
    - Currently, those that answer to passing matric (q18) are inflating responses to questions 21 to 24.
- Skip sequencing in the remainder of the questionnaire seems accurate

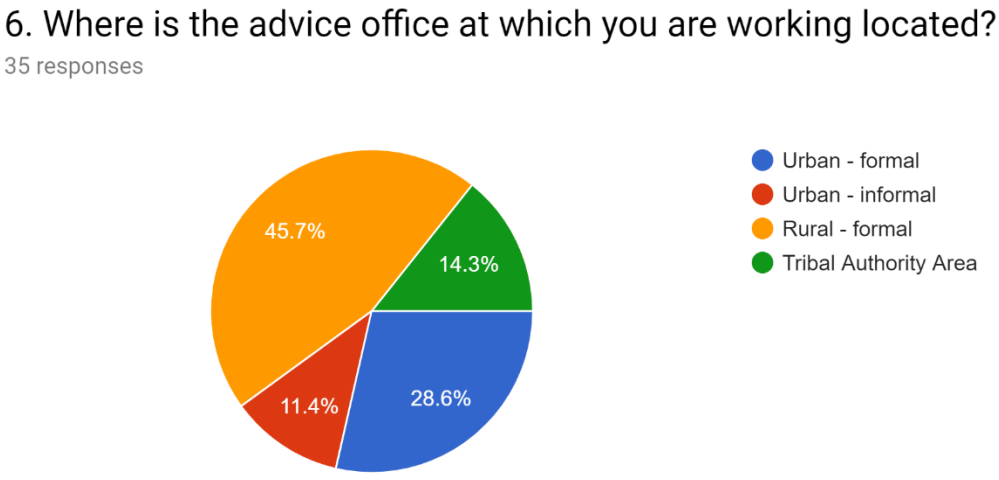
	Expected	Average Missing	% Diff
Demographics	35	0.43	1%
Basic Education	35	2.00	6%
TVET/FET Education: Articulation pathway	35	5.00	14%
Consent	7	3.00	43%
Level of Post School Education	35	2.32	7%
Non-formal training in paralegal or related work	27	1.53	6%
Informal paralegal training	35	4.00	11%
Personal Qualities of a Paralegal	35	0.76	2%
Paralegal skills and competencies	35	1.94	6%
Administration of Estates	35	0.79	2%
Labour Law	35	0.56	2%
Family Law	35	0.15	0%
Consumer Law	35	0.18	1%
Road Accident Fund	35	0.17	0%
The Constitution	35	0.36	1%
Business Entities	35	0.13	0%
Mode of Delivery	35	2.67	8%

5 Survey results

5.1 Demographics / Mode of Deliver

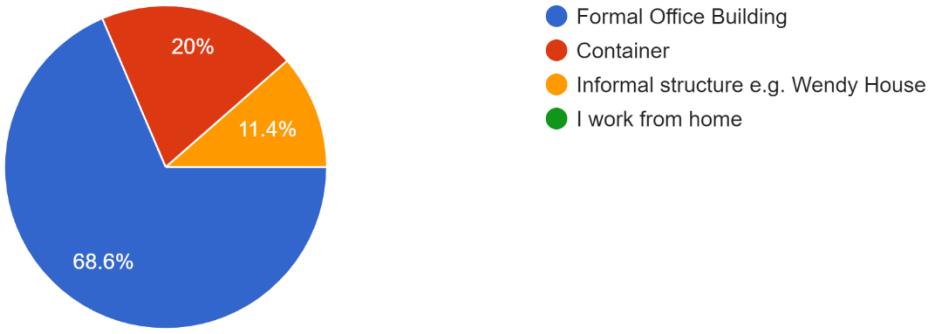
A total of 35 participants responded in the pilot study. Of those who participated in the survey, about 5.7% (2) indicated that a researcher captured the information. Most participants resided in the Eastern Cape (47.1%, N=16) and the Western Cape (29.4%, N=10). The rest were from KwaZulu Natal (11.8%, N=4), Gauteng (5.9%, N=2), and Northern Cape (5.9%, N=2). The disaggregated results show that most of the CAOs are located in rural formal areas (45.7%, N=16) and urban formal (28.6%, N=10), while fewer were located in tribal or traditional areas (14.3%, N=5) and urban informal (11.4%, N=4). Reviewing the type of office, we found that a formal office building (68.6%) was recorded most and thereafter followed by a container (20%) and informal structure (11.4%) such a Wendy House.





7. Please describe the type of office from which you work

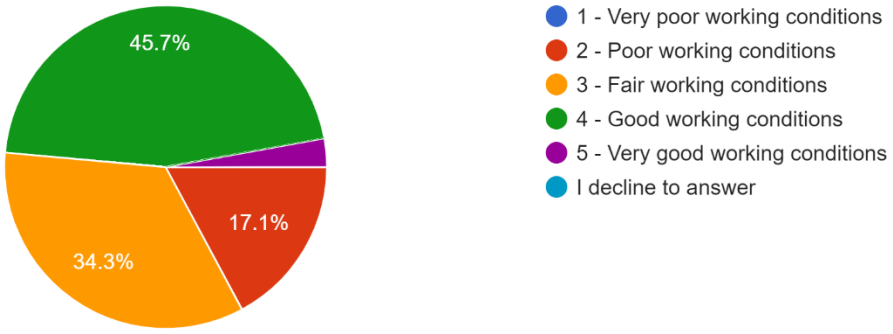
35 responses



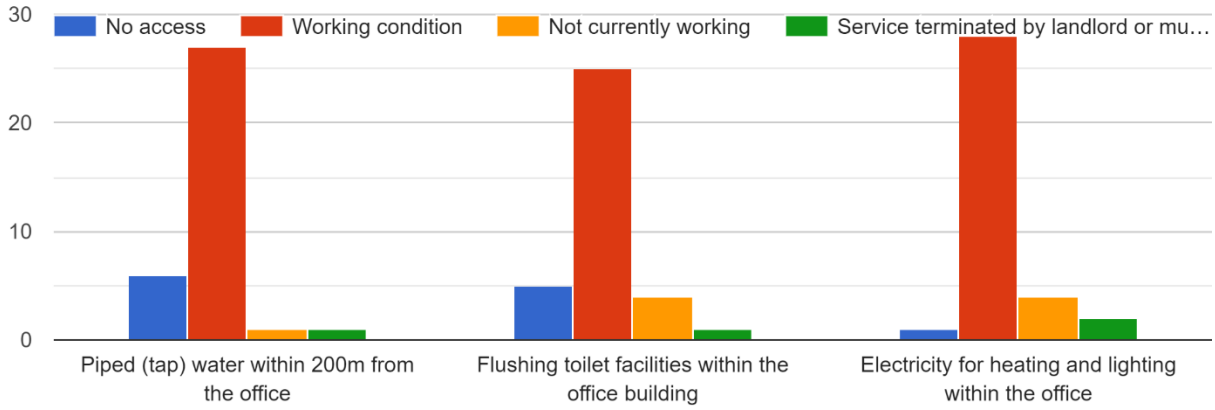
The survey also assessed the working conditions of the office where the community paralegal is based. Only 2.9% (N=1) said “very good”, 45.7% (N=16) indicated “good”, 34.3% (N=12) “fair working conditions”, and 17.1% (N=6) “poor working conditions”. About 6 participants indicated that they do not have access to piped (tap) water within 200m from the office, while 27 said they have access which is in working order. A similar trend exists for access to a flushing toilet within the office building. For instance, 5 participants indicated they do have access to a flushing toilet within the office building, in contrast to 25 who have access that is in a working condition. In terms of access to equipment, we found that the offices of the participants are very well resourced. For example, most have access to a working cell phone (N=34), computer/laptop (N=33), printer (N=31), internet (N=30), scanner (N=29), landline within their office (N=18).

8. Please rate the working conditions of the office from which you work

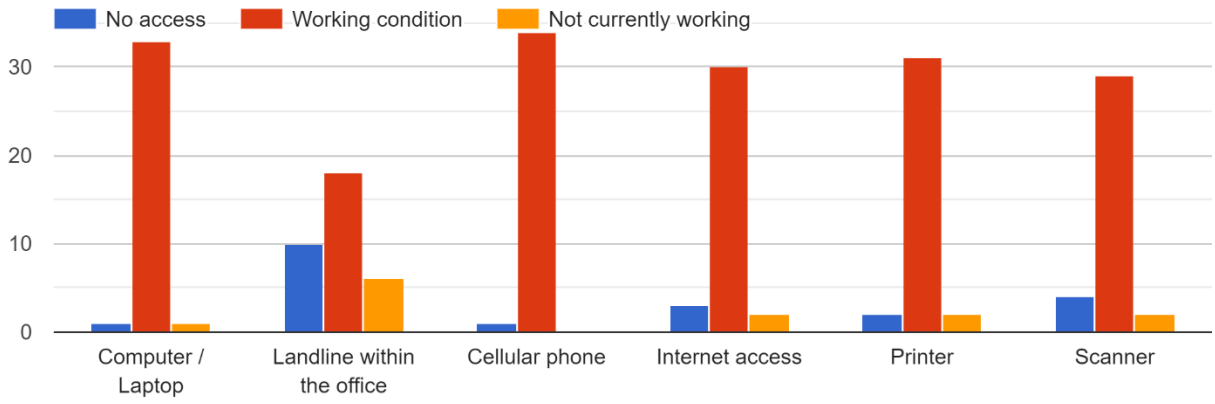
35 responses



9. Do you have access to the following services



10. Do you have access to the following equipment



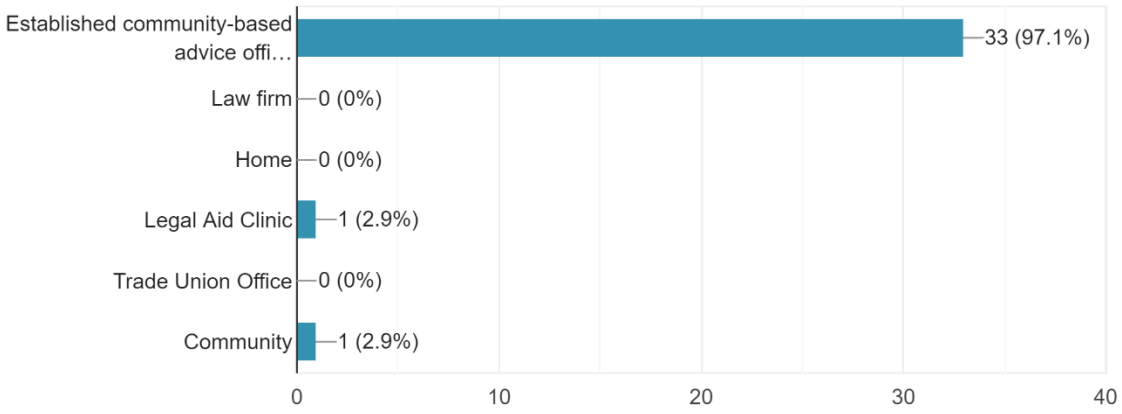
Looking at the personal/demographic characteristics of the participants we found that more females (54.3%, N=19) than males (45.7%, N=16) participated in the pilot. The predominant race of the participants is Black African (74.3%, N=26) and Coloured (22.9%, N=8). Most of the community paralegals speak IsiXhosa (57.1%, N=20) and English (54.3%, N= 19) with their clients. Few speak Afrikaans (25.7%, N=9), IsiZulu (14.3%, N=5) and Sesotho (5.7%, N=2). About 88.2% (30) currently work as a community paralegal, while 11.8% (N=4) do not work as a community paralegal. Most of the participants have worked or are working at an established community advice office (N=33). Only 1 participant has worked at a legal aid clinic and 1 at a community organisation.

	Female	Male
20 -29	3	4
30 -39	5	1
40 -49	7	2
50 -59	3	6
60 -69	0	1
Missing	1	2
Grand Total	**19**	**16**

	Female	Male
Black African	14	12
Coloured	5	3
Human		1
Grand Total	**19**	**16**

17. Where did you perform the paralegal work?

34 responses



Years of Experience	Count
Under 1 year	3
>1 to 3 years	5
>3 to 5 years	8
>5 to 10 years	5
>10 to 20 years	5
>20 to 30 years	6
Grand Total	**32**

5.2 Mode of delivery

The survey also assessed what forms of delivery will suit the participant in terms of gaining access to the programme and funding. We established that the largest proportion want a combination of face-to-face and online learning (N=30); this is followed by distance learning/correspondence (N=20); part-time evenings face-to-face (N=15), and full-time during the day face-to-face (N=14).

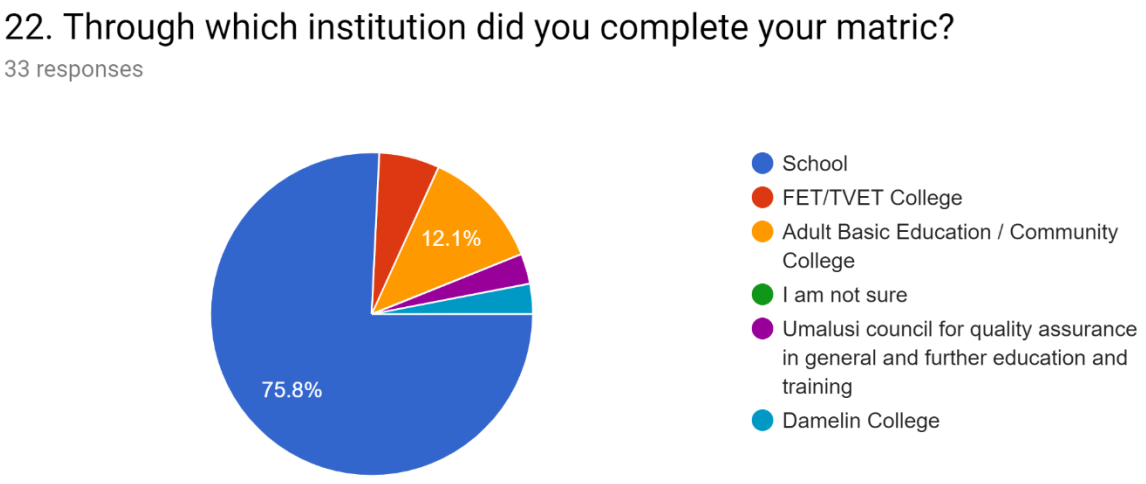
We asked the participants if they would be able to pay for their own studies if they were not funded. Only 5.6% (N=2) said "yes", 30.6% (N=11) were "unsure" and 63.9% (N=23) said "no".

The research team also asked participants what their preferred method to answer a survey like this is. About 44.4% (N=16) said in writing using a printed copy and 55.6% (20) said electronically or using a computer.

5.3 Level of Basic Education

Have you passed Matric?	Responses	Percentage
Yes	31	88.6%
No	3	8.6%
No response	1	2.9%

- Only 2 of the 3 respondents completed the section for not having passed matric.
    - These respondents had completed Grade 11
    - Their subjects studied in school included English, IsiXhosa, Afrikaans, History and Geography
- 33 respondents answered the section for those that completed matric. Only 31 responses were expected.
    - 23 of the respondents completed matric on or before 2008, with a further 10 respondents completing matric post 2008.

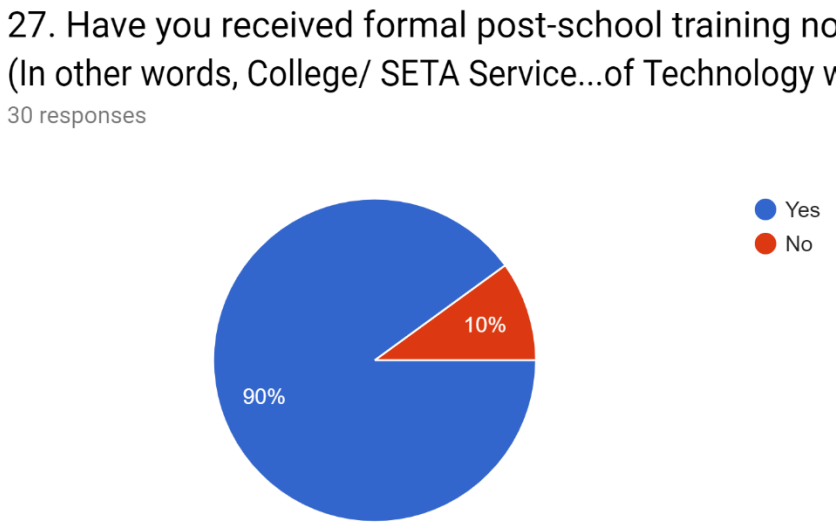


- 75.8% (N=25) of respondents indicated they completed their matric in an ordinary school, while 12% (N=4) completed matric in a College or Adult Basic Education Facility. The remaining 4 respondents completed via an FET/TVET College, the Umalusi College or at Damelin College
- 87% (N=27) of the respondents passed matric allowing them to study towards a diploma, while the remaining 4 respondents indicated they had the opportunity to study towards a Bachelor's Degree
- The common subjects completed by respondents were languages, namely English, Afrikaans and IsiXhosa, then subjects such as History, Geography. Math, Sciences and Computer Application Technology were seldom mentioned.[1]

5.4 TVET/FET Education: Articulation Pathway

- 30 respondents completed the section on TVET/FET Education Articulation Pathway
  - 86.7% (N=26) of the respondents indicated that they had not completed any TVET/FET Course.
  - 2 respondents noted they completed the NCV Level 4 Safety in Society and another 2 respondents indicated they had completed a Public Diploma in Public Administration (N6)

5.5 Level of Post School Education



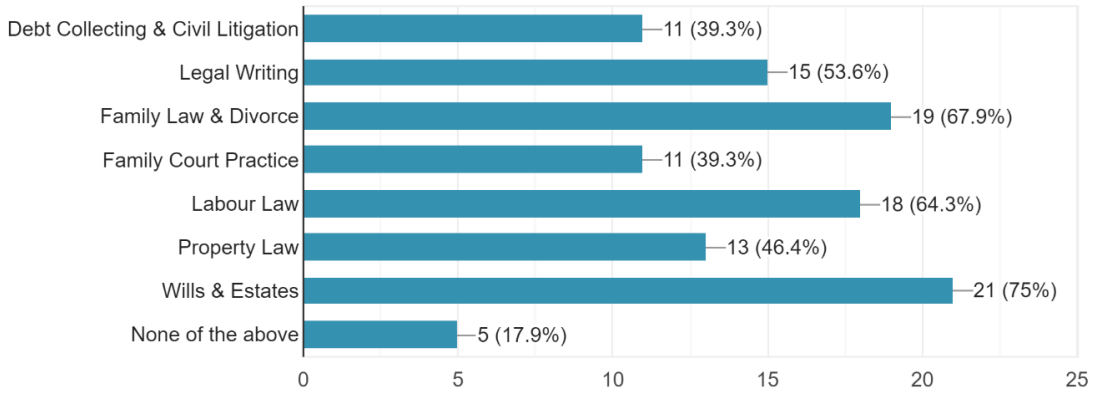
- 90 % (N=30) of the respondents indicated that they have received some form of formal post-school training.
- 41% (N=12) of respondents indicated that they have completed the National Certificate: Paralegal Practice at NQF5 level.

[1] A more in-depth review of the subjects described in free-text is required to determine the subject frequencies of learners

- The majority of respondents (N=15 out of 29) have not completed a Higher Certificate In Paralegal Studies NQF 5, National Certificate in Paralegal Practice – Human Relations & Employee Relations NQF 5, IIE Higher Certificate in Legal Studies NQF 5, National Diploma Law (Paralegal studies) NQF 5 or Higher Certificate in Law NQF 5.

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

28 responses



- While accessing specific courses identified in the questionnaire are low, respondents have indicated higher levels of accessing specific subject matter training. As noted in the graph above, the notable trends include:
    - 75% (N=21) have completed training in Wills & Estates
    - 67%(N=19) have completed training in Family Law & Divorce
    - 64% (N=18) have completed training in Labour Law
- None of the respondents have completed the UCT Practitioner Online Short Course
- With regards to further formal training, 10 respondents accessed some form of paralegal training. 2 respondents accessed training with Computers, 2 respondents accessed training for social or community work, 7 completed training relevant to administration tasks and 2 respondents had completed training in Adult Education.

Theme	Course	Institution	Count
Paralegal training	National paralegal practice	Rhodes University Law Clinic	3
	Paralegal course	Galan School	2
	Paralegal Certificate	SA School of Law	1
	National Certificate of Paralegal Practice	Center for Criminal Justice	1
	Certified Practical Training	University of Potchefstroom	1
	Popular Paralegal and Community Leader Training Course	Foundation for Human Rights	1
	National Certificate Paralegal Practice NQF5	SA Law School/ False Bay College	1
Computer work	Certificate in End-user Computing	Silulo Ulutho Technologies	1
	Computer all modules	ST Francis Adult College	1
Social	Degree of Social worker	WSU	1
	Diploma in community development	African Enterprise	1
Administration	N6 Management Assistant	Ingwe TVET college	1
	Diploma in business management	ICESA	1
	BA Degree (Administration & Psychology)	Vista University Mamelodi Campus	1
	Diploma	Training for Transformation	1
	National diploma public management	Port Elizabeth College	1
	Customer service	Shepard training college	1
	Higher Certificate in Archives and Record Management	UNISA	1
Adult learning	Higher diploma education adult learning	UWC	1
	Adult basic education	Unisa	1
Other	Facilitator + Assessor	ETDP SETA	1

- Of the 15 respondents who completed a second form of training:
    - 5 respondents had indicated that they completed a form of computer training. Notably, those that chose computer training had indicated they had initially completed paralegal training as their first course.

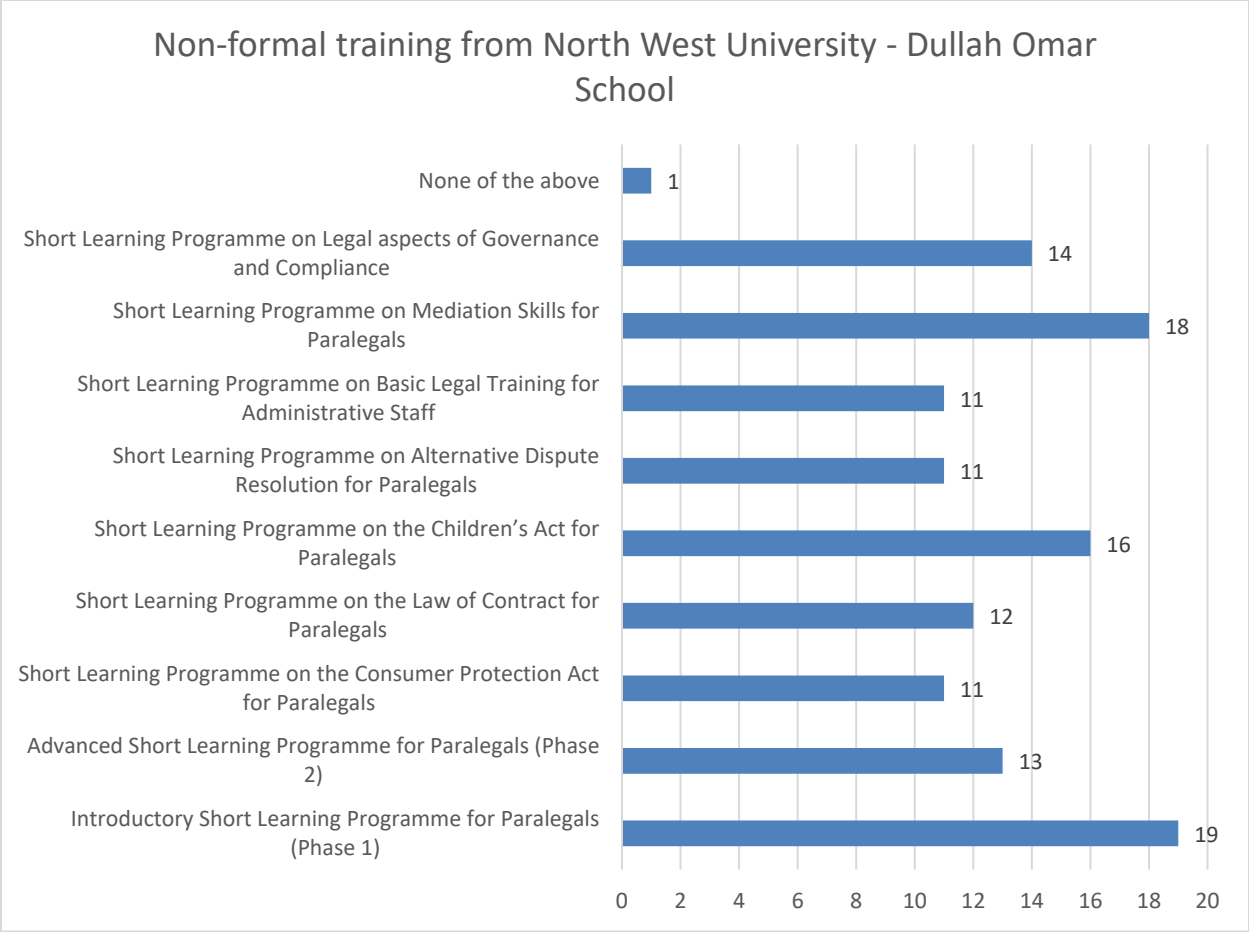
- 4 respondents indicated paralegal training as their second choice and an additional 4 respondents completed training in socially relevant courses.

- 8 respondents have completed a 3rd form of training with
  - 2 respondents completed Advanced Paralegal Studies, while the remaining respondents completed other courses in computer training, administration or Social Work.

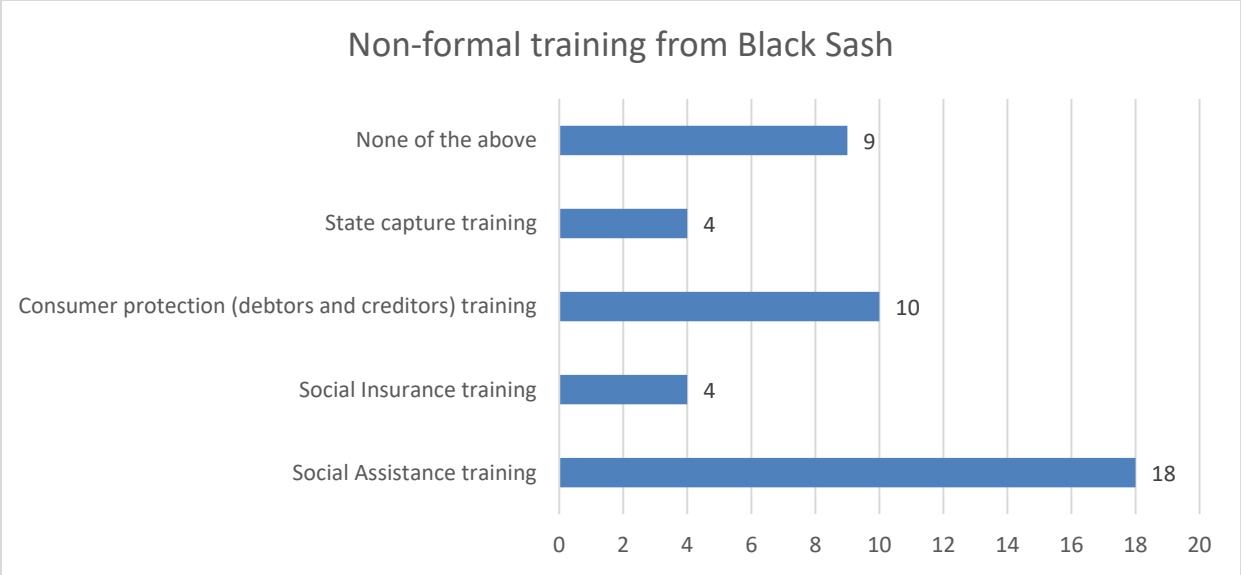
Theme	Course	Institution	Count
Computer Work	Computer skills	Boland college	2
	Basic computer literacy and information technology	Lwazi Lwethu	1
	Basic computer literacy	Lwazi Lwethu Computer school	1
	Computer literacy	Infotech	1
Paralegal training	Para Legal Diploma	OFS University	1
	Diploma in paralegal studies	North West university	1
	Development Practice	ETDP SETA	1
	Certificate in Paralegal Practice	RULAC under CCJD	1
Social	Gender Based Violence and Related Legislation and Policies	Tshwaranang	1
	Mediation Certificate	North West University	1
	Stress and Trauma facilitation	University of Pretoria	1
	Social auxiliary worker	UNISA	1
Other	Ancillary health care	Hwseta	1
	Office Admin	Rhodes University	1

5.6 Non-formal training in paralegal or related work

- 27 of the respondents received non-formal training in paralegal or related work. This has taken the form of short courses, workshops or seminars.
- Among the respondents who received non-formal training, on average each respondent completed 4 of the programmes mentioned through the Dullah Omar School.
- The most popular programmes include the Introductory Short Learning Programme for Paralegals (Phase 1) with 19 responses, the Short Learning Programme on Mediation Skills for Paralegals (N=18) and the Short Learning Programme on the Children's Act for Paralegals with 16 responses.



- 21 respondents indicated having received some non-formal training from Black Sash
- On average, the respondents completed fewer programmes through Black Sash, averaging above 1 per respondent.
- The most popular programme through Black Sash is the Social Assistance Training where 18 respondents indicated completing this programme.
- Apart from the Black Sash and Dullah Omar School, 25 of 29 respondents indicated that they had also completed other form(s) of non-formal training.



- The majority of the non-formal training programmes identified by the respondents were 1 week or shorter in duration.
- 10 of the respondents received their first additional non-formal training through the Rhodes University Legal Aid Clinic.
- As described in the table below, a large variety of programmes attended focused on the various aspects of paralegal work.
- The most popular programmes referenced as the respondents first area of training include Wills and Succession (6 responses) and Conflict Resolution or Mediation (8 responses)

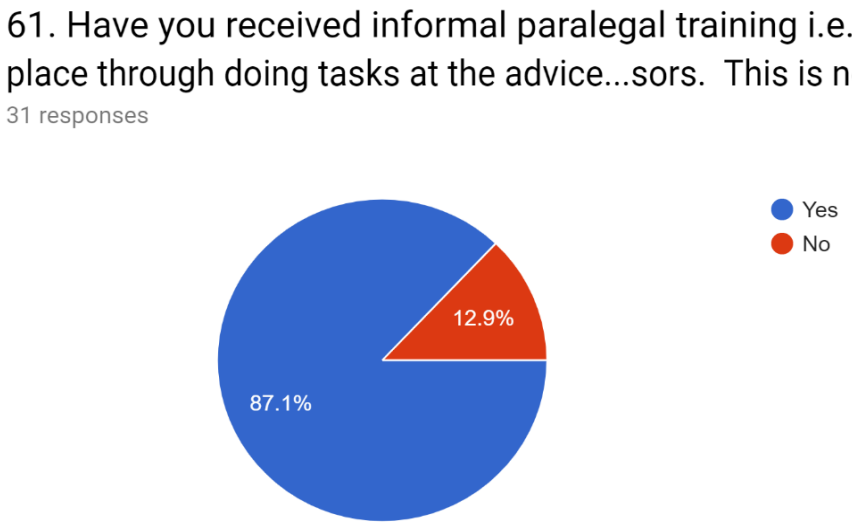
Programme	Nature of Training (Other than Black Sash/Dullar Omar School)	Institution
1st Training Programme	Organisational Development	NACOSA
	Mediating, conflict resolution, accountability and good governance	Short course
	Community Mediation & Conflict Resolution	Centre for Conflict Resolution
	Consumer Rights	Department of Economic Development NW Province
	Labour law, Family law, Consumer law, House eviction	Rhodes Law Clinic
	Will and succession, Consumer rights, Labour law	Rhodes Law Clinic
	Constitutional Law and Human Rights	ENS
	Drafting basic wills, mediation training, drafting basic leases, drafting basic contracts	Street law
	CCMA, Education, Training and development	CCMA
	Drafting basic wills, mediation training, drafting basic leases, drafting basic contracts	Street law
	Wills and successions, counselling and mediation, para-legal skills, office management and administration	Rhodes University Law Clinic

Programme	Nature of Training (Other than Black Sash/Dullar Omar School)	Institution
	Positive parenting skills, basic counselling, conflict management	Rhodes University Law Clinic
	Gender Based Violence, Children's Act, Governance and Compliance	Scart
	Mediation Training Conflict PCRD in PE	PCRD
	fundraising, Financial management, Mediation, Land / House evictions, family, labour laws and children rights, Human rights (social assistance and rights)	Rhodes University Law Clinic
	Mediation, Family Law	Rhodes University Law Clinic
	Gender Sensitive Leadership GVB Paralegal Training	Dullah Omar School
	Labour Law Consumer Protection	Rhodes University Law Clinic
	Wills and Succession	Rhodes University Law Clinic
	Sexual offenses act consumer protection act mediation skills	Rhodes University Law Clinic
	Drafting basic wills	FHR
	Drafting of wills Child maintenance	Dullah Omar School
	Restorative Act	CCJD
	Training of paralegal practice	University of Kwazulu Natal
2nd Training Programme	Family Law	Legal Wise
	Promotion of Administrative Justice Act (PAJA)	Black Sash
	Wills and Succession, Children rights, mediation, land eviction, gender-based violence	Rhodes University Law Clinic
	Basic paralegal course, Children's act, Gender-based violence	Rhodes University Law Clinic
	Legal empowerment, Leadership	Central European University, Budapest
	basic training on paralegal, constitution and bill of rights training, certified para legal training, counselling, office management and administration	Lawyers for human rights
	Project Management	Department of Water
	Monitoring committee, Legislature forums	Putting people into the people's parliament
	Domestic violence act	Rhodes University Law Clinic
	Muslim Personal Law Workshop	UWC Legal Aid Clinic
	Sexual Offences Act	Thuthuzdcape Center
	Land and Housing Basics	Rhodes University Law Clinic
	Project Management COIDA and COHESA training	Rhodes University Law Clinic
	Substance abuse, leadership training, conflict resolution	UWC Rudnet
	Bookkeeping and Financial Management	NDA

Programme	Nature of Training (Other than Black Sash/Dullar Omar School)	Institution
3rd Training Programme	Human Rights and Advice Office Casework	Constitution Bill of Rights Projects
	Conflict resolution, drafting basic wills, dispute resolution, governance and compliance, wills and estates	Rhodes University Law Clinic
	Conflict resolution, mediation skills	Rhodes University Law Clinic
	Advocacy & Sustainable democracy	Dullah Omar School
	Personnel and Training Management	Damelin
	Will and successions, Consumer protection, Gender based violence act, protection of human rights, conflict resolution	Rhodes University Law Clinic
	Gender sensitive leadership and GBV paralegal training	Dullar Omar school
	Housing & Evictions Workshop	Legal Resource Center
	Labour Law	Rhodes University Law Clinic

5.7 Informal Paralegal Training

- 27 of the respondents had noted that they had received some form of informal paralegal training, which involves learning through their practice at work, home, in the community, through the media or by reading.



5.8 Personal Qualities of a Paralegal

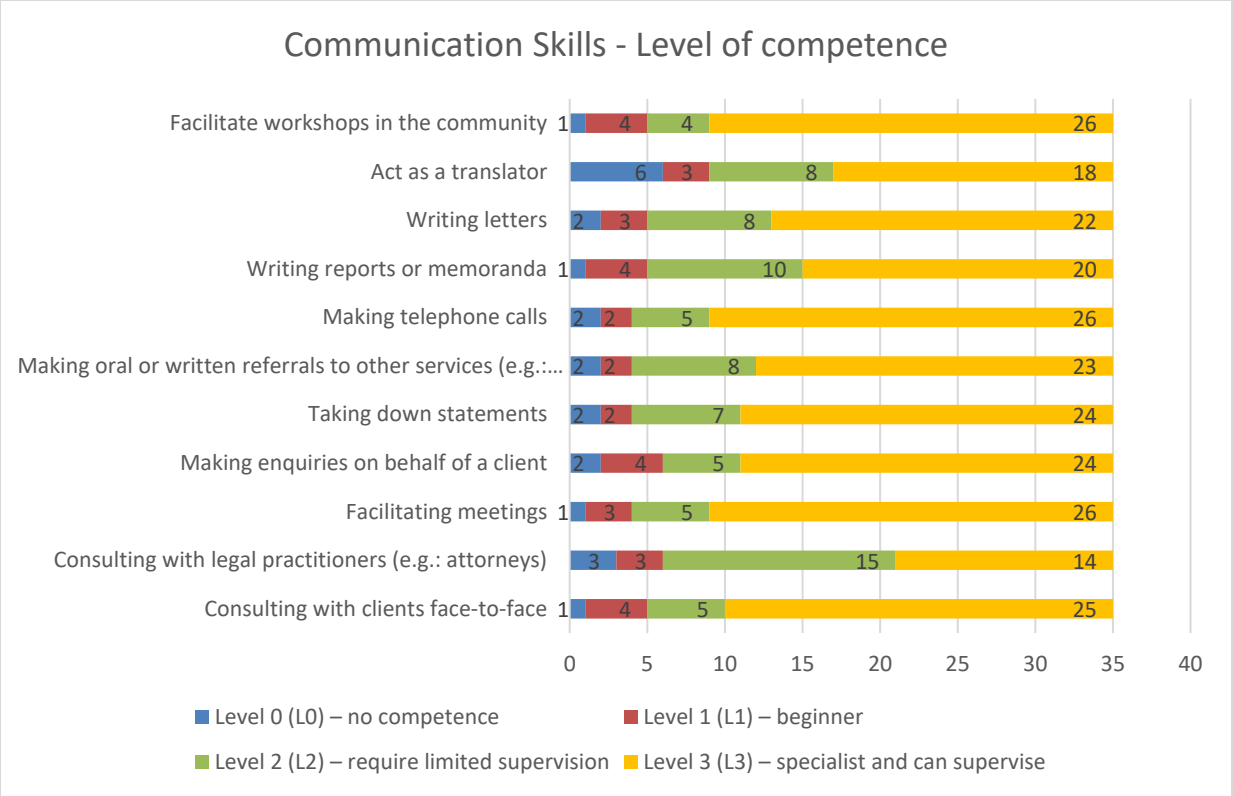
- Respondents were asked which qualities are important for a paralegal. The majority of the respondents supported all the options presented, identifying that the following options arevery important:
    - Working collaboratively with people from different cultural backgrounds,(N=33)

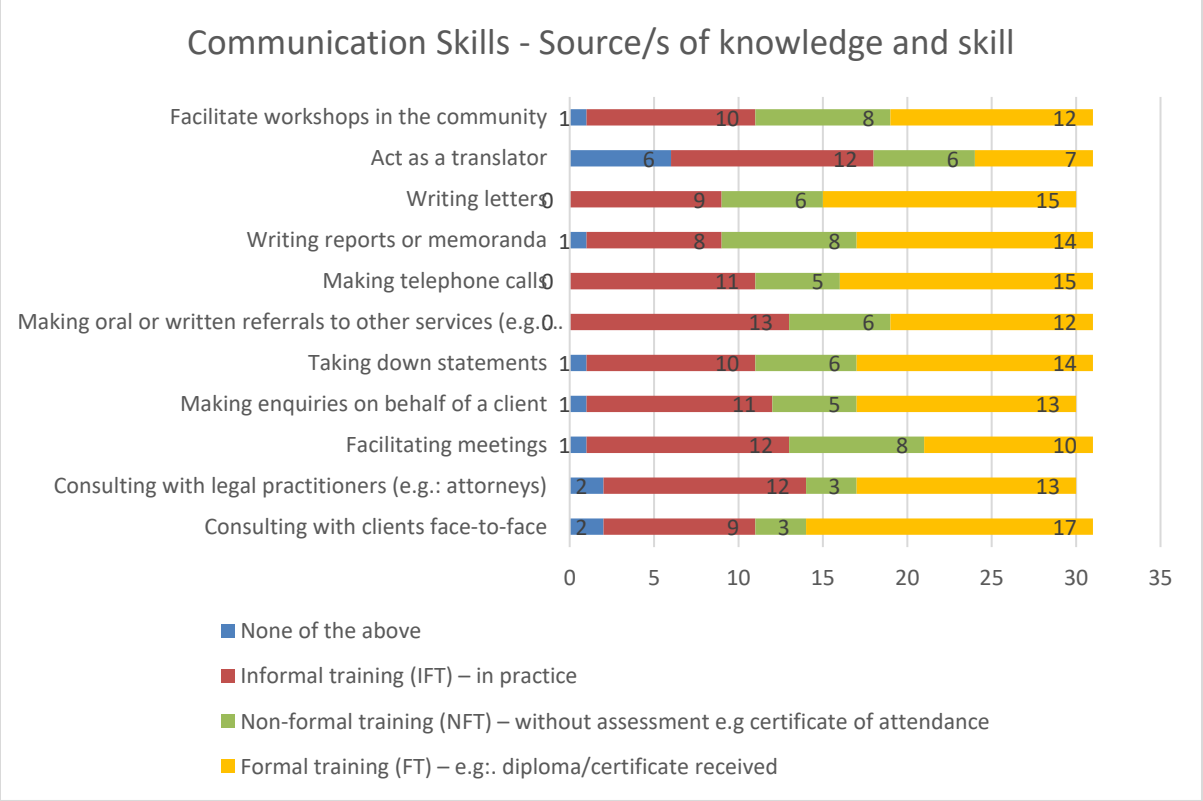
    - Keeping the information of clients confidential (N=34)
    - Engaging in Advocacy Work (N=31)
    - Being social responsive, contributing the wellbeing of others (N=31)
    - Acting honestly and with integrity, in other words, in an ethical manner (N=34)
    - Acting assertively (N=30)
    - Work independently and without a supervisor (N=25)
        - The greatest variation of inputs were received in response about working independently, with 3 responses finding that this was not an important requirement, 2 were undecided and 3 respondents believed this was fairly important.
- The limited variety in responses indicates that Question 62 could be revised or be excluded from the survey for the full study.
- Amongst the other important qualities that respondents referred to, points were raised about being community oriented, maintaining punctuality, good listening skills and an ability to communicate with people in the community.

5.9 Paralegal Practice

5.9.1 Communication Skills

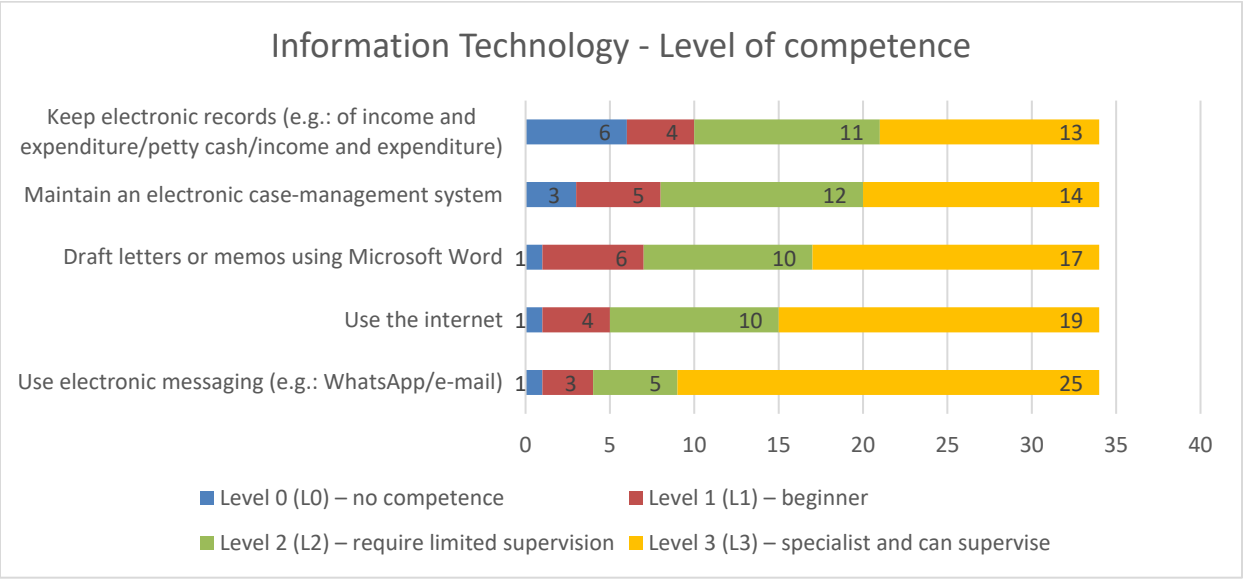
- With respect to communication skills, the majority of respondents identified they have very strong communication skills, categorized as level 3 – which allows the paralegal worker to specialise or supervise others with their level skill.
- The areas with the largest number of Level 3 communication skills for respondents were Making Telephone Calls (N=26), Facilitating Workshops in the Community (N=26), Facilitating Meetings (26), Consulting with clients face to face (N=25) or Making Enquiries on Behalf of the Client (N=24).
- Respondents were generally more circumspect in their view of the skills describing their ability to communicate with legal practitioners, or when writing letters or writing reports.
- With respect to the source of their skills, respondents generally identified formal training or informal training (learning in practice) as their primary method of acquiring their skills. In particular, when learning how to make written or oral referrals, 13 respondents stated they learnt these skills informally. 12 respondents stated their abilities to act as translators, facilitate meetings and consult with legal practitioners were learnt informally.
- The views from the respondents indicates their comfort when communicating with the community but less so in formal settings with attorneys or when needing to communicate formally in writing.
- Other common skills identified by respondents include mediation, advocacy and listening.

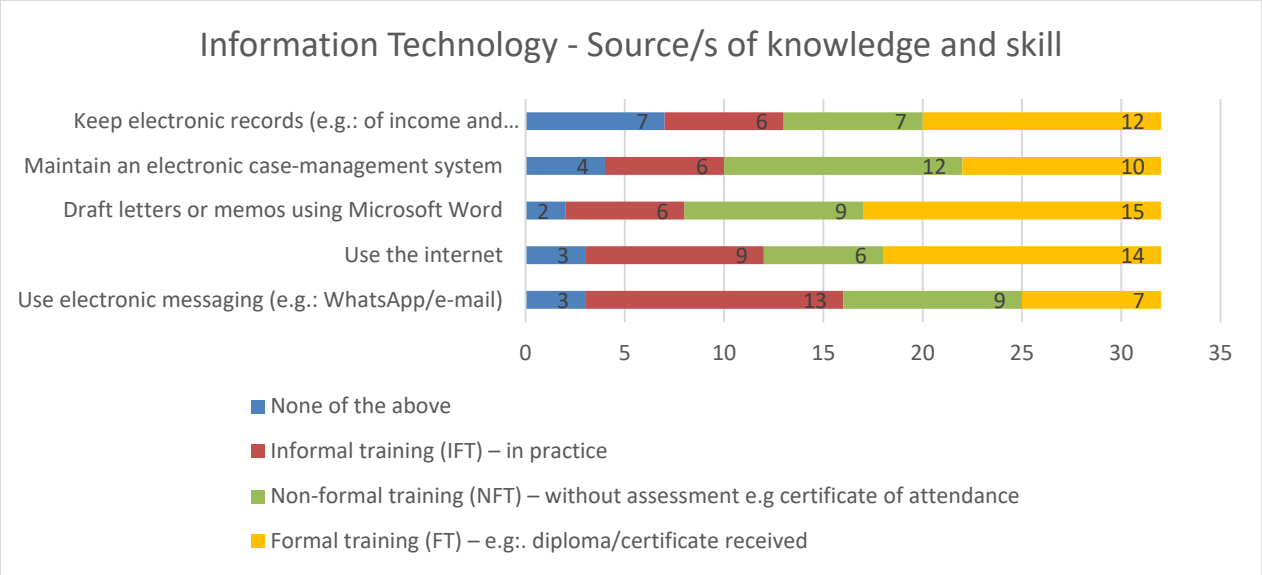

Communication Skills - Level of competence
Facilitate workshops in the community 1 4 4 26
Act as a translator 6 3 8 18
Writing letters 2 3 8 22
Writing reports or memoranda 1 4 10 20
Making telephone calls 2 2 5 26
Making oral or written referrals to other services (e.g.:... 2 2 8 23
Taking down statements 2 2 7 24
Making enquiries on behalf of a client 2 4 5 24
Facilitating meetings 1 3 5 26
Consulting with legal practitioners (e.g.: attorneys) 3 3 15 14
Consulting with clients face-to-face 1 4 5 25
0 5 10 15 20 25 30 35 40
Level 0 (L0) – no competence
Level 1 (L1) – beginner
Level 2 (L2) – require limited supervision
Level 3 (L3) – specialist and can supervise


Communication Skills - Source/s of knowledge and skill
Facilitate workshops in the community 1 10 8 12
Act as a translator 6 12 6 7
Writing letters 0 9 6 15
Writing reports or memoranda 1 8 8 14
Making telephone calls 0 11 5 15
Making oral or written referrals to other services (e.g.. 0 13 6 12
Taking down statements 1 10 6 14
Making enquiries on behalf of a client 1 11 5 13
Facilitating meetings 1 12 8 10
Consulting with legal practitioners (e.g.: attorneys) 2 12 3 13
Consulting with clients face-to-face 2 9 3 17
0 5 10 15 20 25 30 35
None of the above
Informal training (IFT) – in practice
Non-formal training (NFT) – without assessment e.g certificate of attendance
Formal training (FT) – e.g:. diploma/certificate received

5.9.2 Information Technology

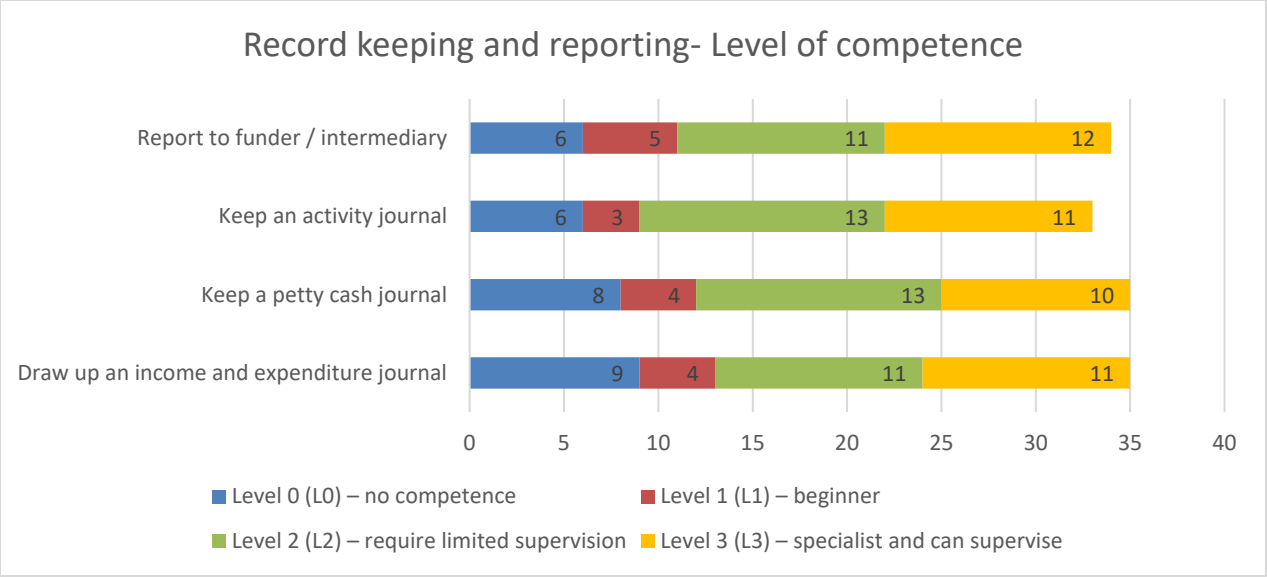
- The majority of respondents felt they possessed level 3 or level 2 Information Technology Skills.
- Collectively, the strongest responses were in using electronic messaging to communicate, using the internet or drafting letters or memos in Microsoft Word. While 27 of the respondents stated they had either Level 2 or Level 3 skill, while 7 of the respondents stated they had no competence or a beginner level of skill in this regard.
- 10 respondents indicated they had no competence or a beginner level of skill when keeping electronic records, with 6 stating they had no competence with such software.
- When using electronic messaging 16 of the respondents stated they had no training or informal training. Similarly, 13 respondents noted receiving no training or informal training to aid their ability to keep electronic records.
- The largest number of respondents who received formal training were among those referring to drafting letters or memos using Microsoft Word.
- Among the other IT related skills that respondents referred to, was their ability to use Social Media and using Microsoft Office Packages.

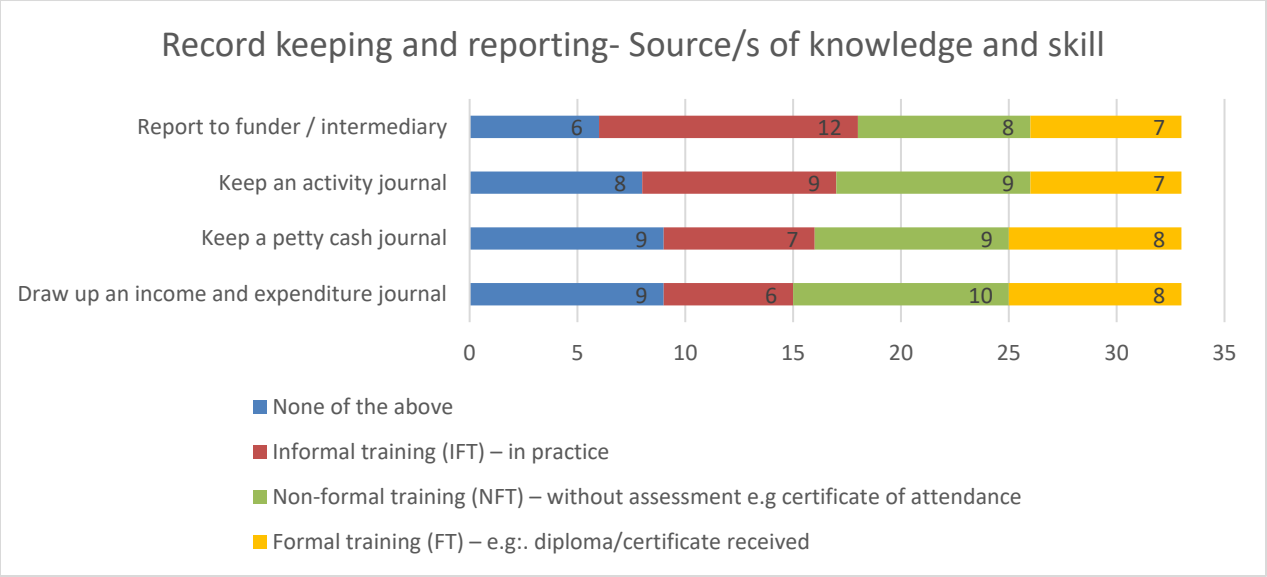




5.9.3 Recording Keeping and Reporting

- With respect to Record Keeping and Reporting, a more distributed spread of responses were found in terms of the respondents' own level of skill.
- Greater numbers indicated having a Level 2 of skill – which would require limited supervision when carrying out tasks related to Record Keeping and Reporting, as opposed to those reporting that they had a specialist level (level 3) of skill.
- Between 22 and 24 respondents noted that they had a level 2 or Level 3 level of skill related to Reporting to a funder/intermediary (N=23), Keeping and Activity Journal (N=24), Keeping a Petty Cash Journal (N=23) and Drawing up an income and expenditure Journal (N=22)
- As reported, the source of their skills are varied, with between 7 and 8 respondents noting that they acquired these skills through formal training.
- Other relevant skills identified by respondents included minute taking, bookkeeping and casework filing.

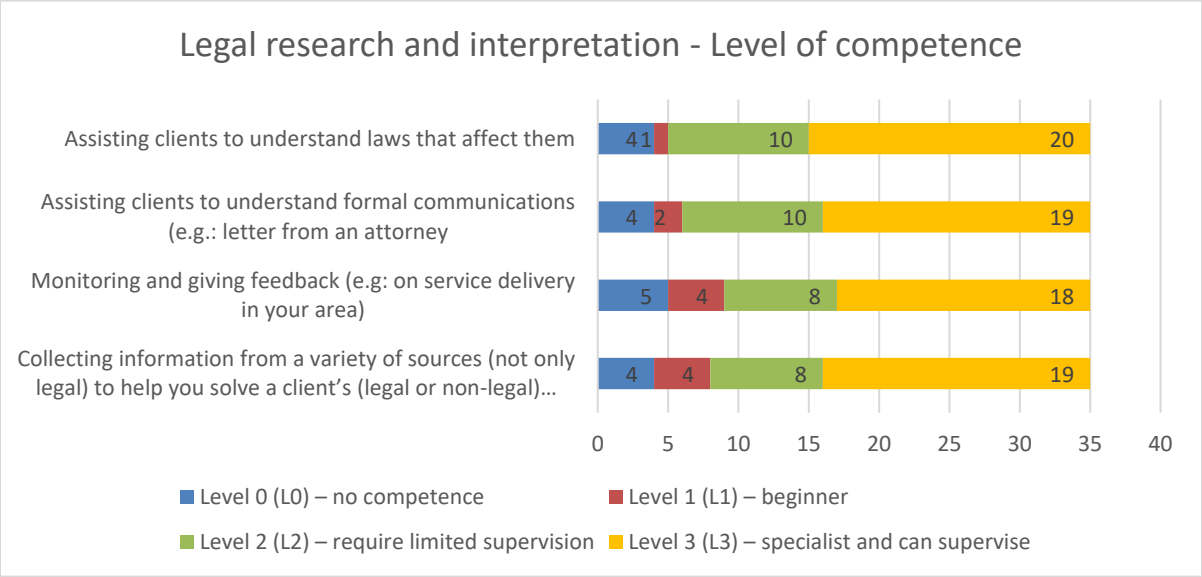


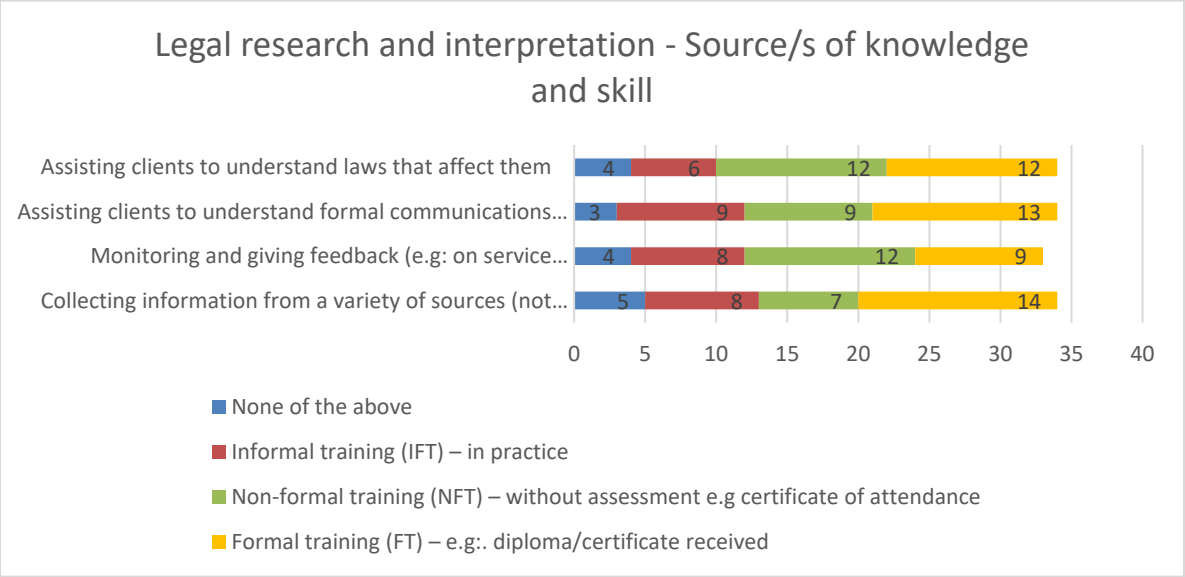


5.9.4 Legal Research and Interpretation

- The majority of the respondents indicated having a strong level of skill related to legal research and interpretation, despite in many instances not having formal training in this area.
- Between 18 and 20 respondents indicated having a Level 3 - Specialist level of skill while an additional 8 to 10 respondents indicated having level 2 skills in areas when conducting the following:
    - Assisting clients to understand laws that affect them (L2 – 10, L3 – 20)
    - Assisting clients to understand formal communications (L2 – 10, L3 – 19)
    - Monitoring and giving feedback (L2 – 8, L3 – 18)
    - Collecting Information from a variety of sources to help you solve a client's problem (L2 – 8, L3 – 19)

- The majority of the respondents (between 21 and 25) noted acquiring these skills through Non-Formal or Formal Training)



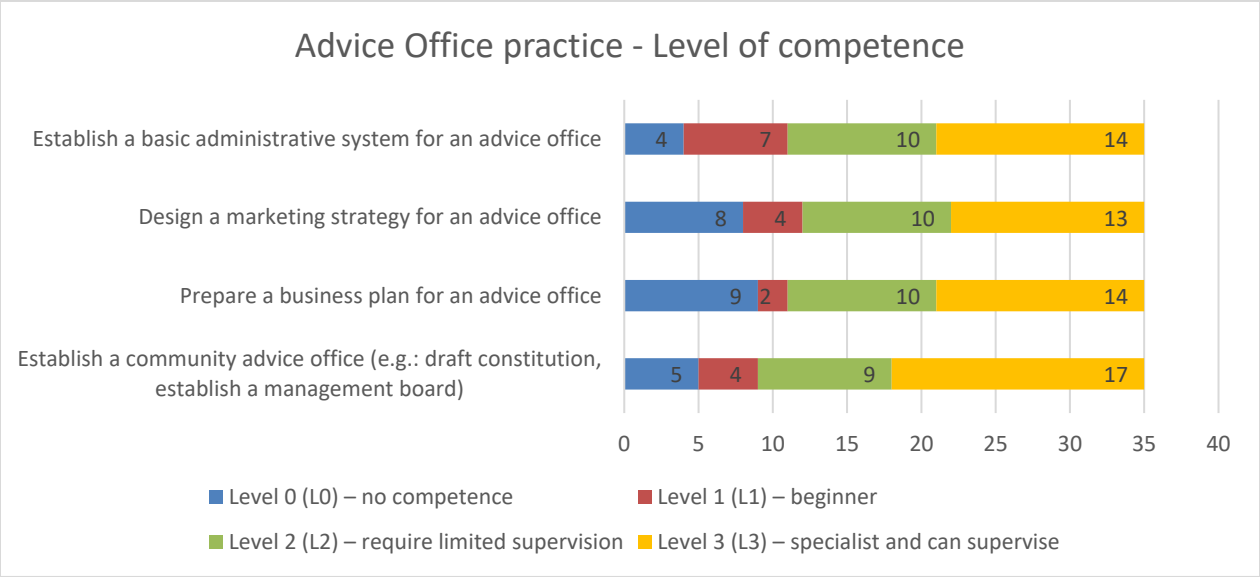


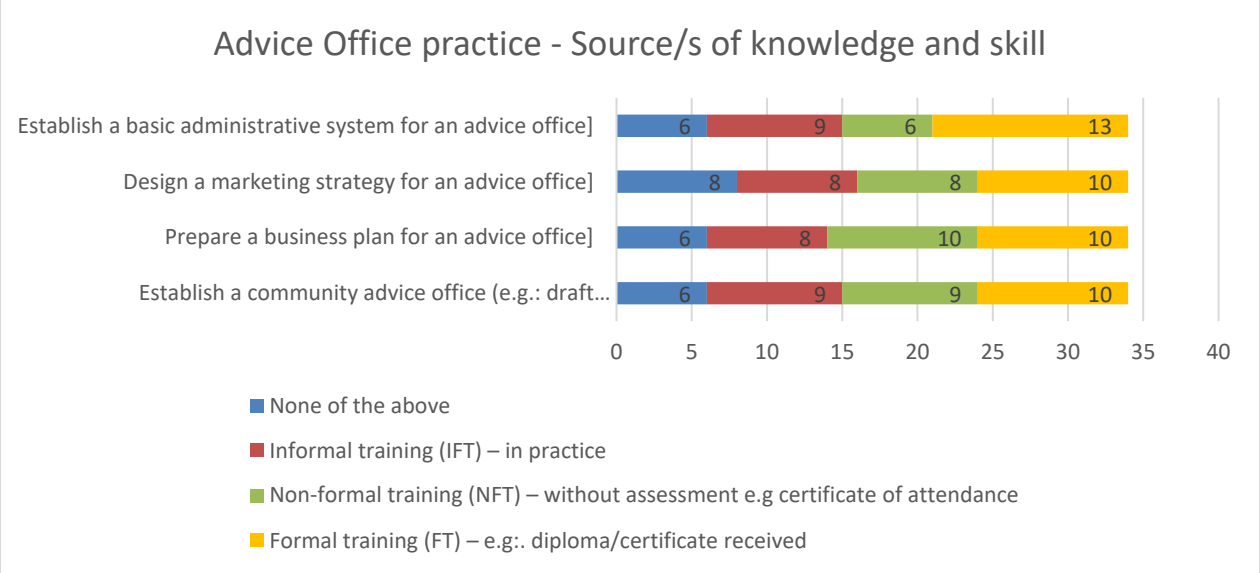
5.9.5 Advice Office Practice

- With reference to skills pertaining to one's practice in the advice office, the majority of respondents, between 23 and 26 out of the 35 respondents, indicated have a Level 2 or Level 3 skill level related to tasks of this nature.
- 17 respondents indicated they could specialise/supervise in Establishing a Community Advice office.
- 9 respondents noted having no competence in preparing a business plan for an advice office, and 8 respondents noted having no competence in designing a marketing strategy for an advice office.

These high numbers of no competence are contrasted against those that believe they possess level 2 or Level 3 skill which amount to 23 and 24 respondents.

- 13 respondents indicated that they received formal training in establishing a basic administrative system for an advice office.
- In contrast, a large number (between 14 and 16 respondents out of the total 35 respondents) indicated that they had no source of training, or acquired informal training through their own practice.
- Among the other relevant practical skills described by the respondents included minute taking, managing a referrals system and understanding registration processes for NPO's or Cooperatives.

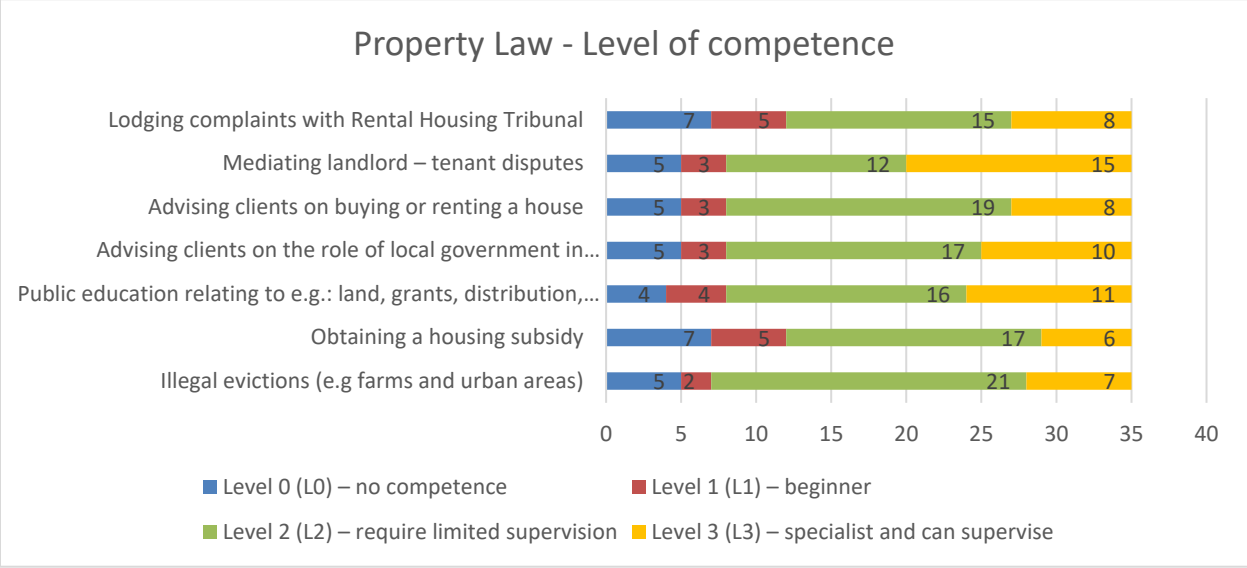




5.10 Paralegal Skills and Competencies

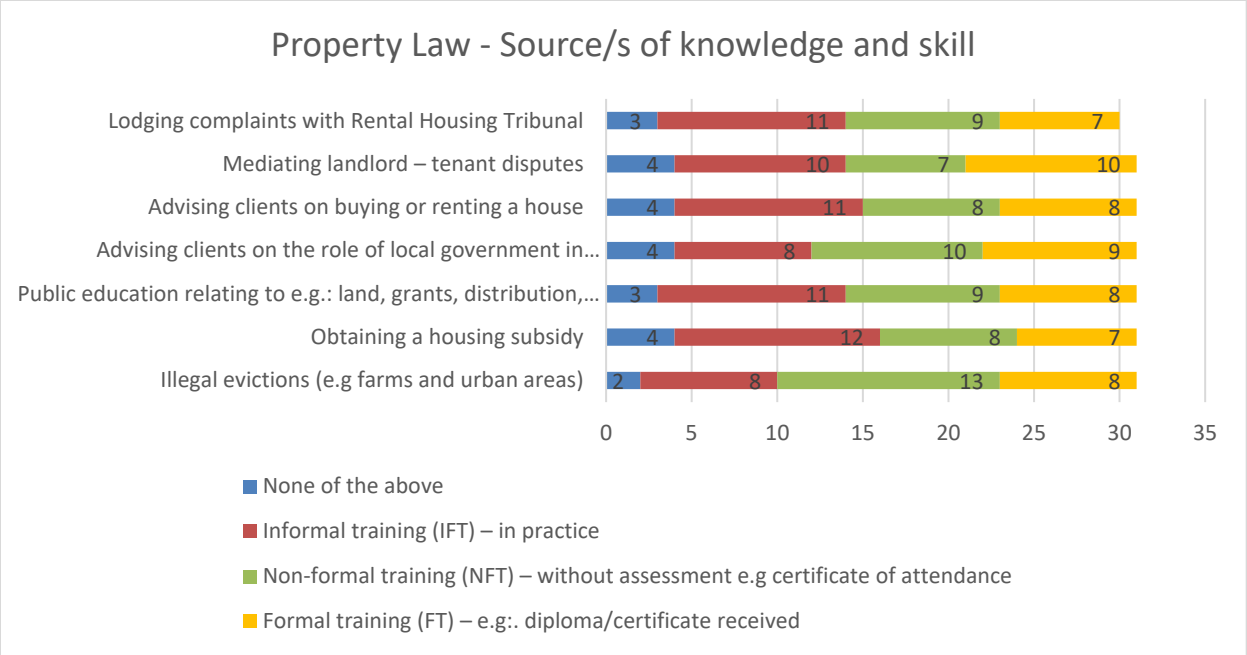
5.10.1 Property Law

- With reference to property law we established that most (N=15) indicated a level 3 in terms of mediating landlord and tenant disputes. A large proportion for public education relating to land, grants (N=11) and advising clients on the role of local government (N=10) also scored at level 3.
- However, most (N=7) indicated that they have no experience (Level 0) in lodging complaints with the Rental Housing Tribunal and obtaining a housing subsidy (N=7).
- In general, most participants across the paralegal skills and competencies recorded a level 2, meaning that they require limited supervision to perform in these areas.



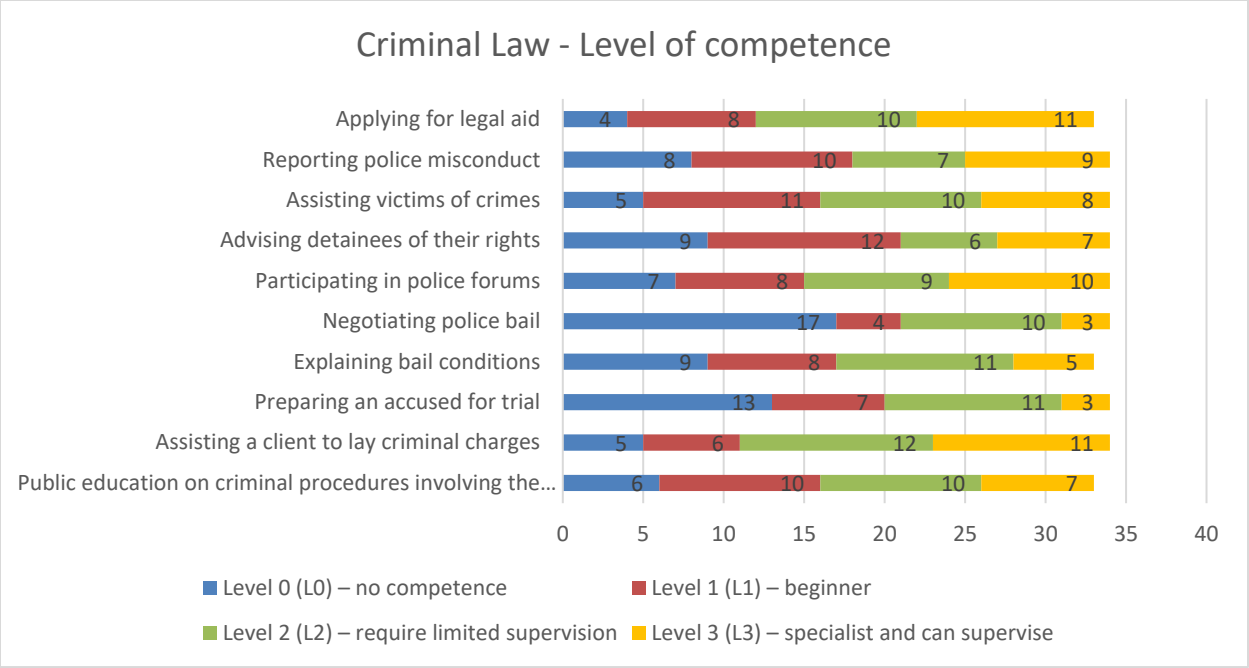
Regarding sources of knowledge and skill in property, we found that very few indicated no training, a little more indicated informal training (IFT) in practice, some non-formal training without assessment, and fewer formal training with a diploma. In fact, it is very difficult to differentiate among the various sources of knowledge and skill in terms of property law. On average we learned that most participants have informal property law training in practice (average =10.1). This is followed by non-formal training in property law (average =9.1), formal training in property law (8.1) or none or no training (average = 3.4).

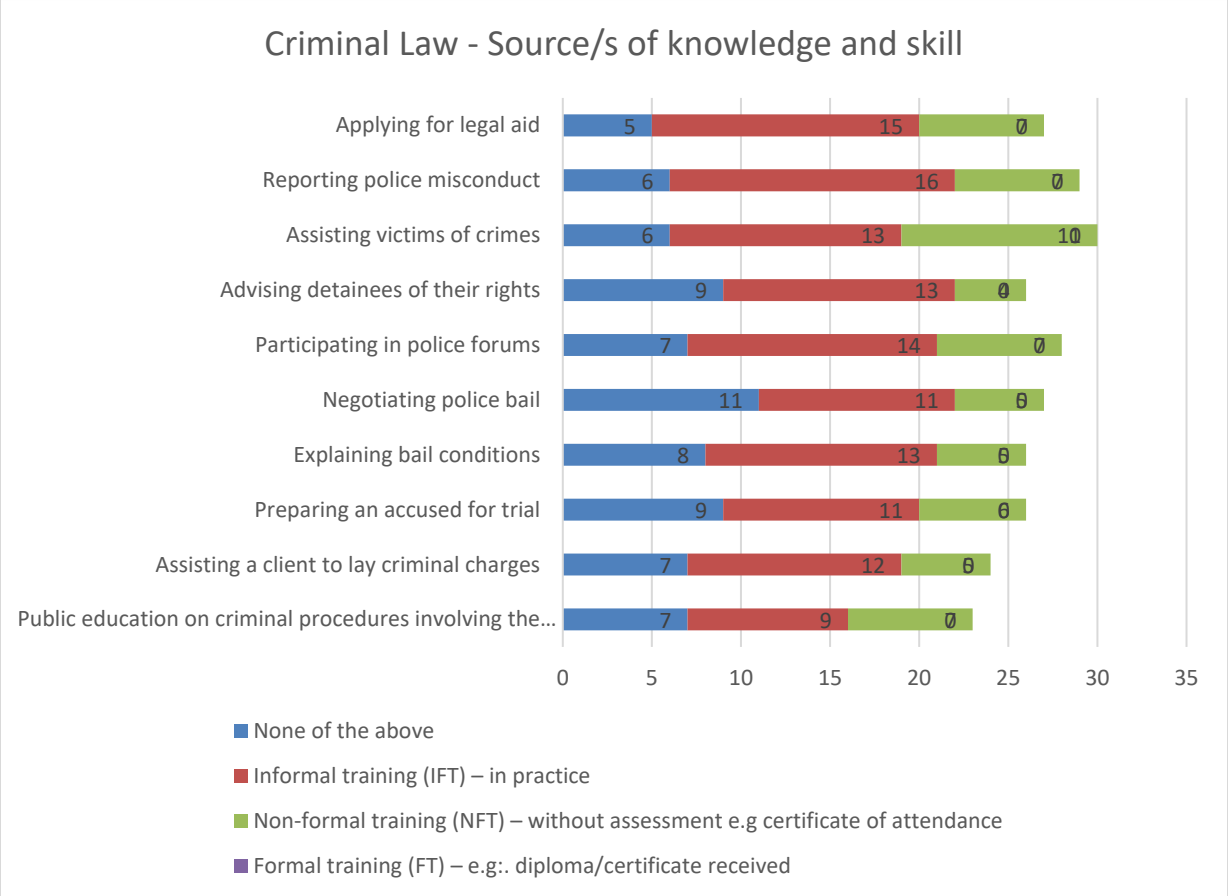
Nevertheless, we found that about 13 participants indicated they have non-formal training without assessment in illegal evictions and 12 indicated that they have informal training in practice in obtaining a housing subsidy.



5.10.2 Criminal Law

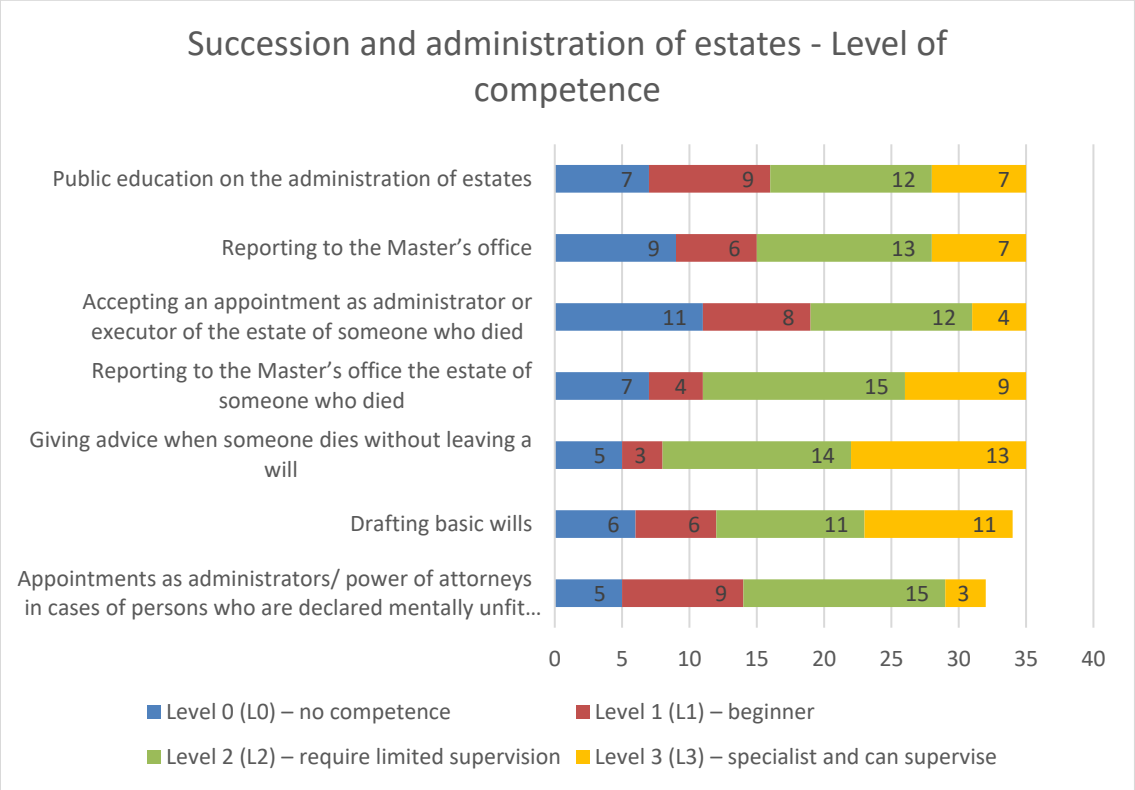
- In general, most respondents indicated possessing level 2 or level 3 skills in relation to most aspects of criminal law as described within the questionnaire.
- The strongest areas were found to be:
    - Assisting a client to lay criminal charges (L2 – 12, L3 – 11)
    - Applying for legal aid (L2 – 10, L3 – 11)
    - Participating in police forums (L2 – 9, L3 – 10)
    - Assisting victims of crimes (L2 – 10, L3 – 8)
- A large proportion (L0 -17) indicated that they have no competence in negotiating police bail and preparing an accused for trial (LO-13).
- The majority of the respondents indicated that they acquired skills in this area from informal training in practice.

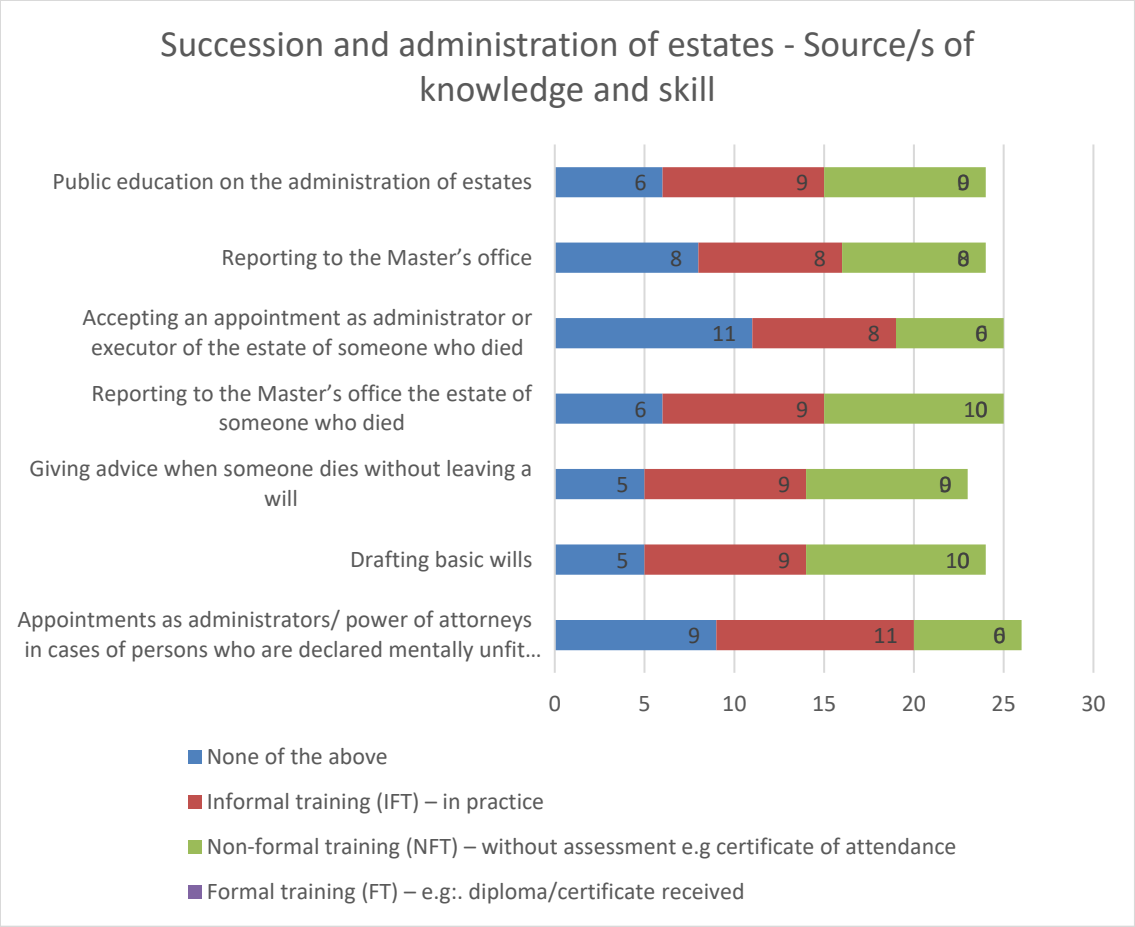

Criminal Law - Level of competence
Applying for legal aid
Reporting police misconduct
Assisting victims of crimes
Advising detainees of their rights
Participating in police forums
Negotiating police bail
Explaining bail conditions
Preparing an accused for trial
Assisting a client to lay criminal charges
Public education on criminal procedures involving the...
4 8 10 11
8 10 7 9
5 11 10 8
9 12 6 7
7 8 9 10
17 4 10 3
9 8 11 5
13 7 11 3
5 6 12 11
6 10 10 7
0 5 10 15 20 25 30 35 40
Level 0 (L0) – no competence
Level 1 (L1) – beginner
Level 2 (L2) – require limited supervision
Level 3 (L3) – specialist and can supervise


Criminal Law - Source/s of knowledge and skill
Applying for legal aid
Reporting police misconduct
Assisting victims of crimes
Advising detainees of their rights
Participating in police forums
Negotiating police bail
Explaining bail conditions
Preparing an accused for trial
Assisting a client to lay criminal charges
Public education on criminal procedures involving the...
5 15 0
6 16 0
6 13 10
9 13 0
7 14 0
11 11 0
8 13 0
9 11 0
7 12 0
7 9 0
0 5 10 15 20 25 30 35
None of the above
Informal training (IFT) – in practice
Non-formal training (NFT) – without assessment e.g certificate of attendance
Formal training (FT) – e.g:. diploma/certificate received

5.11 Administration of Estates

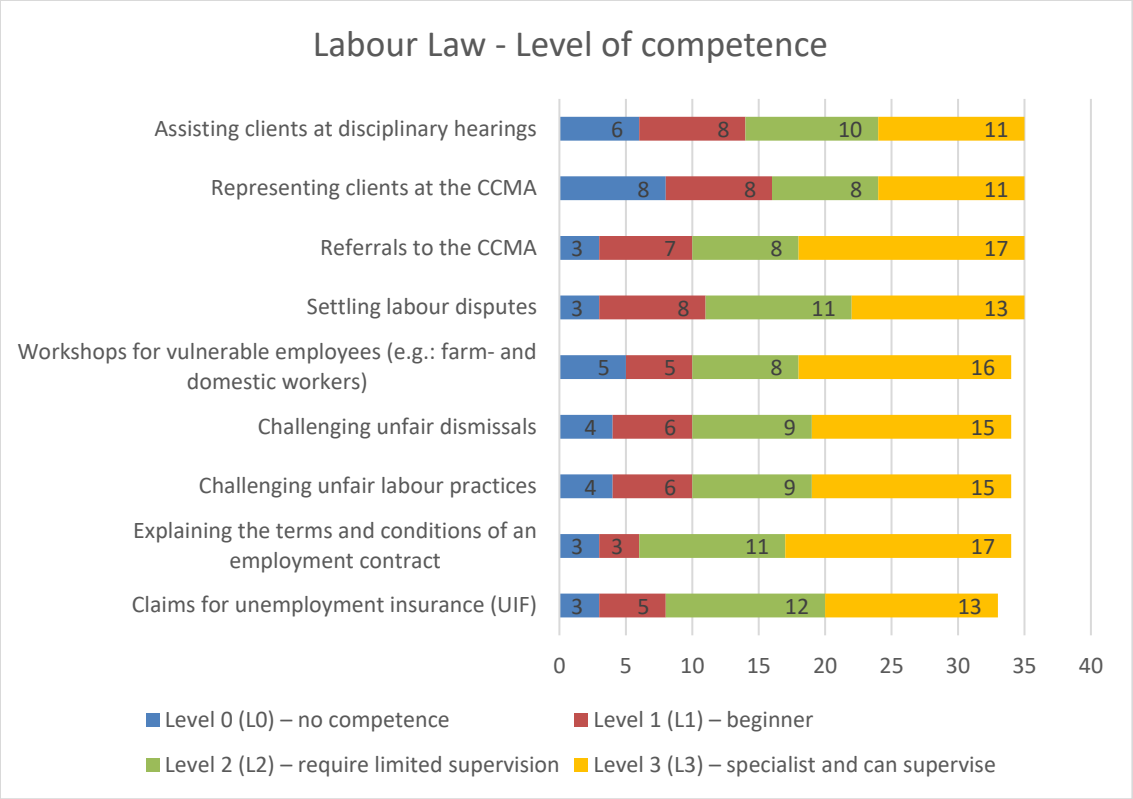
- With respect to the administration of estates, most respondents were found to possess level 2 skills, with between 11 and 15 respondents for all the tasks related to the succession and administration of estates.
- Notably, 11 respondents have no competence in accepting an appointment as an administrator/executor of the estate of someone who has died. Similarly, 9 respondents indicated having no competence in reporting to the Master's office.
- Within this area, no respondent indicated having any formal training across all aspects described within the questionnaire.
- Most respondents (between 15 and 20) indicated having no training or informal training related to all the tasks described within the questionnaire.

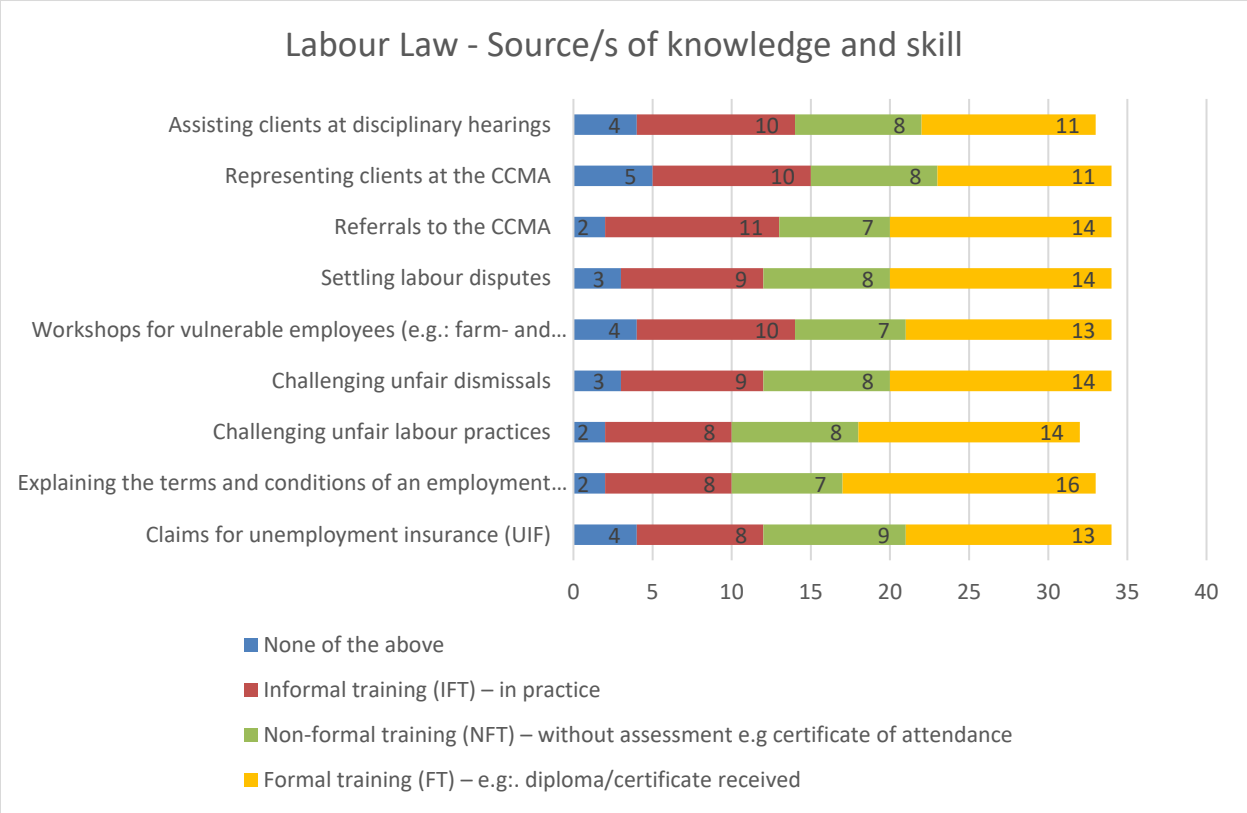




5.12 Labour Law

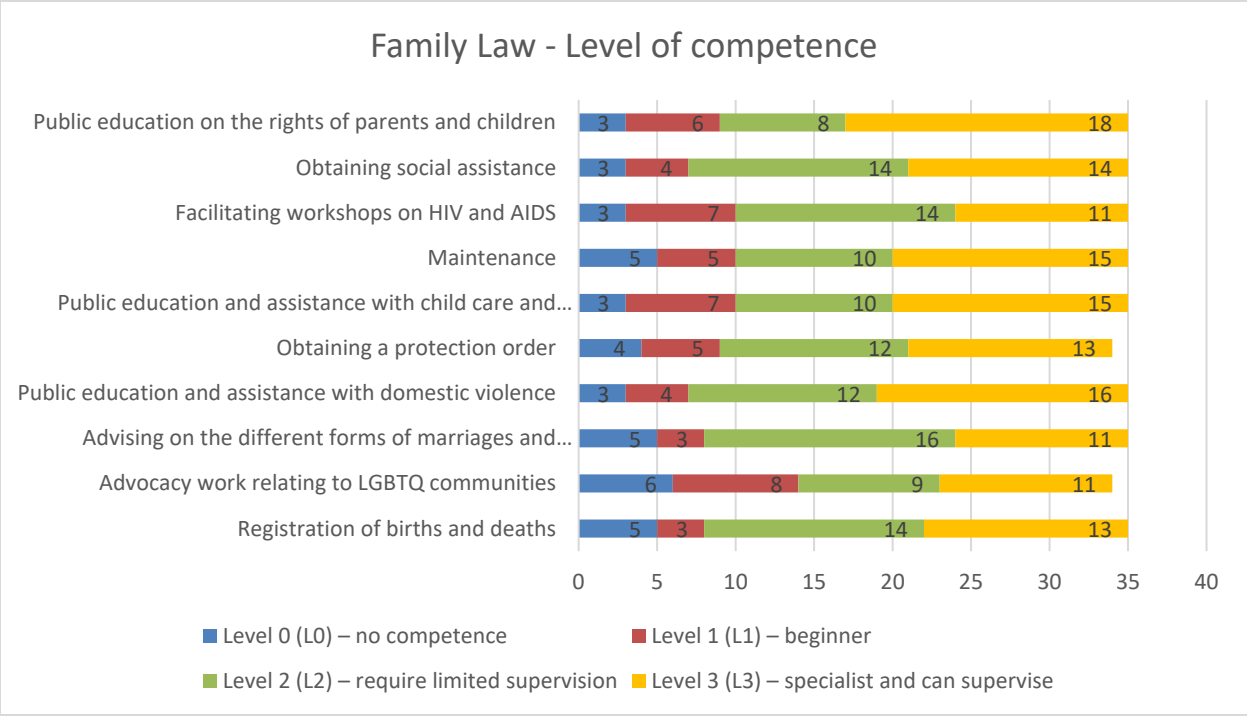
- The majority of respondents indicated possessing level 2 or level 3 skills in relation to most aspects of labour law as described within the questionnaire.
- The strongest areas were found to be:
    - Explaining the terms and conditions of an employment contract (L2 – 11, L3 – 17)
    - Referrals to the CCMA (L2 – 8, L3 – 17)
    - Workshops for Vulnerable Employees (L2 – 8, L3 – 16)
    - Claims for unemployment insurance (L2 – 12, L3 – 13)
    - Challenging unfair dismissals (L2 – 9, L3 – 15)
    - Challenging unfair labour practices (L2 – 9, L3 – 15)
- The majority of the respondents indicated that they acquired skills in this area from formal and non-formal training means
- Comparatively to other skill areas, greater numbers (between 8 and 11) of respondents indicated acquiring their labour law skills through informal training
- Among other skills referred to by respondents, some respondents noted the importance of COIDA and OHESA.

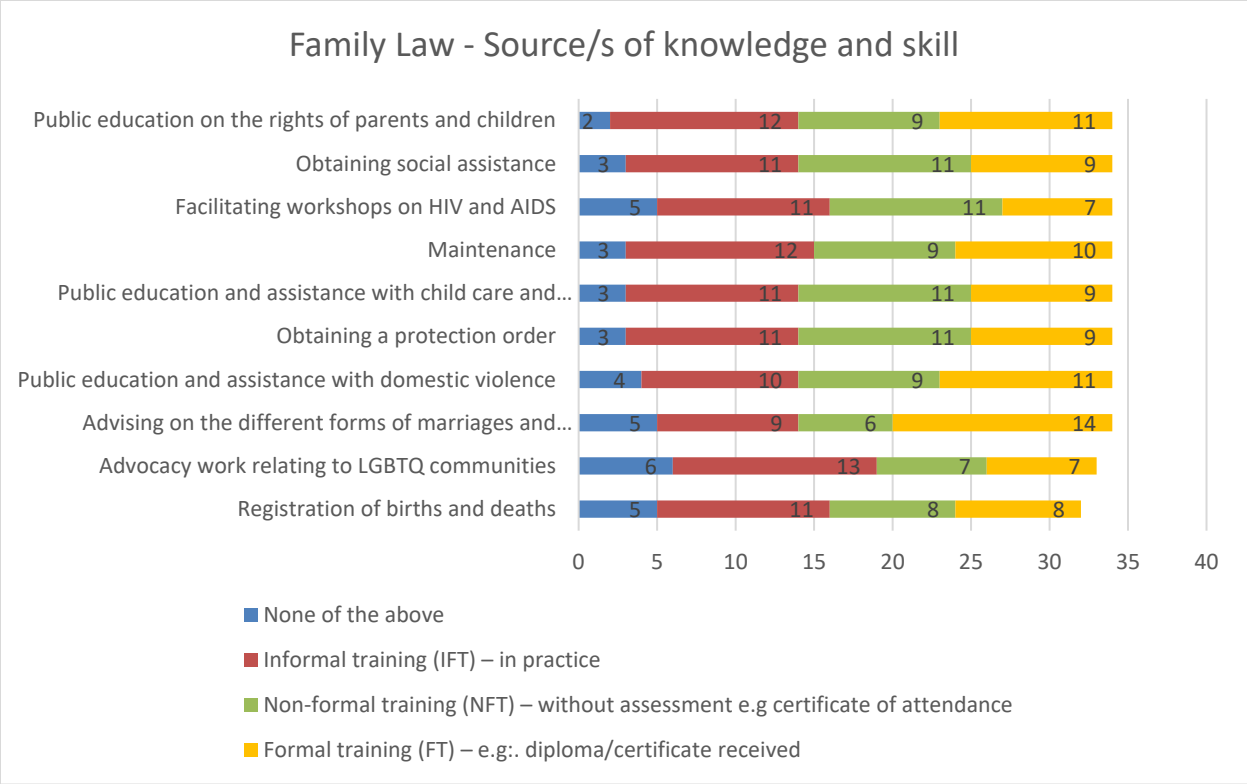

Labour Law - Level of competence
Assisting clients at disciplinary hearings
Representing clients at the CCMA
Referrals to the CCMA
Settling labour disputes
Workshops for vulnerable employees (e.g.: farm- and domestic workers)
Challenging unfair dismissals
Challenging unfair labour practices
Explaining the terms and conditions of an employment contract
Claims for unemployment insurance (UIF)
6 8 10 11
8 8 8 11
3 7 8 17
3 8 11 13
5 5 8 16
4 6 9 15
4 6 9 15
3 3 11 17
3 5 12 13
0 5 10 15 20 25 30 35 40
Level 0 (L0) – no competence
Level 1 (L1) – beginner
Level 2 (L2) – require limited supervision
Level 3 (L3) – specialist and can supervise


Labour Law - Source/s of knowledge and skill
Assisting clients at disciplinary hearings
Representing clients at the CCMA
Referrals to the CCMA
Settling labour disputes
Workshops for vulnerable employees (e.g.: farm- and...
Challenging unfair dismissals
Challenging unfair labour practices
Explaining the terms and conditions of an employment...
Claims for unemployment insurance (UIF)
4 10 8 11
5 10 8 11
2 11 7 14
3 9 8 14
4 10 7 13
3 9 8 14
2 8 8 14
2 8 7 16
4 8 9 13
0 5 10 15 20 25 30 35 40
None of the above
Informal training (IFT) – in practice
Non-formal training (NFT) – without assessment e.g certificate of attendance
Formal training (FT) – e.g:. diploma/certificate received

5.13 Family Law

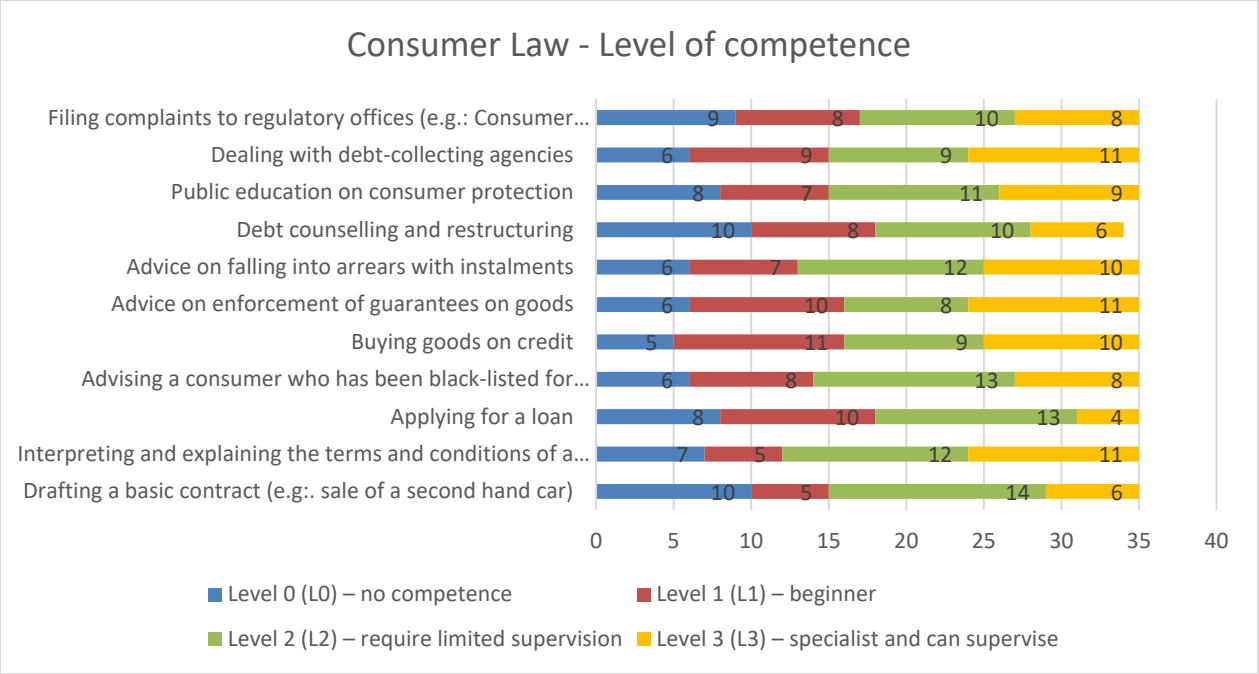
- With respect to Family Law, the majority of respondents indicated strong levels of skills, with between 20 and 28 respondents noting level 2 or level 3 skills in this area. In some instances, such as Facilitating Workshops on HIV/AIDs and in advising on different forms of marriages, Level 2 skills were more predominant than Level 3 skills.
- Notably, 18 respondents indicated possessing level 3 skills in relation to public education on the rights of parents and children, and 16 respondents noted having level 3 skills in relation to public education and assistance with domestic violence.
- The most prevalent sources of training in this area were from informal means or through formal training.
- Counselling was identified as a key skill that many believed they possessed, which they found relevant to family law.

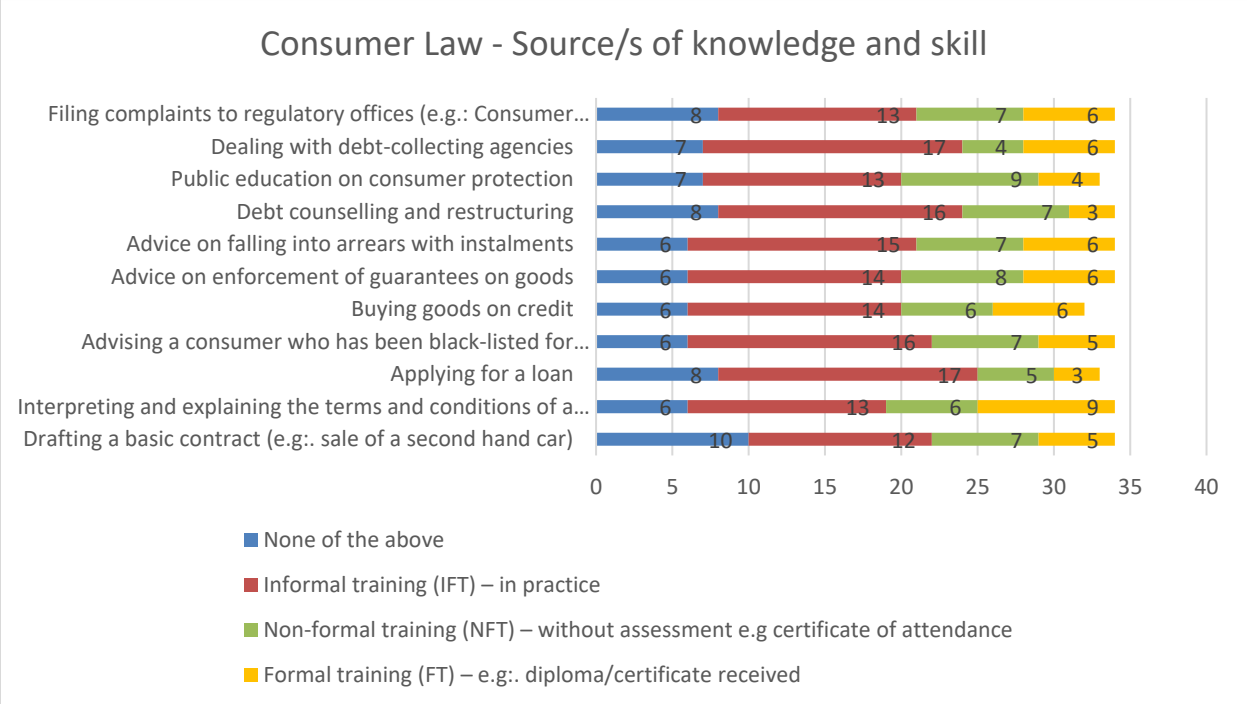




5.14 Consumer Law

- In general, most respondents indicated possessing level 2 or level 3 skills in relation to most aspects of consumer law as described within the questionnaire.
- The strongest areas were found to be:
    - Interpreting and explaining the terms and conditions of a contract (e.g.: rental agreement) (L2 – 12, L3 – 11)
    - Advice on falling into arrears with instalments (L2 – 12, L3 – 10)
    - Advising a consumer who has been blacklisted for outstanding debt (L2 – 13, L3 – 8)
    - Public education on consumer protection (L2 – 11, L3 – 9)
    - Dealing with debt-collecting agencies (L2 – 9, L3 – 11)
- The majority of the respondents indicated that they acquired skills in this area from informal training in practice.



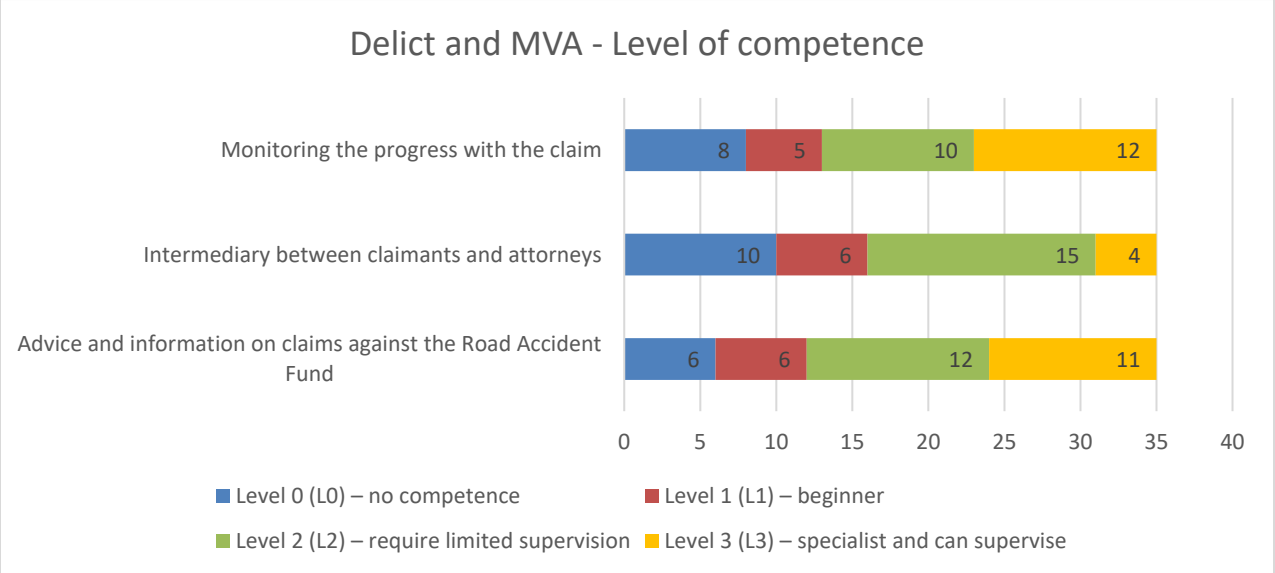


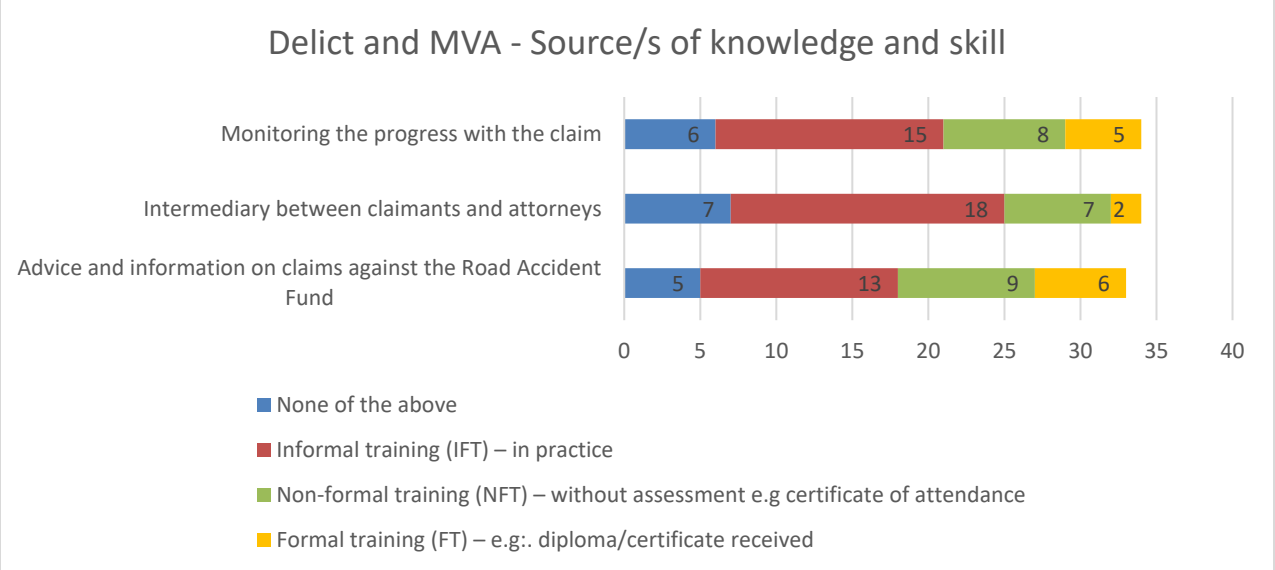
5.15 Road Accident Fund

- In general, most respondents indicated possessing level 2 or level 3 skills in relation to most aspects of the Road Accident Fund as described within the questionnaire.
- The strongest areas were found to be:
    - Advice and information on claims against the Road Accident Fund (L2 – 12, L3 – 11)
    - Monitoring the progress with a claim (L2 – 10, L3 – 12)

- Intermediary between claimants and attorneys (L2 – 15, L3 – 4)

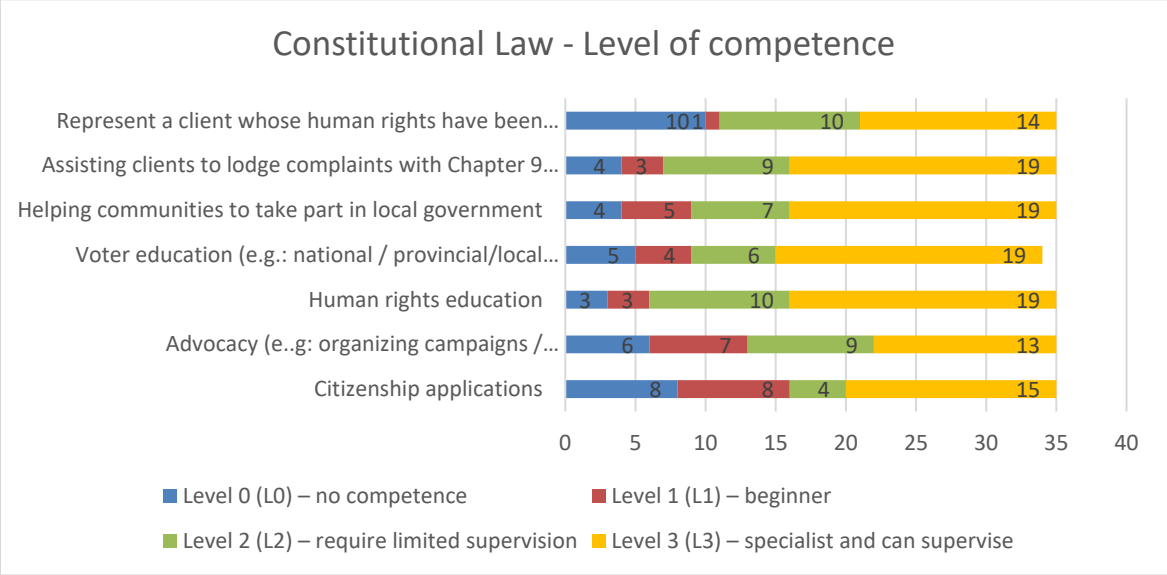
- The majority of the respondents indicated that they acquired skills in this area from informal training in practice.
- A number of participants also indicated that they have obtained this training through non-formal training without assessment.
- Relatively fewer participants obtained the training through formal training.

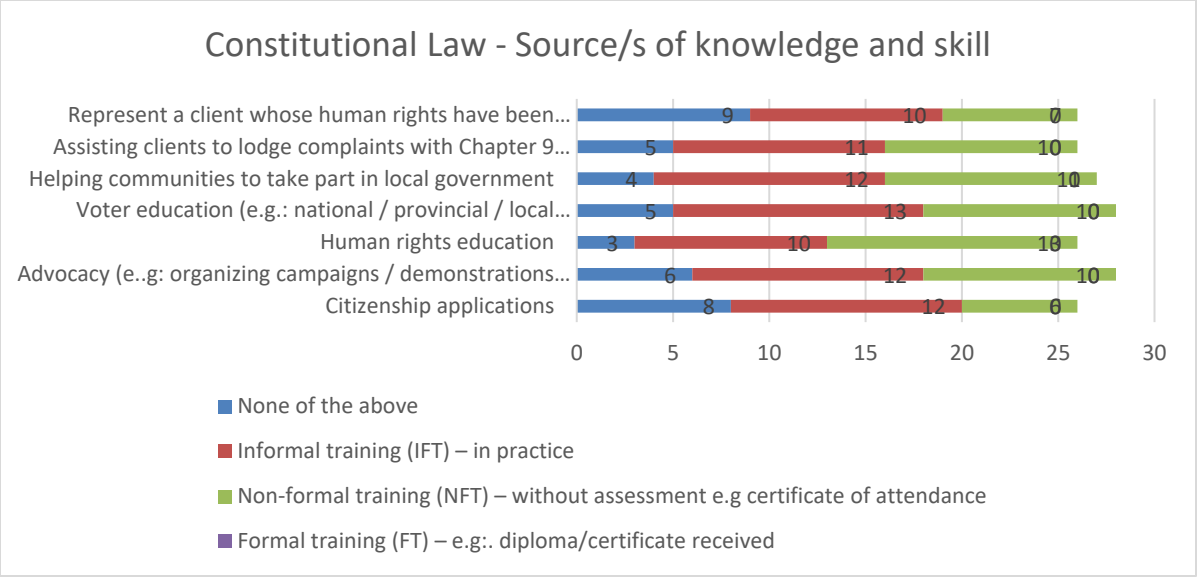




5.16 The Constitution

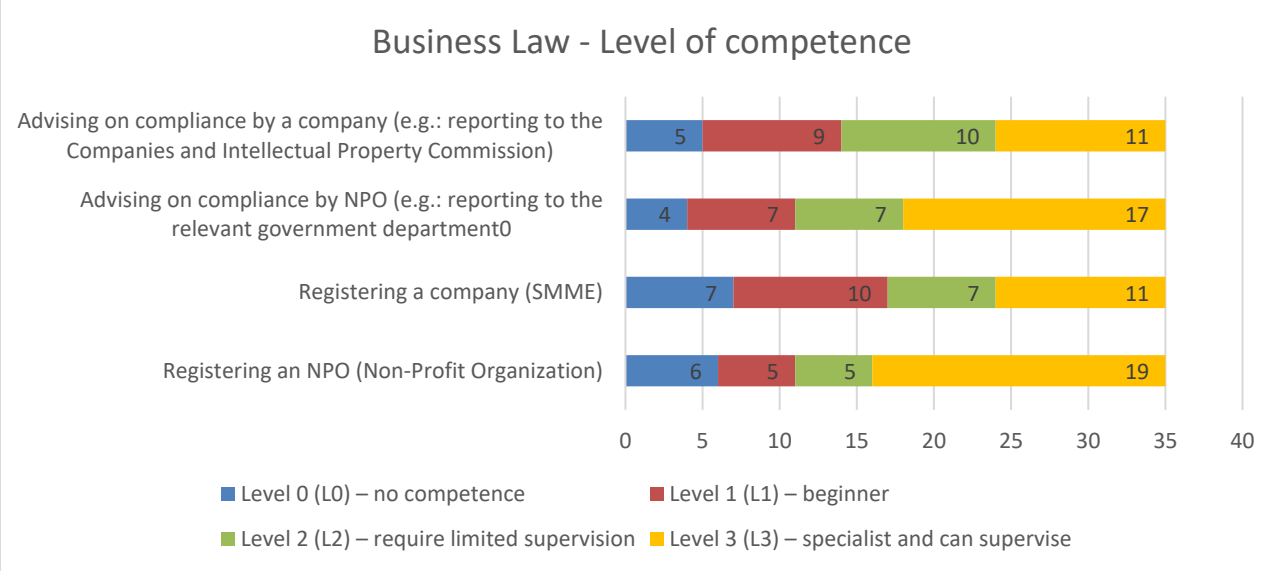
- In general, most respondents indicated possessing level 2 or level 3 skills in relation to most aspects of Constitutional Law as described within the questionnaire.
- The strongest areas were found to be:
    - Human rights education (L2 – 10, L3 – 19)
    - Assisting clients to lodge complaints with Chapter 9 (L2 – 9, L3 – 19)
    - Helping communities to take part in local government (L2 – 7, L3 – 19)
    - Voter Education (L2 – 6, L3 – 19)
- The majority of the respondents indicated that they acquired skills in this area from informal training in practice.
- A number of participants also indicated that they obtained this skill through non-formal training without assessment.

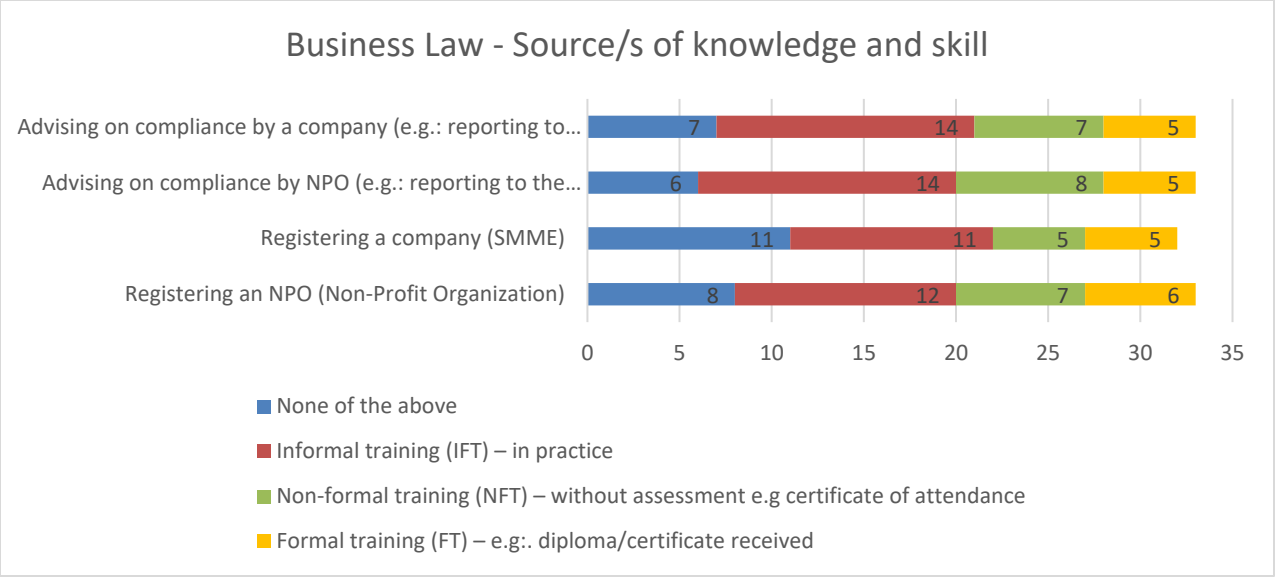




5.17 Business Entities

- With respect to skills in relation to business entities, 17 respondents noted having level 3 skills related to advising on the compliance of a Non-Profit organisation, while 19 respondents noted possessing level 3 skills when registering the NPO.
- 10 respondents indicated having beginner level skills when registering a company and 9 noted having beginner skills when advising on compliance of the company.
- The majority of respondents (between 20 and 22) indicated having received these skills informally or had no source of training for their skills.




Business Law - Source/s of knowledge and skill
Advising on compliance by a company (e.g.: reporting to...
Advising on compliance by NPO (e.g.: reporting to the...
Registering a company (SMME)
Registering an NPO (Non-Profit Organization)
7
14
7
5
6
14
8
5
11
11
5
5
8
12
7
6
0
5
10
15
20
25
30
35
None of the above
Informal training (IFT) – in practice
Non-formal training (NFT) – without assessment e.g certificate of attendance
Formal training (FT) – e.g:. diploma/certificate received

6 References

- Davids, Y.D., Verwey L., Bhagat,A., & Onuoha, G. (2016). Community advice offices: Taking charge in marginalised communities. In *State of the Nation*. Cape Town: HSRC Press, p. 257 – 278.
- Davids, YD., Verwey, L., Dipho, J. and Majozi, N. (2014). Community Advice Offices: Straining to serve poor communities. *HSRC Review 2014, Volume 12, No. 4*
- Davids, Y.D., Verwey, L., Dipholo, J. & Majozi, N. (2015) '*Community Advice Offices: A Case for Public Funding'* HSRC Policy Brief, September 2015
- Davids, Y.D., *Verwey, L.,* Marco, J., Seabe, D., Dipholo, J., Majozi, N., & Bhagat, A. (2014). Towards a Sustainable and Effective Community Advice Office Sector: A Cost-Benefit and Qualitative Analysis. Project Report

7 Appendices

Action Steps to implement the Recognition of Prior Learning (RPL) online pilot survey instrument

Dates	Action Steps	Responsible Organisation and Department
	Introduction of Online Survey	
	Communication by CPUT and ACAOSA about the study Information letter to selected Western Cape CAOs about the pilot study	CPUT and HSRC
	Finalization of paper based questionnaire (Expert Workshop)	
	Expert Workshop to discuss content of the questionnaires HSRC will review the technical aspects of pilot survey Final changes Approval by CPUT Principal Investigator	HSRC and CPUT
	Research Ethics	
	Finalization of research ethics application to implement pilot survey	CPUT
	Digitization of survey	
	Converting paper based to electronic format Use of google forms	HSRC
	In-house Pilot Testing of electronic survey	HSRC
	The survey instrument will be implemented only among key CPUT and HSRC staff This is to test all technical aspects of the survey administration process	HSRC and CPUT
	Revisions of in-house pilot	HSRC and CPUT
	Finalization of the list of all staff at the selected CAOs for the pilot	HSRC in conjunction with CPUT
	Supply data base with correct email addresses and appropriate target audience Verification of database Submit database to HSRC	CPUT
	Launching the online pilot survey / Fieldwork	
	Creating the link to the survey instrument Invitation email note to participate in the survey Although a survey link with email invitation note will be created by the HSRC, the CPUT research assistants will visit the selected CAOs and use their laptops to administer the online survey to the pilot survey participants (selected community paralegals) Before the actual fieldwork the HSRC will provide training for the CPUT research assistants	HSRC
	Monitoring the pilot survey progress	HSRC
	The HSRC will provide technical support to the CPUT research assistants during the administration of the pilot survey	
	Thank you email for participation in the study to all pilot survey participants	
	Circulation of thank you email	
	Data analysis of pilot data	HSRC

	Report writing – includes final formatted Recognition of Prior Learning (RPL) online pilot survey instrument	HSRC
	Presentation and discussion of final pilot instrument	HSRC
	Joint finalization of Final Instrument for Main Study	HSRC CPUT

Note: The dates will be finalized in consultation with CPUT