



An Impact Assessment of the Paralegal Learnership

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## **1. Introduction**

SASSETA is a training authority established in terms of Section 9 of Skills Development Act, 1998 (Act No. 97 of 1998 as amended). SASSETA is mandated to provide leadership and strategic direction on skills development in the safety and security sector.

South Africa has been faced with high levels of unemployment one of the challenges being the lack of necessary skills that would enable unemployed individuals to be absorbed into the labour market. There should be various initiatives to promote skills development and employment. Work-based initiatives such as learnerships and internships have been regarded as the best avenue to address unemployment by providing theoretical education as well as practical experience that should ideally improve employability (Maririmba, 2018).

## **2. Background**

There are legislations developed to address the problem of unemployment by attempting to improve the skills of the unemployed people as it has emerged that the challenge by a shortage of skills that are needed in the workplace<sup>1</sup>. The Skills Development Act (SDA) provides a framework within which institutions such as the National Skills Authority and the Sector Education and Training Authorities (SETAs) created to improve the skills development of the South African workforce<sup>2</sup>. Reddy, Juan, and Meyiwa (2013) indicates that SETAs manage such interventions is driven by the National Skills Development Strategy (NSDS) III, these include as workplace learning, apprenticeships, learnerships etc. These interventions promote more effective relationships between education and training programmes and skills development for the labour market.

“Learnership programmes are implemented to contribute to skills development however, there is limited research into the scope, magnitude and outcomes of these programmes” (de Chalain, 2015:30). SASSETA has built partnerships with different stakeholders to address issues of the safety and security sector to better align skills demand and supply. These trainings can also improve the productivity of the economy and address skills imbalances in the workforce. The following project evaluated the impact of SASSETA paralegal learnerships, this was the unemployed group.

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<sup>1</sup>Maririmba, P., 2018. Legislative backing of the SETA learnership contracts: a myth or reality (Doctoral dissertation, University of Pretoria).

<sup>2</sup> Mathenjwa, I.L., 2011. An evaluation of the implementation of the learnership programme within the Public Service Commission (Doctoral dissertation, Stellenbosch: University of Stellenbosch).

### **3. What is a learnership?**

In response to the core skills needs required by the South African labour market, Learnerships were created, to provide occupational and vocational certification for industries. A Learnership is a system aimed to provide a recognized occupational qualification achieved through structured institutional learning and applied competence developed through workplace experiential learning<sup>3</sup>.

SASSETA asserts that a learnership is a structural learning process for gaining theoretical knowledge and practical skills in the workplace leading to a qualification registered on the NQF. A learnership is out-come based as opposed to being time-based and allows the recognition of prior learning<sup>4</sup>. Learnerships fall within the PIVOTAL programmes<sup>5</sup>. These learnerships comprise of safety and security occupational fields extending for a period of 12-24 months.

The SASSETA learnership program runs in line with the Governments National Skills Development Strategy III and offers candidates from all communities and background, the opportunity to become part of a skilled workforce.

### **4. The paralegal learnership**

The paralegal learnership plays an important role in providing support services to legal and paralegal practitioners; as well as limited assistance to members of the public (SAQA, 2012). This results in a greater capacity to address the growing social demand for legal services and limited legal assistance as South African democracy and seeks to protect their rights. This qualification aims to produce qualified and competent assistants to ensure that primary legal services are more accessible and affordable to the public.

There is a need for programmes that improve qualifications, support career-path planning, enable greater flexibility and mobility and improve productivity<sup>6</sup>. Furthermore, policy concerns around a skills crisis that South Africa is not producing enough of the right levels and kinds of skills to support global competitiveness and economic development have intensified over the

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<sup>3</sup> Van Rensburg, D., Visser, M., Wildschut, A., Roodt, J. & Kruss, G. 2012. A Technical Report on Learnership and Apprenticeship Population Database in South Africa: Patterns and Shifts in Skills Formation. Human Sciences Research Council.

<sup>4</sup> SASSETA. 2018. Discretionary Grant Policy. DGPOL\_SIM\_001. Version 7.6. Page 5.

<sup>5</sup> Wildschut, A., Kruss, G., Van Rensburg, D. J., Haupt, G. & Visser, M. 2010. Learnerships and Apprenticeships Survey 2010 technical report: identifying transitions and trajectories through the learnership and apprenticeship systems.

<sup>6</sup> National Skills Development Strategy III. 2011. Department of Higher Education and Training. Page 6

past five years<sup>7</sup>. Vocational and occupational certification via the paralegal learnership is at the core of the creation of new skills in the Safety and Security. Consequently, this warrants the need to assess the impact of the paralegal Learnership in the sector over the past three years.

#### **4.1. Entry Requirements:**

Learners who qualify to enrol for this qualification should have the following (SAQA):

- Communicate at NQF level 4
- Numeracy skills at NQF level 4
- Computer skills at NQF level 3

The roles of a paralegal are as follows:

- Give legal and general advice to people on the law and their rights
- Refer people to attorneys where it is clear an attorney is necessary
- Assist people with legal procedures such as court cases
- Conduct workshops to educate people about their rights
- The acts as mediators between community members and attorneys which includes taking statements, interpreting and follow-up with cases.

Skills required by paralegals:

- Communication skills: essential when interviewing clients, taking statements, writing reports, monitoring skills, referrals and listening to clients.
- Administrative skills: this consists of filing, bookkeeping, arranging and holding meetings, writing minutes and time management.
- Development skills: these are skills that contribute in empowering communities. This includes conflicts resolution skills, facilitation skills (community & training) and managing community projects.

Expected outcomes for qualified paralegal graduates (SAQA):

- Utilise South African legal knowledge and understanding in problem solving
- Able to use technology to conduct legal research
- Communicate with internal and external clients in the legal workplace.
- Guide and refer clients in a paralegal context.
- Able to work individually and in a team in solving problems in a paralegal context

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<sup>7</sup> Ibid. Page 7.

- Offer administrative and organisational support in the workplace.
- Being professional and applying ethical conduct when dealing with clients.

The paralegal learnerships seeks to produce qualified and competent individuals by equipping them with legal, administrative and social knowledge and skills to provide legal services (SASSETA). Paralegals are usually employed law firms, corporation, governmental agency or other organisations that delegated legal work for which a lawyer is responsible for<sup>8</sup>.

They may function as legal assistants to legal practitioners, for example, conveyancing paralegals or legal aid paralegals, or independent from legal practitioners, such as debt counsellors and community-based paralegals (Leach, 2018). Furthermore, Paralegals who work in prisons can either train prisoners individually in preparing bail applications, or offer group workshops to inform remand prisoners about court procedures, court etiquette, and their options for gaining representation by a lawyer (Schonteich, 2012).

Paralegals work closely with lawyers where they are supervised through work experience and refer cases to lawyers if necessary<sup>9</sup>. However, they cannot represent people in trial but are permitted to offer legal assistance to arrestees before their trials such as improving the quality of self-representation during the pre-trial phase of the criminal justice process<sup>10</sup>.

## **5. Scope and purpose of Study**

### **5.1. Scope of the study**

This study seeks to investigate the impact of the paralegal learnership on learners from 2016/17 to 2017/18. It was aimed at assessing if the implementation of paralegal learnership improved employability of learners.

### **5.2. Purpose and objectives of the Study**

The purpose of the study is to assess the outcomes of the SASSETA paralegal learnerships programme for employed and unemployed learners from 2016/17 to 2017/18.

To accomplish this purpose, the following objectives were considered:

- To assess the extent to which the paralegal learnership has contributed to the employability for unemployed learners.
- To explore challenges that hinders the effectiveness of paralegal learnership.

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<sup>8</sup> Leach, N., 2018. The Paralegal and the Right of Access to Justice in South Africa

<sup>9</sup> Schönsteich, M., 2012. A Powerful tool of Justice: Paralegals and the provision of affordable and accessible legal services. South African Crime Quarterly, 42, pp.21-27.

<sup>10</sup> Ibid, 23.

## **6. Evaluation/ Research Questions**

This study assessed the impact of the SASSETA paralegal learnership. The following sub research/evaluation questions will be addressed in order to answer the main question of the study:

- What impact has the paralegal learnership had on unemployed learners?
- Has the paralegal learnership contributed towards the employability learners?
- What are the challenges that hinder the effectiveness of paralegal learnerships?

## **7. Significance and Contribution of the Study**

This study provided an evaluation of the SASSETA paralegal learnership from the years 2016/17-2017/18. This study contributed to understanding the impact of this learnership in line with the strategic objective of SASSETA and the outcomes of the NDP Furthermore, assessed the effectiveness of the paralegal learnership. the

## **8. Methodology**

### ***8.1. Research Approach***

Qualitative research approach was developed to allow researchers to study social and cultural phenomena within social science (Myers, 2009: 301). According to Domegan and Fleming (2007: 24), "Qualitative research aims to explore and to discover issues about the problem on hand, because very little is known about the problem. There is usually uncertainty about dimensions and characteristics of problem. It uses 'soft' data and gets 'rich' data". Data sources for this approach includes participant observation, interviews and questionnaires, documents and texts, and the researcher's impressions and reactions (Creswell, 2003). Trustworthiness is important to this approach as research of this nature is based on generalizations that are detailed and context based.

In this study the qualitative research approach was adopted. The key purpose of this study was to assess the impact of the paralegal learnership using the participants` viewpoints. The qualitative research approach will assist the researcher focus on exploring the different contributions these participants through their attitudes, perceptions, and opinions. Qualitative methods yield more in-depth understanding of factors that are difficult to achieve with quantitative methods (Dlamini, 2017). The aim of this study was to assess the impact of the SASSETA paralegal learnership. The key aim is to illicit the opinions of the training providers and learners. The assessment of these opinions was best addressed using the qualitative research approach.

## **8.2. Method of Data Collection**

The study required the participants to be able to express their views and perceptions freely, therefore the study made use of interviews to collect data. Interviews are a method of gathering information through oral transformation using an interview schedule. Semi-structured interviews were employed in this study to gather primary data. Data that was gathered from the interviews will be compared to secondary data that will be gathered from journals, books, newspaper articles and official websites.

## **8.3. Data Analysis**

Data was analysed inductively using qualitative content analysis. Qualitative content analysis encompasses the process of reading through a text, open coding and creating categories (Elo & Kyngas, 2007). In addition, Kuckartz (2019) demonstrate that qualitative content analysis follows a systematic procedure which includes reading the interview transcript intensively, building the coding frame, coding the data, analysing the data coded and presenting the results. Kuckartz (2019) also add that each stage of analysing should be linked to the research question that the study seeks to answer.



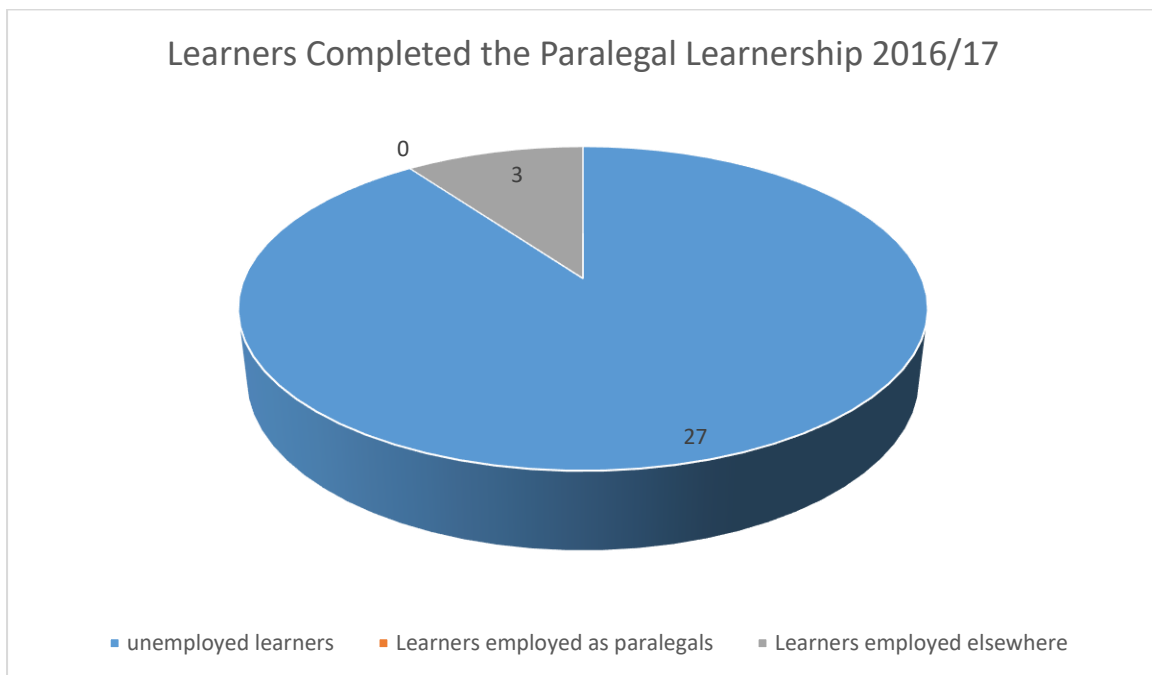
## 9. Data presentation and discussion of the findings

This section presents the data collected by the researcher from the selected participants. The primary findings of this study were presented and analysed using a content analysis.

### 9.1. Employment status of learners

Whereas the Paralegal learnership is designed to increase the employability of learners who undergo the programme. A majority of the responses showed that learners who had undergone the learnership remained unemployed after completion.

Figure 1 depicts the number of learners that completed the paralegal learnership for the years 2016/17



*Figure 1 Learners Completed the Paralegal Learnership*

This study uncovered that 27 learners were unemployed after completion of the learnership. 3 learners were able to gain employment in other occupations and there were no learners employed as paralegals. However, this study also discovered that learners did not receive their learnership certificates hence, most learners are still unemployed.

The unemployed learners raised the following concerns:

*“No. we did not get any certificates after ‘completing’ the learnership so think that hinders my chances of getting employed.”*

*“No. I am not sure why however; I did not receive any paralegal certificate.”*

*“No, I have tried applying for a clerk position, but I didn’t get the job.”*

Below is a breakdown of the various occupations the learners were able to obtain after completing the learnership.

Learners Employed within other occupations for 2016/17	
Occupation	No. of Learners
Administrator	2
Legal secretary	1

Table 1: Learners employed in other occupations

A total of 3 learners were to gain employment as paralegals after doing the paralegal learnership. The following responses were obtained from the learners:

*“Yes, it’s something to do with legal services. I am a legal secretary at the DoJ.”*

*“Yes, I am an administrator at state attorney in Mafikeng.”*

*“Yes, I got a job a year later as an administrator even though we didn’t receive our certificates at the end of our learnership.”*

Figure 2: Learners completed the paralegal learnership 2017/18

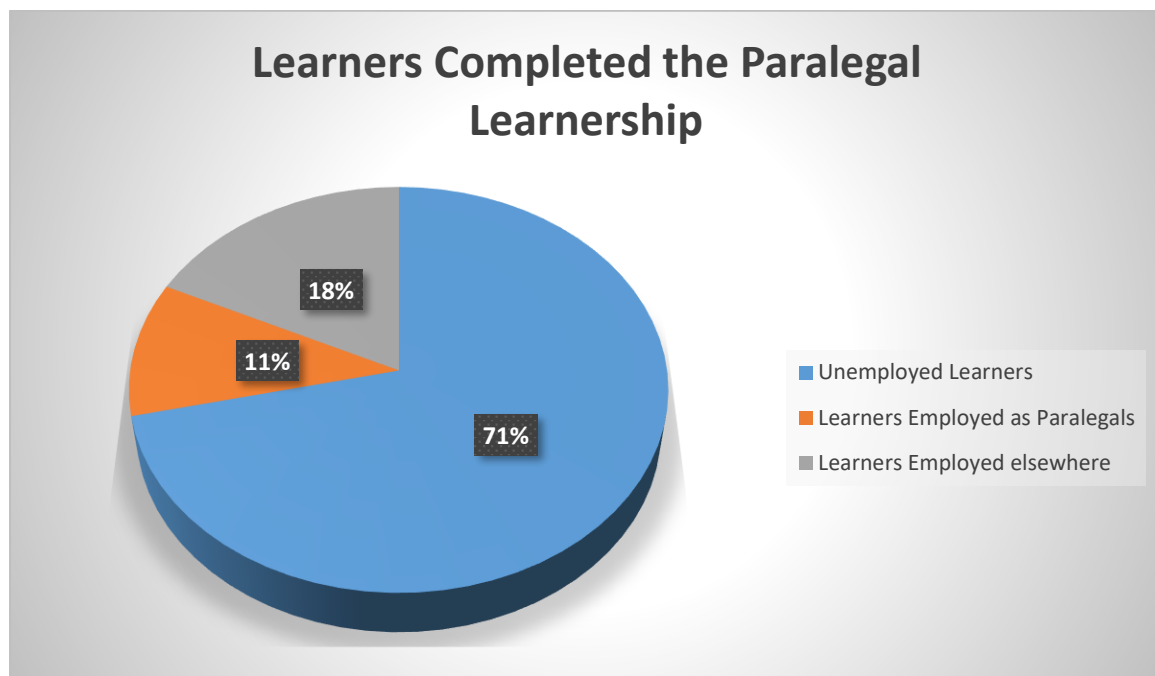


Figure 2 Learners Completed the Paralegal Learnership

This study found that 71% of the learners remained unemployed after completion of the learnership. 18% of the learners were able to gain employment in other occupations and only

11% of the learners were employed as paralegals. The following responses were recorded verbatim from the learners:

The unemployed learners raised the following concerns:

*“No I have not been able to gain employment but I am currently volunteering at the court I was doing my learnership as a paralegal. I am still applying for work that is related to the learnership”* (KII-1)

*“Not yet, but I have been to two interviews in the past year for administrative clerk at a magistrate court.”* (KII-2)

*“No, but I am still applying although there is no response.”* (KII-3)

*“I haven’t been able to get a job; I really do not know what happened it is very frustrating.”* (KII-4)

The study found out of the 56 learners that were interviewed, 40 learners remained unemployed after completion of the learnership. Of the 56 learners, 10 had found employment in other occupations. The following notable responses were solicited from the learners:

*“Yes, I was able to get employment but not as a paralegal as an administrator. You see from the learnership I was able to gain various administrative skills which I apply in my current job”* (KII-5)

*“Yes, prior having undergone the learnership I was employed as a cleaner. After completing the learnership I was able to get employment as a clerk at the same company I was working for”* (KII-6)

*“I was not able to get employment as a paralegal, but I am currently working as a receptionist at a very small law firm. Since the firm is very small, I do a lot of administrative work, which is similar to the activities done during our practical’s for the learnership”* (KII-7)

*“Well I cannot say as a paralegal, but I am currently employed as a cleaner.”* (KII-8)

Below is a breakdown of the various occupations the learners were able to obtain after completing the learnership.

<b>Learners Employed within other occupations 2017/18</b>	
<b>Occupation</b>	<b>No. of Learners</b>
<b>Administrator</b>	5

<b>Clerk</b>	3
<b>Receptionist</b>	1
<b>Cleaner</b>	1

*Table 2 Learners employed in other occupations*

A total of 6 learners were able to gain employment as paralegals after completion of the paralegal learnership. The following responses were obtained from the learners:

*“Yes I was able to gain employment from the Magistrate Court I did my practical’s at.” (KII-9)*

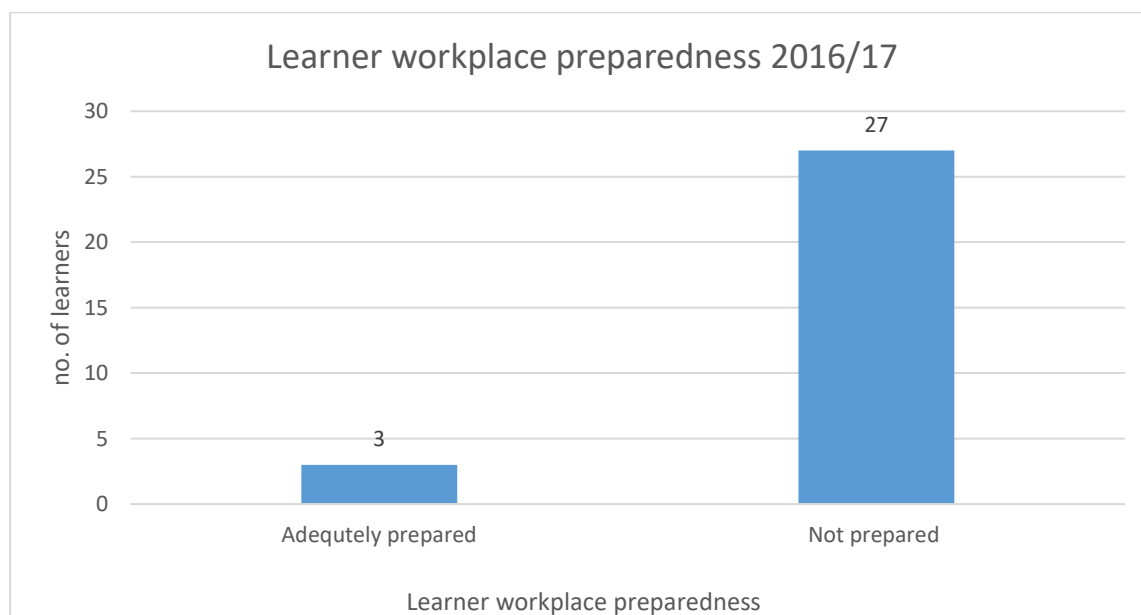
*“Yes after completing the learnership I stayed on as a volunteer at the court were I did m practical’s. I was eventually hired as a paralegal about month ago.” (KII-10)*

*“I am currently employed as a Paralegal at Nigel Magistrate Court” (KII-11)*

### **9.2. Learner workplace readiness**

The paralegal learnership is designed to assist learners gain work-based learning. The responses for this question were insufficient as a majority of the learners were unable to gain employment after completing the learnership. The researcher then probed for whether the theory assisted the learners when they underwent the practical component of the learnership.

*Figure 3 Workplace preparedness 2016/17*



*Figure 3 No of learners prepared for the workplace*

Figure 3 shows that a large portion of the learners felt that they not prepared for the workplace. 27 learners felt that the learnership did not prepare them for the workplace with only 3 learners who felt like they were adequately prepared for the workplace.

Figure 4 Workplace preparedness 2017/18

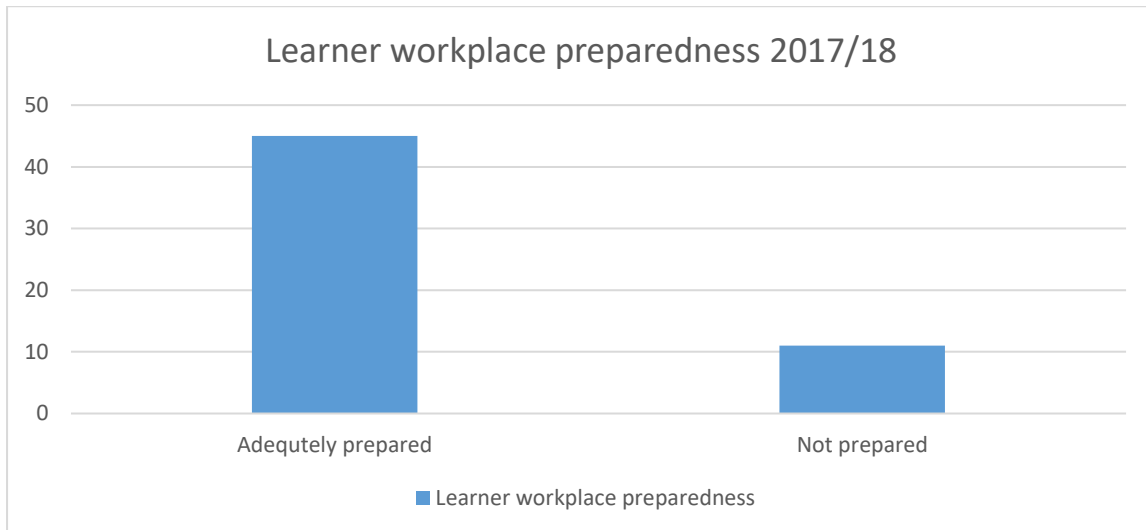


Figure 4 No of learners prepared for the workplace

A large portion of the learners felt they were adequately prepared for the workplace. Of the 56 learners interviewed only 11 learners felt that the learnership did not prepare them for the workplace. Below are the notable responses from learners who felt the learnership did not adequately prepared them for the workplace:

*“No, the content and information we learnt in class was not enough for the workplace. Another thing is that they kept changing us from a different court to another. It made it difficult to learn as each court had its own rules and processes” (KII-12)*

*“No, at the workplace we did more administrative duties rather than the paralegal work we learnt about in the classroom. A lot of things we needed to learn on the job.” (KII-13)*

*“Absolutely not, working with people is very difficult and challenging. We had so many challenges and issues with our mentors.” (KII-14).*

### 9.3. Skills have you obtained from the paralegal learnership

Skills obtained in 2016/17
<ul style="list-style-type: none"> <li>• Administration skills</li> </ul>
<ul style="list-style-type: none"> <li>- Dealing with court payments</li> </ul>
<ul style="list-style-type: none"> <li>- Capturing data</li> </ul>
<ul style="list-style-type: none"> <li>- Filing</li> </ul>

• Interpreting skills
• Open court files
• Arranging meetings with clients/stakeholders
• Drafting/typing legal documents
• Operating machines of recording court cases
• Interpersonal/ soft skills
• Communication skills
• Counselling
• Writing skills
• Learn to write and speak in English
• Write a court book
• Work independently
• Work under pressure
• Financial skills computer skills
• Time management skills
• Consulting with clients
• Conflict resolution skills
• Organizational skills
• Customer service skills

The findings of this evaluation study reveal that individuals who completed the paralegal learnership were able to obtain skills in relations to the outcomes of the programme. The programmes were able to achieve the intended outcomes which were to; produce people who understand law within the South African context, communicate with internal and external stakeholders in the legal environment, assisting their clients with legal matters and dealing with administration within the organisation.

#### 9.4. Challenges did you experience during the duration of the learnership

Challenges	How challenges be addressed (suggestions from participants)
Stipend not paid on time	<ul style="list-style-type: none"> <li>• Learn to manage and do things on time.</li> <li>• Proper planning is advised.</li> <li>• Access the programme during implementation.</li> </ul>

<b>Inaccessibility of SASSETA staff</b>	<ul style="list-style-type: none"> <li>• Improve communication with DoJ.</li> <li>• There should be communication between SASSETA and employers about the challenges their learners experience.</li> </ul>
<b>Mentors at the court were not aware paralegals will be in court</b>	<ul style="list-style-type: none"> <li>• Mentors should be told in advance about us coming to court.</li> </ul>
<b>Working with difficult people</b>	<ul style="list-style-type: none"> <li>• Provide training on how to deal with people.</li> </ul>
<b>Language barrier</b>	<ul style="list-style-type: none"> <li>• Have a partner/ person who will assist who know the language spoken in the community.</li> <li>• People can use a common language like English to communicate.</li> </ul>
<b>Doing everything at once. You can't learn if you don't specialise.</b>	<ul style="list-style-type: none"> <li>• Spend more time to learn in each department like 4 months to fully develop a skill.</li> </ul>
<b>Staff not helpful because they were intimidated by us so it was difficult to work with them.</b>	<ul style="list-style-type: none"> <li>• Employees need to understand that people like us are there to learn. They must learn to accommodate other people. We are not there to take their jobs.</li> </ul>
<b>No certificate was received from completing the learnership.</b>	<ul style="list-style-type: none"> <li>• SASSETA must contact us to complete the programme to receive our certificates for 2017/18 learners.</li> </ul>
<b>Lack of resources- computers</b>	<ul style="list-style-type: none"> <li>• Ask for sponsorship from the government.</li> </ul>

#### **9.5. Additional comments from participants:**

- *“Can SASSETA please get back to us in terms to why we haven't completed our learnership and about our certificates”.*
- *“Want another opportunity to do the paralegal learnership and get a certificate”.*
- *“No certificate was issues, so I assume it also hinders my employability”.*
- *“We were told the learnership comprises of theory and practical however, we only did practicals with no theory”.*

- *“It was great experience but it’s a pity we didn’t get employment. I enjoyed my learnership and learnt a lot”.*
- *“When the learnership is completed, SASSETA need to visit and monitor their own programme”.*

Despite the challenges mentioned, some participants highlighted that the learnership was beneficial and informative, hence, the paralegal learnership should continue to be implemented.

#### **10. Recommendations and conclusion**

- **Stipends:** The payment of stipends should be organised and prepared before implementing the project with employers.
- **Mentor the paralegal learnership closely:** To minimise the risks of project failure; monitoring should be regular basis. This will help both SASSETA and the employers to identify and address potential risks that may hinder the objectives of the programme. The outcomes of the programme can further help identify new ways of doing things.
- **Effective communication between SASSETA and employers:** Regular communication promotes productive and operations to be more effective.



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