



**THE NORMS AND STANDARDS
APPROVED BY THE LEGAL PRACTICE
COUNCIL**

**APPLICATION FOR
ACCREDITATION AS A
PRACTICAL VOCATIONAL TRAINING
SERVICE PROVIDER**

LEGAL PRACTICE COUNCIL

APPLICATIONS FOR ACCREDITATION TO PRESENT THE PROGRAMME OF STRUCTURED COURSE WORK FOR PRACTICAL VOCATIONAL TRAINING

MANDATE OF THE LEGAL PRACTICE COUNCIL

VISION

Our vision is of a South Africa in which all South Africans have access to law and justice at an affordable fee, which in turn will contribute to improving the quality of life of all South Africans and the building of a peaceful, prosperous and democratic society where it matters not whether one is rich or poor because the courts are open to all.

MISSION

To provide legal practitioners and candidate legal practitioners in the legal profession with adequate training programmes as contemplated in the Legal Practice Act 28 of 2014.

MANDATE

The vision for the transformation of the legal profession is set out in the preamble to the Legal Practice Act. Central to this vision is the building of a legal profession that is broadly representative of the demographics of South Africa and that grasps the intellectual and professional challenges facing South Africans in the 21st century and meets the needs of legal practitioners and the development needs of our society and economy.

The building of such a system necessitates, among other things, the promotion of high standards of legal education and training, compulsory post-qualification professional development, continuing legal education and trial advocacy training not only in public universities, but also in organisations and institutions accredited by the Legal Practice Council: such courses need to be accessible and sustainable training courses for law graduates aspiring to be admitted and enrolled as legal practitioners having due regard to our inherited legacy and the aspirations of the new constitutional dispensation.

The accreditation of training institutions and organisations applies only to those which offer training programmes that contribute to the qualification of legal practitioners and candidate legal practitioners. Accreditation means that an institution or organisation is granted the legal authority to offer duly accredited programmes.

The aim of accrediting training institutions and organisations is to ensure that-

- (a) all accredited institutions and organisations offer a high quality of legal education as determined by the norms and standards applied by the Legal Practice Council;
- (b) all such institutions and organisations provide accessible and sustainable training of law graduates aspiring to be admitted and enrolled as legal practitioners;

- (c) all accredited institutions and organisations have the resources, capacity and expertise to deliver accredited programmes;
- (d) all accredited institutions and organisations will develop programmes in order to empower historically disadvantaged legal practitioners, as well as candidate legal practitioners; and,
- (e) the system continues on a path of transformation in accordance with the design of the Legal Practice Act and complementary government policy and regulation.

Accreditation can be seen as a means of protecting the integrity of the legal system and the interests of the public and the Constitution of the Republic of South Africa, 1996.

Chapter 2 of the Legal Practice Act deals specifically with training organisations and institutions. The Regulations for the accreditation of such institutions, of which this guide and the application form are an appendix, provide the legal framework within which the Legal Practice Council is required to regulate the accreditation of private institutions.

EXPLANATORY NOTE FOR APPLICATION FOR ACCREDITATION

The Council has considered the comments by the legal profession concerning the Norms and Standards published on 3 April 2020 in Government Gazette 43192. The Norms and Standards are the draft Guidelines for any application for accreditation to be made to the Council to present the practical vocational training.

Accordingly, the Council has adopted the amendments published in this Government Gazette. Applicants are requested to take note of the following three matters in particular.

First, the Council will accept applications for accreditation from natural and juristic persons, trusts, voluntary associations, non-profit organisations and non-governmental organisations.

Second, the Council will accept applications for accrediting a cluster of courses, or for courses dedicated to training candidate legal practitioners as attorneys, or referral advocates or non-referral advocates or for any combination thereof and will also consider applications for training candidate legal practitioners in all three forms of legal practice contemplated in section 34 of the Legal Practice Act. Applicants are requested to modify the Application Form at Tables 01, 02 and 03 to suit their preferred accreditation.

Third, the Council will accept applications for accreditation of courses where the applicant has not developed the course material itself but has obtained course material lawfully from any other relevant training institution.

GUIDELINES

Introduction

1. These are the guidelines for prospective applicants desiring to apply for accreditation to the Legal Practice Council (“the Council”).
2. All interested parties must apply for accreditation to the Council to present the practical vocational training (“PVT”) structured programmes for the year 2021 and thereafter. Those parties who have already received accreditation for the year 2020 must treat such accreditation as valid only for the year 2020. Accreditation henceforth will be valid for three years and must be renewed thereafter. The Council may withdraw accreditation at any time should an applicant fail to abide by the terms of accreditation.

The Guidelines

3. The purpose of these guidelines is to assist applicants to apply for accreditation. The guidelines are the following:
 - 3.1. In **Part A** the application process is set out: this includes the prescribed forms to be completed. Part A commences with the logistical requirements and contains the minimum standards applicants have to meet.
 - 3.2. The logistical requirements stipulated by the Council will be subject to verification and inspection by officials from the Council.
 - 3.3. Applicants must submit their course material for accreditation. The Council provides minimum standards and guidelines for teaching and training methods.
 - 3.4. In **Part B** the required curriculum and details of the course work are set out. Applicants must comply with the structured course work approved by the Council.
 - 3.5. The Council will approve or reject the applicant’s curriculum and course content. Applicants must comply with the Council’s norms and standards set out below.

PART A

Logistical Requirements

4. All applicants will have to meet the following requirements:
 - 4.1. There must be a comfortable teaching and learning environment;
 - 4.2. There must be a venue capable of accommodating the number of candidates the applicant wishes to train;
 - 4.3. The venue may be used as a moot court; this is not a compulsory requirement.
 - 4.4. The venue may accommodate break-away rooms for candidates to work on case studies. This is not a compulsory requirement;
 - 4.5. There must be reasonable access to basic textbooks and relevant legislation;
 - 4.6. There must be reasonable access to the internet for research purposes;
 - 4.7. The venue may be fitted with data projectors and screens with audio facilities; This is not a compulsory requirement;
 - 4.8. A computer room may be established to assist candidates to use technology;
 - 4.9. There should be access to refreshments;
 - 4.10. Ablution facilities must be provided;
 - 4.11. A rest area may be provided.

Site Visits

5. Applicants are informed that the Council will conduct site visits, upon reasonable notice to the training institution, to verify that minimum standards are met.

Training and Teaching Personnel

6. The Council will require that all teaching and training personnel be drawn from the ranks of experienced legal practitioners, lecturers and trainers. Applicants will be required to provide details of the number of trainers and facilitators to be deployed. All trainers and facilitators are expected to meet the norms and standards published by the Council. Minimum standards for teaching methods are stated below in Part B.

Non-Refundable Fee

7. Applicants will be expected to pay the following fees, in terms of the Rules:
 - 7.1. A non-refundable fee to be paid on application for accreditation; and
 - 7.2. A non-refundable fee to be paid on renewal of accreditation;
 - 7.3. The fee payable on application for accreditation is R 5 000 and must accompany the application. Absent payment, the application will not be processed.
 - 7.4. The fee payable for any renewal is R 2 500 and must accompany applications for renewal of accreditation.
 - 7.5. All fees will be subject to review by the Council.

Application Form

8. Applicants should complete the Application Form after having read these Guidelines. The Application Form is a separate document appended at the end of the Guidelines. See the document entitled APPLICATION FOR ACCREDITATION AS A TRAINING INSTITUTION (*In terms of s 6(5)(g) of the Legal Practice Act 28 of 2014*).

PART B

Curriculum and Structured Course Work

9. All applicants are required to provide details of the structured course work to be offered to candidate legal practitioners. The following is expected:
 - 9.1. A full description of every course on offer with details of the course content;
 - 9.2. Applicants must present their course materials and manuals. Course materials may be written by the applicants or lawfully obtained from any other training institution.
 - 9.3. Applicants must present a timetable for their part of the PVT programme, indicating the required hours of study and how those hours are earned. There must be an indication of how many hours of class study, case studies, independent study and on-line study are proposed.
 - 9.4. The applicant is expected to provide a brief and clear statement of what the candidate can expect to achieve on successful completion of each course (outcomes).
 - 9.5. Applicants must satisfy the Council that they can comply with the norms and standards. The Council may assess the teaching methodology.

Guidelines for Teaching Methods

10. The following are the basic guidelines for teaching and training candidate legal practitioners (“candidates”) in the PVT programme and optional programmes. This is not an exhaustive list: applicants are encouraged to develop their own training methods. Please note: The Council does not expect applicants to redo the LLB.
 - 10.1. An appropriate and well-managed presentation; reading to candidates from books and legislation serves no practical purpose;
 - 10.2. Instructors must remain relevant to the content being dealt with;
 - 10.3. Instructors must focus on the candidates’ understanding of the concepts and how to apply this in practice;
 - 10.4. Instructors should engage candidates by asking questions and calling for comment: candidates need to be encouraged to ask questions and participate;
 - 10.5. Instructors need to impress upon candidates that any drafting assignments be carried out without assistance and without the use of precedents;
 - 10.6. The course must be subdivided into appropriate units, lessons or modules;
 - 10.7. A sequential exposition is a must, with new material building on previous material;
 - 10.8. The use of a variety of approaches, including summaries, visual material and illustrative examples to illuminate particular concepts is encouraged;
 - 10.9. All instructors are to make candidates aware of recent judgments and amendments to legislation; and
 - 10.10. The inclusion of clear instructions to guide candidates through the material.
 - 10.11. Applicants must produce an assessment questionnaire for candidates who must complete the questionnaire at the end of each course.

Fees for Training the PVT Programme

11. Applicants who intend to charge fees for attendance at PVT programmes must disclose the amount in their application. **Proposed fees are subject to Council approval.**

Accreditation for Coursework

12. Applicants may apply for accreditation to provide the PVT programme. Applicants may also apply to provide the specialised courses in addition to the PVT programme or one or combination of the specialised courses.

- 12.1. The following is a list of such specialised courses:

- Trial Advocacy
- Legal Writing
- Drafting commercial contracts
- Accounts management
- Business practice and management
- Wills and estates
- Conveyancing
- Notaries

- 12.2. The courses above are typically three to five-day courses and are intensive. The course content and norms and standards are set by the Council. Applicants are expected to provide full details of the curriculum, coursework and outcomes.

- 12.3. Applicants must disclose the fees for such training in the application: the fees are subject to approval by the Council.

Financial Information

- 13.1 The Council must be satisfied, at least for the period that accreditation is sought, that the applicant is financially capable of sustaining the training programme. The Council will apply a flexible and reasonable assessment of the documentation the applicant presents for accreditation.

- 13.2 Applicants are requested to attach a copy of their lease agreement for the training facilities, or a copy of the Service Level Agreement with the hotel/conference venue where the training will take place, in the event that training is taking place in a physical venue. The Legal Practice Council reserves the right to conduct site visits to ensure the training venue is suitable and minimum standards are met at all times.

Quality Control

14. The Council is mandated to carry out oversight regarding the quality of training provided by applicants. Applicants are informed of the following:

- 14.1 A programme of quality control and oversight measures will be determined by the Council and published to all interested parties.
- 14.2 Applicants will be subjected to regular inspection;
- 14.3 Council staff may attend programmes to assess that minimum standards are being met;
- 14.4 Poor or indifferent quality will result in termination of accreditation.
- 14.5 The Council is committed to continuous improvement. Applicants are encouraged actively to improve course contents and training methods. The Council will release regular notices or newsletters to deal with new training materials and how to deal with changes and updates to the law and practice.

NORMS AND STANDARDS

- 15. Regulations 6(11) and 7(10) require the Council to provide training standardised in terms of norms and standards for the structured PVT coursework. The document, setting out the required norms and standards, is annexed to these Guidelines as Annexure B. All applicants for accreditation are expected to meet such standards.
- 16. Applicants are requested to prepare their applications for accreditation based on the norms and standards published by the Council. Applicants may modify Tables 01, 02 and 03 in the Application Form to suit their own accreditation request.

Certificate of Accreditation

- 17. The Council will issue all successful applicants for accreditation with a certificate of accreditation. The certificate will contain the date of issuance of accreditation and the time period during which the certificate remains valid.