DEPARTMENT OF HIGHER EDUCATION AND TRAINING (DHET)

SOUTH AFRICAN QUALIFICATIONS AUTHORITY (SAQA)

QUALITY COUNCIL FOR TRADES AND OCCUPATIONS (QCTO)

COUNCIL ON QUALITY ASSURANCE IN GENERAL AND FURTHER EDUCATION AND TRAINING (UMALUSI)

COUNCIL ON HIGHER EDUCATION (CHE)

Joint Communiqué 1 of 2012

INTERIM GUIDELINES ON THE REGISTRATION AND ACCREDITATION OF PRIVATE PROVIDERS OFFERING QUALIFICATIONS AND PART-QUALIFICATIONS IN THE TRADE AND OCCUPATIONAL SECTOR

AUGUST 2012
INTRODUCTION AND BACKGROUND

The legal situation relating to the registration of independent education institutions, including private skills providers, is as follows.

The NQF and sub-frameworks

The National Qualifications Framework Act, 2008 (Act 67 of 2008) (NQFA) provides for the National Qualifications Framework (NQF) which comprises three sub-frameworks, each of which is quality assured by a Quality Council (QC):

- The Occupational Qualifications Framework (OQF), quality assured by the Quality Council for Trades and Occupations (QCTO);
- The General and Further Education and Training sub-framework, quality assured by Umalusi; and
- The Higher Education sub-framework, quality assured by the Higher Education Quality Committee (HEQC) of the Council on Higher Education (CHE)

SAQA is placing all qualifications or part-qualifications currently on the NQF on the appropriate sub-framework. Such placement will determine which QC is responsible for the quality assurance of each qualification or part-qualification. Any uncertainty about such matters will be resolved by SAQA.

Registration of independent educational institutions and private skills providers

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) requires that an independent educational institution must be registered with the state (see Section 29(3)(b)). "Education" as used in Section 29 includes "training".

As a result of this provision, the Higher Education Act, 1997 (Act 101 of 1997) (HEA) and the Further Education and Training Colleges Act, 2006 (Act 16 of 2006) (FETCA) require private higher education institutions and FET colleges respectively to register with the Department of Higher Education and Training (DHET).
The Skills Development Act, 1998 (Act 97 of 1998) (SDA) in its current form, does not make provision for the registration, as contemplated in section 29 of the Constitution, of private skills development (SD) providers who offer qualifications or part-qualifications on the OQF. Such providers are at present only required by the SDA to be accredited by the QCTO and to seek accreditation for their qualifications and part-qualifications from the QCTO (or a suitable body to whom the QCTO has delegated the quality assurance function). Only the QCTO has the authority to quality assure SD providers who offer qualifications or part-qualifications on the OQF. No other QC has such authority.

Nevertheless, some SD providers offering qualifications or part-qualifications on the OQF have applied for accreditation by Umalusi or the CHE in order to be registered by DHET. This is not currently required by law and the practice will be discontinued until the law is changed.

The SDA was managed under the authority of the Minister of Labour until 2009 when it was transferred to the portfolio of the Minister of Higher Education and Training. As part of the policy development process for the South African post school system and to comply with section 29 of the Constitution the SDA is being reviewed. In due course it will be amended in order to require SD providers to register with the DHET. As indicated above, at present there is no such requirement.

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To clarify the situation and ensure consistency in the application of the relevant laws, the following guidelines will apply to private SD providers that offer qualifications or part-qualifications on the OQF. The guidelines will apply from the date of issue of this communiqué and will remain in operation until replaced by long-term arrangements.

- **Private SD providers who are not yet registered with the DHET and who wish to offer only OQF qualifications and part-qualifications on Levels 1 -10 are currently not required to register with the DHET. They must apply to the QCTO or the delegated body for accreditation to offer these qualifications or part-qualifications as an accredited SD provider.**
• Private SD providers who are already registered with the DHET for OQF qualifications or part-qualifications may continue with their current offerings, but do not need to apply for re-registration with the DHET when their registration period ends.

• Private SD providers who are currently registered with the DHET and wish to extend their scope of provision to offer additional qualifications or part-qualifications that are registered on the OQF need only to apply for accreditation with the QCTO or the delegated body.

It remains a requirement that all private SD providers offering full qualifications or part-qualifications on the OQF in terms of the SDA must be accredited by the QCTO or its delegated quality assurer, and such qualification or part-qualification must be registered by SAQA on the OQF.

These guidelines do not apply to the following:

• Independent education institutions or private providers that offer qualifications or part-qualifications on the other two NQF sub-frameworks, namely the Higher Education Qualifications Framework (HEQF) Levels 5 – 10 and the General and Further Education and Training Qualifications Framework (GFETQF) Levels 1 – 4. Such private providers or institutions must register with the DHET after accreditation by the HEQC or Umalusi respectively; and

• Independent schools, which must be registered as provided in the South African Schools Act, 1996 (Act 84 of 1996) or relevant provincial laws.

LONG TERM ARRANGEMENTS FOR ACCREDITATION AND REGISTRATION

These guidelines will be reviewed by the DHET, SAQA, the QCTO, Umalusi and the CHE during 2012-2013 and a long-term solution will be implemented as from a date to be announced.
Mr Gwebinkundla Qonde
Director-General: DHET
Date: 07/09/2012

Ms Joyce Mashabela
Chief Executive Officer: QCTO
Date: 14 Sept 2012

Dr Mafu Rakometsi
Chief Executive Officer: Umalusi
Date: 14/09/2012

Mr Ahmed Essop
Chief Executive Officer: CHE
Date: 14/09/2012

Mr Joe Samuels
Chief Executive Officer: SAQA
Date: 2012 - 9 - 13