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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Higher Education and Training, Department of/ Hoër Onderwys en Opleiding, Departement van			
118	Constitution of the Republic of South Africa (108/1996): The registration and accreditation of private education and training providers offering qualifications and part-qualifications on the occupational qualifications sub-framework	40613	4

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 118

10 FEBRUARY 2017

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 COMMUNIQUE 1 OF 2016

**THE REGISTRATION AND ACCREDITATION OF PRIVATE EDUCATION AND TRAINING
PROVIDERS OFFERING QUALIFICATIONS AND PART-QUALIFICATIONS ON THE
OCCUPATIONAL QUALIFICATIONS SUB-FRAMEWORK**

AUGUST 2016



1. INTRODUCTION AND BACKGROUND

This Communiqué replaces the 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*. This Communiqué does not apply to private colleges, private higher education and training institutions and independent schools that offer qualifications and/or part-qualifications on the General and Further Education and Training Qualifications Sub-Framework (GFETQSF) or the Higher Education Qualifications Sub-Framework (HEQSF). These providers must be registered as provided for in their respective legislation as stipulated under section 2.2 of this Communiqué. As indicated in the title page, this Communiqué refers to private education and training providers that offer qualifications and part-qualifications on the Occupational Qualifications Sub-Framework (OQSF).

2. THE LEGISLATIVE CONTEXT

2.1 Article 29(3) of the *Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)* states that:

Everyone has the right to establish and maintain, at their own expense, independent educational institutions that:

- Do not discriminate on the basis of race;
- Are registered with the state; and
- Maintain standards that are not inferior to standards at comparable public educational institutions.

2.2 This means that independent private educational institutions and/or private education and training providers must be registered with the state, in this case, the Department of Higher Education and Training (DHET) and maintain standards that are not inferior to standards at comparable public educational institutions. The following sets of legislation govern the registration of private education and training providers:

2.2.1 Higher Education Act, Act No. 101 of 1997 ("the Act") as per Chapter 3 of the Act;

2.2.2 Continuing Education and Training Colleges Act, Act No.16 of 2006 ("the CET Act") as per Section 28 of the Act;

2.2.3 National Qualifications Framework Act, Act No. 67 of 2008 ("the NQF Act"); and

2.2.4 Skills Development Act, Act No. 97 of 1998 ("the SD Act"). The Skills Development Act in its current form does not make provision for the registration, of private education and training providers who offer qualifications and part-qualifications residing on the Occupational Qualifications Sub-Framework (OQSF), as contemplated in Section 29 of the Constitution. Such providers are at present only required by the Skills Development Act to be accredited by the Quality Council for Trades and Occupations (QCTO) and to seek accreditation for their qualifications and/or part-qualifications from the QCTO (or a body to whom the QCTO has delegated the quality assurance function). The QCTO remains responsible and accountable for the outcomes of delegated quality assurance functions.

2.2.4.1 In this regard, the following issues are highlighted:

- a. The SD Act 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 SD Act is being reviewed by the Department of Higher Education and Training.
- b. Whilst the SD Act is subservient to the Constitution, the registration of private education and training providers under the SD Act was not possible to implement since there were no comparable public institutions against which to compare a private education and training provider. Further, the *Education White Paper 3, A Programme for the Transformation of Higher Education, 1997* was silent on the registration of private education and training providers.
- c. However, in the second phase of policy making, the *White Paper for Post-School Education and Training: Building an Expanded, Effective and Integrated Post-School System, 2013* states that skills development will be primarily offered through the public universities and Technical and Vocational Educational and Training (TVET) colleges. This provides the basis on which qualifications and part-qualifications offered in private higher education and training institutions and private colleges are comparable to those offered in public educational institutions. The basis of comparison allows for the registration of private education and training providers with the Department of Higher Education and Training (DHET).

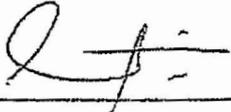
3. PROCESS FOR THE REGISTRATION OF PRIVATE EDUCATION AND TRAINING PROVIDERS OFFERING QUALIFICATIONS AND PART-QUALIFICATIONS IN THE OCCUPATIONAL QUALIFICATIONS SUB-FRAMEWORK

- 3.1 The registration of private education and training providers takes its point of departure from the type of qualification offered and its placement on the *National Qualifications Framework (NQF) vis-à-vis* the three Qualifications Sub-Frameworks, which have been established by the NQF Act and quality-assured and accredited by a Quality Council (QC). The three Qualifications Sub-Frameworks and their QCs are as follows:
 - a. The *Occupational Qualifications Sub-Framework (OQSF)* managed by the *Quality Council for Trades and Occupations (QCTO)*;
 - b. The *General and Further Education and Training Qualifications Sub-Framework (GFETQSF)* managed by UMALUSI; and
 - c. The *Higher Education Qualifications Sub-Framework (HEQSF)* managed by the *Council on Higher Education (CHE)*.
- 3.2 The process of registering as a private education and training provider for qualifications and/or part-qualifications on the OQSF are as follows:
 - a. Private education and training providers may only be registered for qualifications and/or part-qualifications which are registered on the NQF.

- b. The private education and training provider must lodge an application for registration as a provider with the DHET as follows:
 - i. for OQSF qualifications at NQF Levels 1 to 6, with the Directorate: Private Colleges (the guide and forms for registration are available on the Department's website at [www.dhet.gov.za/Organization/Technical Vocational Education and Training](http://www.dhet.gov.za/Organization/Technical_Vocational_Education_and_Training); hard copies may be requested from the Directorate);
 - ii. for OQSF qualifications at NQF Levels 7 and 8, with the Directorate: Private Higher Education Institutions (the guide and forms for registration are available on the Department's website at [www.dhet.gov.za/Organization/University Education](http://www.dhet.gov.za/Organization/University_Education); hard copies may be requested from the Directorate);
 - iii. for private education and training providers offering qualifications at NQF Levels 6, 7 and 8 of both the OQSF and the HEQSF must be accredited by the QCTO and the CHE respectively and registered by the DHET to operate as a private college or private higher education institution;
 - iv. private education and training providers are required to lodge an application for accreditation with the QCTO; this may be done concurrently with the registration process.

3.3 For consistency in the application of the relevant laws, the following process will apply to private education and training providers that offer qualification and/or part-qualifications on the OQSF. ***These procedures will apply from the date of issue of this Communiqué and will remain in operation until replaced.***

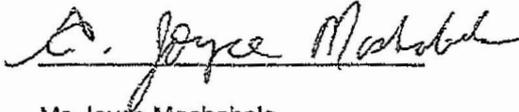
- a. Accredited private education and training providers which are not registered with the DHET but are currently accredited to offer OQSF qualifications and/or part-qualifications must register with the DHET. Details on the registration are available on the Department's website at www.dhet.gov.za. Applications for registration must be submitted by 30 June 2017 to the relevant Directorates in the DHET (see 3.2.b.i and ii). All registrations must be completed by 1 January 2018.
- b. Private education and training providers which are already registered with the DHET for OQSF qualifications and/or part-qualifications may continue with their current offerings. They are required to apply for re-registration with the DHET when their registration ends, but not later than 1 July 2018. Applications for re-registration must be addressed to the relevant Directorates in the DHET.
- c. Private education and training providers currently registered with the DHET for qualifications and/or part-qualifications on the GFETQSF and the HEQSF wishing to extend their scope of provision to offer additional qualifications and/or part-qualifications that are registered on the OQSF need only to apply with the QCTO for accreditation of these additional qualifications and part-qualifications and submit a request to the DHET to amend their registration to include the additional accredited qualifications and/or part-qualifications. Such applications must be directed to the relevant Directorates in the DHET (see 3.2.c)



Mr Gwebinkundia Qonde

Director-General: DHET

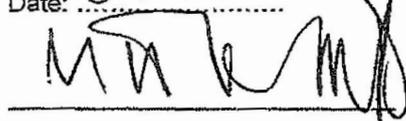
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Ms Joyce Mashabela

Chief Executive Officer: QCTO

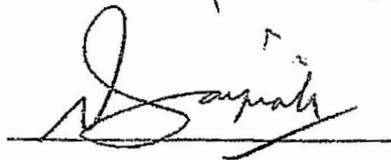
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Dr Mafu Rakometsi

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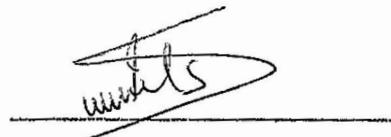
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Prof Narend Baijnath

Chief Executive Officer: CHE

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Mr Joe Samuels

Chief Executive Officer: SAQA

Date: 2016-11-25

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