

**DEPARTMENT OF EDUCATION**

**NOTICE 633 OF 2018**

**SCHEDULE**

**REGULATIONS FOR THE QUALITY ASSURANCE OF PRIVATE COLLEGES FOR CONTINUING EDUCATION AND TRAINING, OFFERING QUALIFICATIONS REGISTERED ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK, AND THE ACCREDITATION OF PRIVATE ASSESSMENT BODIES**

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**ABBREVIATIONS AND ACRONYMS**

ABET	Adult Basic Education and Training
AET	Adult Education and Training
CET	Continuing Education and Training
DG	Director General of the Department of Higher Education and Training
DHET	Department of Higher Education and Training
GENFET	General and Further Education and Training
GFETQSF	General and Further Education and Training Qualifications Sub-Framework
NQF	National Qualifications Framework
QC	Quality Council
SAQA	South African Qualifications Authority
TVET	Technical Vocational Education and Training



## CHAPTER 1

### DEFINITIONS, PURPOSE AND APPLICATION

#### 1. Definitions

The purpose of these definitions is to define the terminology used in developing these Regulations.

In these Regulations-

- (a) any word or expression to which meaning has been assigned in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* and the *General and Further Education and Training Quality Assurance Act 2001, (Act No. 58 of 2001)*, shall have the meaning so assigned to it, unless the context otherwise indicates-
- (b) the singular shall include the plural and *vice versa*-

**“acknowledgement of receipt of application for accreditation”** – means Umalusi has received a completed self-evaluation report from a private college;

**“accreditation”** – means the outcome of a quality assurance process of evaluating-

- (a) a private assessment body to determine whether its capacity, systems, processes and products are of the appropriate quality to deliver valid, reliable, fair and credible assessments and
- (b) a private college to determine whether it has, in accordance with the criteria for quality assurance as set out in these Regulations, the capacity to offer a qualification or part-qualifications or programmes leading to a qualification on the General and Further Education and Training Qualifications Sub-framework;

**“assessment”** - means the process of identifying, gathering and interpreting information about a learner’s achievement in order to-

- (a) assist the learner's development and improve the process of learning and teaching; and
- (b) evaluate and certify competence in order to ensure qualification credibility. Assessment includes national examinations and site-based assessment;

**“assessment body”** - means a juristic body accredited by Umalusi Council to quality assure internal assessment and conduct external examinations, or a department of education;

**“assessed curriculum”** – means the part of the intended curriculum which features in assessment or examinations;

**“certification”** - means the formal recognition by Umalusi Council of a qualification or part qualification awarded to a successful learner;

**“college”** – means

- (a) a public college that is established or declared in terms of the *CET Act* as-
  - (i) a technical and vocational education and training college; or
  - (ii) community education and training college; or
- (b) a private college offering Adult Education and Training and/or Further Education and Training programmes leading towards the achievement of a qualification or part-qualification on the General and Further Education and Training Qualifications Sub-Framework;

**“continuing education and training”** – means all post-school learning and training programmes leading to qualifications or part-qualifications on the General and Further Education and Training Qualifications Sub-Framework;

“**Council**” – refers to Umalusi, the Quality Council for General and Further Education and Training; as contemplated in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, and the *General and Further Education and Training Quality Assurance Act 2001, (Act No. 58 of 2001)*;

“**curriculum**” - means a statement which encompasses three components: intended curriculum, enacted curriculum and assessed curriculum; curriculum framework, and means the same as programme;

“**Department of Education**” – means the Department of Higher Education;

“**Director-General**” – means the Director-General of the Department;

“**education institution**” – means an education institution which has been established, declared or registered under the-

- (a) *South African Schools Act, 1996 (Act No. 84 of 1996)*; and
- (b) *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*;

“**examination centre**” – means a private college registered and managed by a private accredited or public assessment body as a venue for their candidates;

“**exit point**” - means a point in General and Further Education and Training at which a learner is required to demonstrate competence with a view to obtaining a documentary proof of **proficiency**;

“**external assessment**” - means assessment conducted by a public or **accredited** private assessment body, the outcomes of which count towards the achievement of a qualification or part-qualification, and means the same as external examination;

**“external moderation”** – means the authentication of internal and external assessment conducted by Umalusi;

**“Further Education and Training”** - means all learning and training programmes leading to qualifications or part-qualification, and means the same as external examination on Levels 2, 3 and 4 of the National Qualifications Framework (NQF);

**“General and Further Education and Training Qualifications Sub-framework”** - means the Sub-framework of the NQF for General and Further Education and Training that is developed and managed by Umalusi;

**“General Education and Training”** – means all learning and training programmes leading to a qualification or part-qualification on level 1 of the National Qualifications Framework;

**“Internal assessment”** – means any assessment, conducted by an education institution, the outcomes of which count towards the achievement of a qualification or part-qualification;

**“learner”** - means any person receiving or obliged to receive education at any education institution within the general and further education and training sectors;

**“learning programme”** – means a structured and purposeful set of learning experiences that leads to a qualification or part-qualification;

**“Letter of intent”** – means the private college or private assessment body’s indication of its intent to apply for accreditation;

**“Minister”** - means the Minister of Higher Education and Training;

**“moderation”** – means a process which ensures that assessment of the outcomes described in the National Qualifications Framework standards or qualifications is fair, valid and reliable;

**“part-qualification”** – means an assessed unit of learning with a clearly defined purpose that is, or will be, registered as part of a qualification on the National Qualifications Framework (NQF);

**“National Qualifications Framework”** (NQF) means the national qualifications framework contemplated in the *National Qualifications Framework Act, 2008*;

**“private college”** – means any college that provides continuing education and training on a full-time, part-time or distance basis and which is registered or provisionally registered as a private college in terms of *Chapter 6 of the Continuing Education and Training Act, 2006*;

**“private education institution”** as contemplated in the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;

**“programme”** – means the same as curriculum in the Act and in these Regulations;

**“provisional accreditation”** - means the granting of accreditation for a limited time to a private college or private assessment body that has applied for accreditation to enable such private college or private assessment body to comply with the requirements to offer or assess respectively, a qualification or part-qualification or programmes leading to a qualification or part-qualification on the General and Further Education and Training Qualifications Sub-framework;

**“public college”** – means any college that provides continuing education and training on a full-time, part-time or distance basis which is-

- (a) established or regarded as being established as a public college under section 3 of the *Continuing Education and Training Act, 2006*; or
- (b) declared as a public college under section 4 of the *Continuing Education and Training Act, 2006*;

**“qualification”** – as contemplated in the *National Qualifications Act, 2008 (Act No.67 of 2008)*;

**“quality”** – means meeting the set criteria, standards and requirements;

**“quality assurance”** - means the process of measuring, evaluating and reporting on quality against standards, and monitoring for ongoing improvement in the qualification or part-qualification, the curriculum, the assessment, the implementation and delivery of the curriculum and the capacity of the institution or assessment body to offer and/or assess the qualification or part-qualification;

**“Quality Council (QC)”** - as contemplated in the *National Qualifications Framework Act, 2008 (Act No.67 of 2008)*;

**“registered qualification”** – means a qualification registered on the *National Qualifications Framework* in terms of *section 13(1)(h)* of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

**“Registrar”** – means the Director-General of the Department of Higher Education and Training;

**“requirements”** - means requirements as established by these Regulations as determined by Council in respect of the quality assurance

of private, colleges for continuing education and training, and accreditation of an assessment body;

“**Umalusi**” – means, the Quality Council for General and Further Education and Training established by the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*. In terms of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, it is tasked to support the achievement of the objectives of the NQF and to develop and manage the General and Further Education and Training Qualifications Sub-Framework.

## 2. Purpose

- (1) The *General and Further Education and Training Quality Assurance Act, 2001 (Act No. No. 58 of 2001)* (hereafter referred to as the *GENFETQA Act*), enables Umalusi to-
  - (a) develop in accordance with *section 17A(2)(a)* policy and criteria for the quality assurance, accreditation and monitoring of private education institutions; including private colleges as contemplated in the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*, hereafter referred to as the *CET Act*;
  - (b) translate in accordance with *section 17A(2)(b)*, the policy, contemplated in *sub-regulation 1(a)* into regulations;
  - (c) regulate in accordance with *section 17A(2)(c)* the process for accreditation of a private assessment body seeking to offer a qualification registered on the General and Further Education and Training Qualifications Sub-framework through a quality assurance process that may lead to accreditation;
  - (d) monitor private assessment bodies in accordance with a set of regulated accreditation criteria.

- (e) accredit assessment bodies, subject to the outcome of the accreditation process as contemplated in *sub-regulation (c)* above; and
  - (f) affirm or withdraw the accreditation status of the private college concerned.
- (2) The *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* (hereafter referred to as the *NQF Act*) provides for the establishment of Umalusi as a Quality Council that is responsible for the development and management of a Sub-framework of qualifications at Levels 1-4 of the National Qualifications Framework and the related quality assurance processes.

### 3. Application

- (1) These Regulations apply to-
- (a) private colleges registered in terms of the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*, (hereafter referred to as the *CET Act*) as amended by the *Further Education and Training Colleges Amendment Act, 2013 (Act No. 1 of 2013)*, and offering qualifications or part-qualification which are registered on the GFETQSF;
  - (b) private assessment bodies that quality assure formal internal assessment and conduct external assessment in accordance with the regulatory framework outlined in the national policies that govern the qualifications or part-qualifications they assess.
- (2) In the event of a conflict between the *NQF Act*, the *Higher Education Act, 1997 (Act No 101 of 1997)*, the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)* as amended by the *Further Education and Training Colleges Amendment Act, 2013 (Act No. 1 of 2013)*, the *Skills Development*



*Act, 1998 (Act No 97 of 1998) and the GENFETQA Act, the NQF Act, must be given preference.*

## CHAPTER 2

### LEGISLATIVE CONTEXT

#### 4. Underpinning legislation

- (1) These Regulations are premised on the following acts-
  - (a) The *Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)*;
  - (b) *NQF Act, 2008*;
  - (c) *GENFETQA Act, 2001*; and
  - (d) *CET Act, 2006*.
  
- (2) *Section 4 of the Constitution of the Republic of South Africa, 1996* stipulates that everyone has the right to establish and maintain, at their own expense, independent educational institutions that-
  - (a) do not discriminate on the basis of race;
  - (b) are registered with the state; and
  - (c) maintain standards that are not inferior to standards at comparable public educational institutions.
  
- (3) The *NQF Act* provides for the establishment of Umalusi as a Quality Council that is responsible for the development and management of a Sub-framework of qualifications at Levels 1-4 of the National Qualifications Framework and the related quality assurance processes.
  - (a) The said Act determines that the Quality Council must, in respect of quality assurance within its Sub-framework-
    - (i) develop and implement policy for quality assurance, which in accordance with *section 17A(2)(b)*, must be translated into regulations;
    - (ii) ensure the integrity and credibility of quality assurance; and

- (iii) ensure that quality assurance as is necessary for the Sub-framework is undertaken.
  
- (b) In order to determine and maintain the standard of qualifications or part-qualifications registered on the GFETQSF, Umalusi as Quality Council must ensure-
  - (i) that qualifications or part-qualifications are registered on the GFETQSF, in terms of both the *NQF Act* and the *GENFETQA Act*;
  - (ii) that private colleges that offer provision towards the achievement of such qualifications are quality assured and accredited to offer the curriculum that supports such qualifications or part-qualifications;
  - (iii) that assessment bodies and systems that externally examine such qualifications or part-qualifications are accredited to do so and monitored; and
  - (iv) the conduct of national external examinations for qualifications or part-qualifications on the GFETQSF is monitored and moderated.
  
- (4) The *GENFETQA Act* stipulates that the Council must in terms of *sections 17A(2), 23(1) and 24* respectively, develop the underpinning policy and criteria for these Regulations-
  - (a) the accreditation of assessment bodies other than **departments of education**; and
  - (b) the quality assurance of private colleges offering qualifications or part qualifications on the GFETQSF.

- (5) The *CET Act* which commenced on 11 December 2006, repealed the *Further Education and Training Act, 1998 (Act No. 98 of 1998)* and the *Adult Education and Training Act, 2000 (Act No. 52 of 2000)* to determine the following-
- (a) Institutions offering qualifications or part-qualifications on the GFETQSF-
- (i) Technical Vocational Education and Training Colleges;
  - (ii) Community Education and Training Colleges;
  - (iii) Public and Private Community Learning Centres; and
  - (iv) Private Colleges as defined in terms of these Regulations.
- (b) In terms of the *NQF Act*, Umalusi is responsible for the following qualifications listed on the GFETQSF-
- (i) National Certificate (Vocational) NC(V), *Government Gazette, No. 28677 of 29 March 2006*;
  - (ii) Reports 190/191 PART 1: Engineering Studies (N1-3) programmes, *Report 191 Government Gazette, No. 38029 of 29 September 2014, Part 1: N1-N3*, Department of Education, (2001/08);
  - (iii) National Senior Certificate for Adults (NASCA), *Government Gazette, No. 33805 of 26 November 2010*;
  - (iv) General Education and Training Certificate, ABET Level 4;
  - (v) General Education and Training Certificate for Adults (GETCA), *Government Gazette, No. 39218 of 18 September 2015.*; and

- (vi) future qualifications or part-qualifications registered on the GFETQSF to be offered at private colleges.

## 5. Development of the Regulations

- (1) Although not specifically required, regulations for the quality assurance, accreditation and monitoring of private colleges have been developed in accordance with *section 27* of the *GENFETQA Act*, which enable the Minister to make regulations regarding any matter which it is necessary or expedient to prescribe in order to achieve the objectives of the *GENFETQA Act*. The regulations for the quality assurance, accreditation and monitoring of private colleges are stipulated in Chapters 4-6.
- (2) In pursuance of the legal requirement to develop policy for the quality assurance and accreditation of private colleges and private assessment bodies, as contemplated in *Regulation 4(4)*, *Umalusi's Policy for Quality Assurance of Private Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies* was developed. The policy was promulgated as Government Notice No 528, published in *Government Gazette No 33237* of 28 May 2010.
- (3) In compliance with *sections 17A(2)(b) and 17A(2)(c)* of the *GENFETQA Act*, regulations pertaining to the quality assurance, accreditation and monitoring of private assessment bodies have been developed as contemplated in Chapters 7-9.

## 6. Supplementary documents

These Regulations must be read in conjunction with the following policy documents-

- (1) General and Further Education and Training Qualifications Sub-framework, promulgated in *Government Gazette No. 36006* of 14 December 2012, as amended in *Government Gazette No. 36803* of 30 August 2013, and published on 8 September 2014;
- (2) Standard Setting and Quality Assurance of the General and Further Education and Training Qualifications Sub-framework, Umalusi, 2014;
- (3) A Policy for the Management of Qualifications on the General and Further Education and Training Qualifications Framework, a Sub-framework of the National Qualifications Framework;
- (4) *National Policy on the Conduct, Administration and Management of the Assessment of the National Certificate (Vocational)*, *Government Gazette No. 30287* of 12 September 2007;
- (5) *Internal Continuous Assessment (ICASS) Guidelines for Report 191 Programmes in TVET Colleges implementation January 2017*;
- (6) *Internal Continuous Assessment (ICASS) Guidelines for the NC(V) Qualifications in TVET Colleges implementation January 2017*; and
- (7) National Policy on the Examination of Formal Technical College Instructional Programmes.

**CHAPTER 3****QUALIFICATIONS ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK****7. Qualifications on the General and Further Education and Training Qualifications Sub-framework (GFETQSF)**

- (1) In terms of *section 3* of the *NQF Act*, every qualification or part-qualification, offered in the Republic by education institutions, must be registered on the NQF in accordance with the said Act.
- (2) In accordance with the aim of the *NQF Act* Umalusi's mandate is limited to qualifications and part qualifications which are registered on the GFETQSF at Levels 1-4 of the NQF.
- (3) The qualifications and part-qualifications are used as benchmarks of quality in the education and training system. Standards are embedded in qualifications or part-qualifications, their related curricula/programme and assessment requirements, and in the type and extent of knowledge, skills and competence that the learner is expected to acquire as expressed in these documents.

## CHAPTER 4

### QUALITY ASSURANCE OF PRIVATE COLLEGES

#### 8. Quality Assurance process

- (1) Umalusi Council is required to quality assure private colleges which means that such private colleges are required to participate in a process that measures against standards, the college's capacity to deliver a qualification or part-qualification and its supporting curriculum/programme, and the quality of the implementation of such, at the required standard.
- (2) If the private college meets the standards as contemplated in *sub-regulation (1)*, the private college is accredited for a period of 7 (seven) years to offer the specific qualification or part qualification registered on the General and Further Education and Training Qualifications Sub-framework (GFETQSF).
- (3) Private colleges that are granted provisional accreditation are required to address areas of partial compliance within a period not exceeding two years.
- (4) However, should the private college fail to comply with the standards as contemplated in *sub-regulation (1)*, it will not be accredited.
- (5) Accredited private colleges are monitored to ensure continued meeting of the standards, as contemplated in *sub-regulation (1)*, is monitored for ongoing improvement.



- (6) Quality assurance of private colleges, as contemplated in *sub-regulation (1)*, is carried out through processes that include-
- (a) application for accreditation to offer a qualification or part-qualification on the GFETQSF;
  - (b) self-evaluation by the private college to enhance an internal culture of quality management and ongoing improvement;
  - (c) a desktop evaluation of the self-evaluation report;
  - (d) external validation to ensure that the private college meets the regulated criteria, national policy and regulations and to ensure a benchmarked standard of provision and college improvement.
  - (e) granting of accreditation or provisional accreditation or no accreditation by Umalusi; and
  - (f) periodic monitoring to ensure maintenance of standards and continued improvement.

## 9. Quality Assurance of Private Colleges

- (1) Any institution that is required to register as a private college must in terms of *section 23* of the *GENFETQA Act*, comply with the criteria for quality assurance developed by Umalusi.
- (2) In terms of *section 3* of the *NQF Act*, every qualification or part-qualification, offered in South Africa by education institutions, must be registered on the NQF in accordance with the said *Act*.
- (3) In accordance with the aim of the *NQF Act* Umalusi's mandate is limited to qualifications and part qualifications which are registered on the GFETQSF at Levels 1-4 of the NQF.

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- (4) Quality assurance of private colleges must in terms of *section 43(2)* of the *CET Act* be conducted by Umalusi in terms of the *GENFETQA Act*.
  - (5) The criteria for the accreditation of private colleges, as contemplated in Chapter 6 of these Regulations, are intended to assess, *inter alia* the effectiveness of the implementation of the curriculum/programme of a qualification or part-qualification on the GFETQSF and includes its internal assessment.
  - (6) Based on the outcome of the quality assurance process as contemplated in *Regulation 2(1)(a)*, and subject to the compliance with the criteria for accreditation contemplated in *Chapter 6* of these Regulations, accreditation for a period of 7 (seven) years to offer a registered qualification or part-qualification on the GFETQSF and the related curriculum/programme may be granted to a private college by Umalusi.
  - (7) Private colleges that are granted provisional accreditation are required to address areas of partial compliance within a period not exceeding two years.

## CHAPTER 5

### THE REGISTRATION AND ACCREDITATION OF PRIVATE COLLEGES

#### 10. Registration process

- (1) Private colleges are only able to operate legally in South Africa subject to registration by the Department of Higher Education and Training.
- (2) Private colleges obtain registration in terms of the conditions as determined by the Department of Higher Education and Training, before applying for accreditation with Umalusi.
- (3) The criteria for the registration of private colleges are stipulated in *sections 28 and 29 of the CET Act*-  
No person other than a public college or any organ of the state may provide continuing education and training unless that person is-
  - (a) incorporated or recognised as a company in terms of the *Companies Act, 2008 (Act No. 71 of 2008)*; and
  - (b) registered or provisionally registered as a private college in terms of the CET Act.
- (4) An application for registration as a private college must be made to the registrar, which is the Director-General for Higher Education and Training, in a manner determined by the registrar.
- (5) The registrar must register an applicant as a private college if the registrar has reason to believe that the applicant-
  - (a) is financially capable of satisfying its obligations to prospective learners; and
  - (b) with regard to all its continuing education and training qualifications or part-qualifications-

- (i) will maintain acceptable standards that are not inferior to standards at comparable public colleges;
  - (ii) will comply with the requirements of Umalusi; and
  - (iii) complies with any other reasonable requirement prescribed by the Minister of Higher Education and Training.
- (6) In terms of the *Further Education and Training Colleges Amendment Act, 2013 (Act No. 1 of 2013)*, any college that is in existence immediately before the commencement of the *CET Act* continues to exist as a vocational and continuing education and training college and is deemed to have been established as a technical and vocational education and training college in terms of *section 3(1)(a)* of the Principal Act as amended by the *CET Act*.
- (7) A private AET Centre registered in terms of *sections 26 and 27* of the *AET Act*, which registration is still valid immediately before the commencement of the *CET Act*, is deemed to be provisionally registered in terms of the principal Act as amended by the *CET Act* for the duration of the registration period set in terms of the *AET Act*.
- (8) Notwithstanding the afore-mentioned *sub-regulation (7)*, a private adult education and training centre referred to above, must within 12 months from the date of commencement of the *CET Act* or such extended period as the Minister may determine by notice in the *Government Gazette*, and apply to be registered in terms of the principal Act as amended by the *CET Act*.

## 11. Accreditation process

- (1) Private colleges offering a qualification or part-qualification on the GFETQSF that received registration, as contemplated in *regulation 10*, must apply to Umalusi for accreditation within **one year** after registration, subject to certain requirements to be met

within a specified period, has been granted by the Department of Higher Education and Training.

- (2) Accreditation is considered within a period of **one year** after the date of receipt of the application for accreditation.
- (3) Umalusi will advise the Registrar on the outcome of the application of the private college for accreditation.
- (4) In order for a private college to conduct external assessments for a qualification or part-qualification on the GFETQSF, such a private college must be-
  - (a) registered by the Department of Higher Education and Training as a private college;
  - (b) accredited to offer a registered qualification or part-qualification; and
  - (c) registered as an examination centre with a public or an accredited private assessment body.

## **12. Accreditation process criteria**

- (1) The quality assurance of private colleges has as its key focus the enactment of curriculum through-
  - (a) mission directed leadership and management that enables curriculum implementation;
  - (b) teaching proficiency, including appropriate pedagogy and methodology;
  - (c) quality internal assessment;
  - (d) learner learning and support; and
  - (e) quality assurance measures in support of the continuous improvement of results.

- (2) The quality assurance of a private college entails the recognition of the private college to offer the specific qualification or part-qualification on the GFETQSF. A private college must have-
- (a) a mission in line with national goals and appropriate to the sector;
  - (b) sufficient resources, programmes, and services to accomplish and sustain the mission;
  - (c) clearly specified educational objectives consistent with the mission;
  - (d) quality assurance practices that will ensure continuous improvement in terms of the enactment of the curriculum through teaching, learning and assessment;
  - (e) the capacity to use assessment results (internal and external) to diagnose and, if required, remedy teaching, learning and assessment; and
  - (f) the ability to take responsibility for the conduct and standard of internal continuous assessment, as well as undertake external assessment, as per the directives, policies and regulations of the QC and the relevant qualification or part-qualification.
- (3) If the private college meets the standards as contemplated in the afore-mentioned *sub-regulation (2)*, the private college is accredited to offer the specific qualification or part-qualification registered on the GFETQSF. However, should the private college fail to comply with the standards as contemplated in *sub-regulation (2)*, the institution will not be accredited.

## CHAPTER 6

### MINIMUM COMPLIANCE STANDARD FOR THE ACCREDITATION OF PRIVATE COLLEGES

#### 13. Minimum standard for compliance for accreditation by private colleges

The set of criteria for the accreditation of private colleges constitutes the minimum standard that private colleges are expected to comply with. The standard is evaluated in three inter-related areas, namely-

- (1) Input criteria that focus on the standard of input factors which include management and leadership, resources and all other enablers of a conducive environment for effective teaching and learning.
- (2) Process criteria which are used to assess the effectiveness of internal quality management and standards of curriculum implementation and assessment as well as any other processes that are intended to lead to the achievement of the private college's stated goals.
- (3) Output criteria that focus on the quality of assessment outcomes or results as well as other indicators of success.

#### **14. Criteria for Quality Assurance, Accreditation and Monitoring of Private Colleges**

(1) A private college is accredited to offer specific qualifications or part-qualifications and their associated curricula registered on the GFETQSF.

(2) The criteria for the accreditation of a private college to offer a qualification or part-qualification on the GFETQSF are-

##### **(a) Criterion 1: Mission Directed Leadership and Management**

(i) Mission directed leadership and management which are concerned with-

(aa) the attainment of the vision and mission as informed by-

(aaa) its legal framework and context;

(bbb) national priorities;

(ccc) strategic leadership and effective governance structures and strategies; and

(ddd) the effectiveness with which the qualification or part-qualification mix and provision is selected, planned, managed, quality assured and improved;

(bb) the appropriate allocation of resources to ensure that the institution is viable and sustainable;

(cc) a reflection of the institutional commitment to monitor and evaluate in order to improve quality; and



(dd) the establishment of the required infrastructure and processes to ensure quality provision.

**(b) Criterion 2: Teaching, Learning and Training**

- (i) The private college is professionally staffed to support the qualifications or part-qualifications it offers.
- (ii) Learning and assessment are at the core of the enactment of the curriculum.
- (iii) The private college implements the curriculum and assessment requirements at the required standard and in accordance with the directive, policy and regulation requirements of the qualifications or part-qualifications registered on the GFETQSF.
- (iv) The curriculum is enacted to reflect appropriate instructional approaches that support learning in respect of qualifications or part-qualifications the institution is accredited to offer.
- (v) Suitable learning programmes and materials in support of the qualifications or part-qualifications offered are developed.
- (vi) Teaching proficiency is increased through the development of appropriate pedagogy and methodology by means of staff development.

**(c) Criterion 3: Assessment and Results**

- (i) The private college manages and conducts internal continuous assessment of an acceptable standard and in line with directives policies and regulations of the qualification and provides developmental feedback to learners.

- (ii) The private college is registered as an examination centre that undertakes external assessment in compliance with the directives, policies and regulations of Umalusi and the relevant qualification.
- (iii) Quantitative and qualitative data are used to track learner achievement and improve learner success.

**(d) Criterion 4: Learner Support**

Learner support is evident through-

- (i) academic guidance and support; and
- (ii) career guidance and support.

## CHAPTER 7

### QUALITY ASSURANCE OF PRIVATE ASSESSMENT BODIES

#### 15. Accreditation requirement

The Minister must in terms of *section 17A(2)(b)* make regulations in which the policy for accreditation is set out and in accordance with these Regulations the Council must accredit a private assessment body.

#### 16. Accreditation status

- (1) The accreditation of an assessment body entails the recognition of the private assessment body to assess the qualification or part-qualification on the GFETQSF.
- (2) Considering the afore-mentioned *sub-regulation (1)*, private assessment bodies are required to obtain accreditation with Umalusi to assess a qualification or part-qualification on the GFETQSF.
- (3) An assessment body must have-
  - (a) clearly defined goals that are in line with national policies and that relate to the assessment of national qualifications or part-qualifications;
  - (b) sufficient resources to realise their goals;
  - (c) demonstrated evidence of achieving their goals; and
  - (d) demonstrated capacity to fulfil their functions; and
  - (e) provide sufficient reason for the QC to believe that they can continue to achieve its goals.

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- (4) Accreditation is granted to a private assessment body if such assessment body-
- (a) has the capacity to manage or coordinate national examinations and assessment of learner achievement in respect of qualifications or part-qualifications it offers.
  - (b) demonstrates the capacity to conduct, administer and manage national examinations and assessments of learner achievement in respect of qualifications or part-qualifications they offer as stipulated in the Directives of Umalusi; and
  - (c) assesses a qualification or part-qualification on the GFETQSF which includes all the processes involved in the setting and administration of external examinations and internal assessment for the full period of the qualification or part-qualification as required by the policies and regulations that govern such a qualification or part-qualification.
- (5) An accredited private assessment body must perform the functions with regard to external assessment as set out in *section 18* of the *GENFETQA Act*.
- (6) Private assessment bodies will be monitored and reported on annually to ensure ongoing compliance with policies and regulations, improvement and maintenance of standards.
- (7) A private assessment body which fails to comply with the accreditation requirements set out in the afore-mentioned *sub-regulation (3)* will be regarded as not accredited and may therefore not operate as an assessment body.

**17. Accreditation process to be followed by the applicant**

- (1) The accreditation of private assessment bodies is a process of evaluating a private assessment body to determine whether its capacity, systems, processes and products are of the appropriate quality to deliver valid, reliable, fair and credible assessments and examinations.
  
- (2) The assessment system is a key driver of quality in the education and training system and sets the standards for general and further education and training. As such, assessment bodies must meet the requirements of these Regulations through-
  - (a) quality assuring internal assessment and designing, conducting and managing external assessments as prescribed in a particular curriculum;
  - (b) undertaking internal moderation of assessment instruments;
  - (c) ensuring external moderation of assessment instruments;
  - (d) supplying the QC with marks and/or other records of assessment conducted, as specified by the QC;
  - (e) taking adequate measures to ensure the security and integrity of the assessment process, including combatting irregularities;
  - (f) publishing assessment results on approval by the QC;
  - (g) developing a cadre of competent assessment personnel, including but not limited to examiners, moderators, markers and invigilators;
  - (h) undertaking development and research that will enhance the achievement of educational outcomes; and
  - (i) fulfilling any other functions as stipulated in the *GENFETQA Act* and any relevant policies and directives issued by Umalusi.

- (3) The accreditation process comprises the following procedures to be followed by private assessment bodies-
- (a) submitting an application for accreditation to assess a qualification or part-qualification listed on the GFETQSF which will only be processed if the applicant-
    - (i) complies with the following-
      - (aa) is a juristic person independent of any provision of education and training and is registered as a company in terms of the *Companies Act 2008 (Act No 71 of 2008)*;
      - (bb) is able to provide proof that its income is sufficient to sustain its assessment regime as based on criteria determined by Umalusi;
      - (cc) has a stable financial position that will enable it to maintain operational continuity;
      - (dd) can provide proof that it has established financial surety or guarantee to ensure that it is able to meet its obligations to the learners registered for its examinations and assessment services; and
      - (ee) has sufficient professional expertise in education and assessment in order to provide assessment services for the qualification or part-qualification it is seeking to offer; and
    - (ii) adheres to the following requirements-
      - (aa) lodges an expression of intent to seek accreditation to assess a qualification or part-qualification registered on the GFETQSF at least 18 months before the pilot examination is envisaged;

- (bb) establishes the need for an assessment body to assess such qualification or part-qualification and motivating the need through a feasibility study;
- (b) submitting a self-evaluation report and supporting evidence to Umalusi;
- (c) undertaking a site verification conducted by Umalusi;
- (d) conducting an exit examination pilot study;
- (e) receiving provisional or no accreditation;
- (f) applying for accreditation;
- (g) conducting a full exit examination; and
- (h) receiving accreditation or no accreditation.

#### **18. Umalusi's role in the accreditation process**

- (1) Umalusi must evaluate the applicant's capacity to conduct, administer and manage examinations. This will include a policy framework, assessment systems and standards, through a desktop evaluation of the self-evaluation report, state of readiness evaluation and verification of site visits.
- (2) Umalusi must determine the competence of the applicant in the development of assessment products and administration of an examination at the required standard, demonstrated through a pilot study.
- (3) Based on the outcome of Umalusi's evaluation as contemplated in *Sub-regulations (1) and (2)*, Umalusi may award either provisional accreditation or no accreditation.
- (4) After provisional accreditation has been granted by Umalusi, the applicant must commence with immediate planning for a

lead time of 12 months before the first formal examination is conducted.

- (5) Umalusi must conduct monitoring to ensure credible, fair and valid internal and external assessment of learner achievement at exit points.

## **19. Provisional accreditation**

- (1) Private assessment bodies that have successfully completed their pilot may be granted provisional accreditation for a period of three years during which time the assessment body must meet all the requirements of accreditation.
- (2) Provisional accreditation of an assessment body may be extended by Umalusi Council on reasonable grounds.
- (3) If the assessment body fails to meet all the requirements of accreditation as contemplated in the afore-mentioned *sub-regulation (1)*, it will be awarded a status of “no accreditation” and it may not continue to offer national examinations for qualifications or part-qualifications registered on the GFETQSF.

## **20. Accreditation of private assessment bodies**

- (1) Accreditation is granted to a private assessment body to assess a qualification or part-qualification on the GFETQSF which includes all the processes involved in the setting and administration of external examinations and quality assuring internal assessment for the full period of the qualification part-qualification as required by the policies that govern the qualification or part-qualification.



- (2) Private assessment bodies will be monitored and reported on annually to ensure ongoing compliance with policies and regulations, improvement and maintenance of standards.
- (3) To ensure consistency in the national assessment system, Umalusi sets common criteria for the state and private assessment bodies.
- (4) An accredited private assessment body must perform the functions with regard to external assessment as set out in *section 18* of the *GENFETQA Act*.

## **21. Functions of Private Assessment Bodies**

- (1) An assessment body conducts formal, externally quality assured assessment for qualifications or part-qualifications on the GFETQSF and quality assures any internal continuous assessment relevant to the qualification or part-qualification.
- (2) The assessment system may have different forms of delivery and conception in respect of the development of assessment instruments and assessment items, quality assurance measures and approaches.

## **22. Registration of examination centres**

Public or accredited private assessment bodies may register examination centres on condition that they-

- (1) comply with the registration requirements as determined by the relevant education department and accreditation by Umalusi;

- (2) assess a qualification or part-qualification on the General and Further Education and Training sub-framework of qualifications;
- (3) have met all the requirements of regulations pertaining to the conduct, administration and management of the qualification or part-qualification to be assessed.

**CHAPTER 8****CRITERIA FOR THE ACCREDITATION AND MONITORING OF PRIVATE ASSESSMENT BODIES****23. Standard of compliance**

- (1) The quality of national external examinations is critical in determining standards in public and private education and training. The quality assurance and monitoring of assessment systems of such examinations are central to upholding the standards embodied in national qualifications or part-qualifications. These roles are undertaken by both the state and private assessment bodies.
- (2) Accreditation is granted to private assessment bodies where such organisations satisfy the requirements for accreditation as indicated in these Regulations and such supporting policies and directives as established by Umalusi.
- (3) Should a private assessment body that has obtained accreditation in terms of the requirements set out in *regulation 17(3)*, fails to adhere to, or disregard them, accreditation will be withdrawn, as contemplated in *Regulation 27(3)*.

**24. Criteria for the Accreditation and Monitoring of Private Assessment Bodies to assess a qualification on the GFETQSF**

- (1) The quality assurance and monitoring of assessment structures are central to the quality assurance of national external examinations which form the basis for the determination of standards in public and private general and further education and training.

- (2) The criteria for the accreditation of private assessment bodies to offer a qualification or part-qualification on the GFETQSF are grouped into the following three focus areas -
- (a) strategic leadership and management;
  - (b) assessment standards; and
  - (c) administration of assessment.

- (3) The set of criteria for the accreditation and monitoring of private assessment bodies is outlined as follows-

**(a) Criterion 1: Leadership, Planning and Management**

- (i) The assessment body's leadership is instructive and provides strategic direction and governance oversight based on acceptable practices.
- (ii) The strategic initiatives, interventions, policies and procedures of the assessment body promote fair, valid and reliable assessments.
- (iii) The assessment body is sustainable and financially viable.
- (iv) The assessment body demonstrates commitment to quality improvement in providing feedback annually to the institutions that are its examination centres.
- (v) The assessment body is sufficiently and professionally staffed.
- (vi) The leadership and management identify and manage the organisational risks effectively.

**(b) Criterion 2: Assessment Standards**

- (i) The assessment body's assessment approach and systems are credible in that assessments are administered against the policy and regulation requirements and standards of qualifications or part-qualifications registered on the General and

Further Education and Training Qualifications Framework and their intended curricula.

- (ii) The assessment body produces assessment products of an acceptable standard and ensures the credibility and quality of internal and external assessment of all its registered examination centres.
- (iii) Assessment standards and practices are benchmarked and quality assured.
- (iv) Standards of assessment are maintained and improved through appropriate and effective monitoring and moderating mechanisms.

**(c) Criterion 3: Research and Development**

- (i) The work of the assessment body is informed by appropriate research and assessment approaches are innovative, benchmarked and fit for purpose.
- (ii) Research findings are used to improve assessment products, systems and approaches as well as to provide meaningful feedback and guidance to education institutions in order to drive the improvement of teaching, learning and internal assessment.
- (iii) The capacity of professional and administrative staff employed in the assessment process is developed.

**(d) Criterion 4: The Conduct and Administration of Examinations and/or Assessment**

- (i) The private assessment body conducts credible external examinations in that it is effective and efficient in the management of all administrative and logistical processes associated with the conduct of examinations.
- (ii) Learners are registered for the examination at the commencement of the qualification or part-qualification.
- (iii) Security systems with a low tolerance for irregularities are implemented and irregularities are reported and dealt with as required in Umalusi policy and regulations.
- (iv) The assessment body meets all Umalusi's requirements in respect of the registration, resulting and certification system and is able to submit learner datasets that meet Umalusi specifications.
- (v) The assessment body has efficient and reliable systems for the capture, storage and management of learner achievement data, and is ethical in reporting and safeguarding the accuracy and security of learner results.
- (vi) The assessment body ensures that it has full ownership of its data from inception.
- (vii) All the requirements of regulations pertaining to the conduct, administration and management of an examination in respect of a qualification or part-qualification are applied and are met.
- (viii) Delivery of the examination is monitored and evaluated with the purpose of supporting continuous improvement.

**(e) Criterion 5: Resulting Systems and Processes**

The assessment body-

- (i) encapsulates the reliable and accurate processing and issuing of results; and
- (ii) complies with policy and regulations to maintain the integrity of the system.

## CHAPTER 9

### WITHDRAWAL OF ACCREDITATION

#### 25. Rationale

- (1) Private assessment bodies accredited in terms of the regulations developed by Umalusi and approved by the Minister of Higher Education and Training in terms of *section 17A2(b)* of the *GENFETQA Act*, must be monitored by Umalusi Council in terms of *section 25(1)* of the said *Act*, to ensure continued compliance as contemplated in these Regulations.
- (2) Where a private assessment body is found to be non-compliant, Umalusi Council reserves the right in terms of *section 25(2)* of the *GENFETQA Act* to place the assessment body under close monitoring.
- (3) Umalusi may withdraw accreditation if the assessment body is found to be non-compliant with the requirements of these Regulations.

#### 26. Procedures to be followed in the event of non-compliance by Private Assessment Bodies

- (1) In the event of non-compliance with these Regulations as contemplate in Regulation 25(2), Umalusi will-
  - (a) determine a reasonable period within which the private assessment body must comply with these Regulations;
  - (b) evaluate at the expiry of the period the remedial steps taken by the private assessment body;
  - (c) based on the decision taken in terms of *sub-regulation (1)(a)*, Umalusi may affirm or withdraw accreditation of the private assessment body; and



- (d) in withdrawing accreditation, serve notice of administrative action to withdraw the accreditation of the private assessment body concerned at an appropriate time so as to minimise implications for learners;
- (2) Once a decision to withdraw accreditation has been made and communicated, the private assessment body will not be permitted to register learners for the next examination cycle.
- (3) The private assessment body must notify its clients of the decision with immediate effect and ensure that all past and present learner data and records are secured and transferred to Umalusi in the manner prescribed by Umalusi.

**27. Procedures to be followed in the event of non-compliance by Private Colleges**

- (1) In terms of *section 16(5)* of the *GENFETQA Act*, the Council must perform any function consistent with the said *Act* that the Minister may determine, and must therefore in the case of non-compliance with these Regulations -
  - (a) notify the private college in writing and set out the nature and extent of the failure; and
  - (b) determine a reasonable period within which the private college must comply with the Regulations set out in this document.
- (2) At the expiry period contemplated in *sub-regulation (1)(b)*, the Council must-
  - (a) evaluate the steps taken by the private college; and
  - (b) affirm or withdraw accreditation of the private college.

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- (3) Accreditation may be withdrawn if the private college-
- (a) is found to be non-compliant with the requirements as stipulated in these Regulations; or
  - (b) fails to pay the required accreditation fees; or
  - (c) is implicated in recurrent irregularities.
- (4) Before the Umalusi Council withdraws an accreditation, it must notify the Director-General of Higher Education and Training, who is the Registrar, in terms of *section 24(1)* of the *GENFETQA Act* of its intention to withdraw the accreditation and the date of the intended withdrawal.

## **28. Appeals procedure**

The withdrawal of accreditation status may be appealed through a formal appeals process established by Umalusi.

## CHAPTER 10

### FUNDING

#### 29. Provision for funding by the Council

*Section 13(1)(c)* of the *GENFETQA Act*, makes provision for funds received by the Council in respect of fees charged for services. Accordingly, Umalusi determines annual quality assurance fees for all its services including accreditation and related processes.

**CHAPTER 11****TRANSITIONAL ARRANGEMENTS AND SHORT TITLE****30. Transitional arrangements**

Until such time the Minister has promulgated the *Regulations for the Quality Assurance of Private Colleges for Continuing Education and Training, offering qualifications registered on the General and Further Education and Training Qualifications Sub-framework, and the Accreditation of Private Assessment Bodies*, Umalusi's current *Policy for the Quality Assurance of Private Adult Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies*, Government Gazette No. 33237 of 28 May 2010 will apply to all Private Colleges offering qualifications or part-qualifications registered on the GEFETQSF.

**31. Short Title**

These Regulations may be cited as the *Regulations for the Quality Assurance of Private Colleges for Continuing Education and Training, offering qualifications registered on the General and Further Education and Training Qualifications Sub-framework, and the Accreditation of Private Assessment Bodies*, and will commence on the day of its promulgation in the *Government Gazette*.