

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. R. 5877

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**DRAFT REGULATIONS FOR THE ACCREDITATION OF PRIVATE
ASSESSMENT BODIES ASSESSING QUALIFICATIONS REGISTERED ON
THE GENERAL AND FURTHER EDUCATION AND TRAINING
QUALIFICATIONS SUB-FRAMEWORK OFFERED AT PRIVATE
COLLEGES, MADE UNDER THE GENERAL AND FURTHER EDUCATION
AND TRAINING QUALITY ASSURANCE ACT, 2001**

The Minister of Higher Education and Training under section 27, read with section 17A(2)(b), of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001), hereby intends to make the Regulations in the Schedule.

Any interested or affected persons are invited to submit written comments or representations on the proposed draft Regulations to the office of the Director: Legal and Legislative Services. The comments or representations must reach the said office within four weeks from the date of publication of this notice in the *Gazette* at the following address:

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SCHEDULE**DRAFT REGULATIONS FOR THE ACCREDITATION OF PRIVATE ASSESSMENT BODIES ASSESSING QUALIFICATIONS REGISTERED ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK OFFERED AT PRIVATE COLLEGES, MADE UNDER THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY ASSURANCE ACT, 2001****TABLE OF CONTENTS**

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ABBREVIATIONS AND ACRONYMS

- “CET Act”** - means the Continuing Education and Training Act, 2006 (Act No. 16 of 2006);
- “GENFETQA Act”** - means the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001),
- “GFETQSF”** - means the General and Further Education and Training Qualifications Sub-framework;
- “NQF”** - means the National Qualifications Framework;
- “NQF Act”** - means the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);
- “QC”** - means the Quality Council (Umalusi).

CHAPTER 1

DEFINITIONS, PURPOSE AND APPLICATION

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the NQF Act and the GENFETQA Act shall bear the meaning so assigned and, unless the context otherwise indicates-

“accreditation” means the outcome of a quality assurance 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;

“assessment irregularity” means any error, omission, act or offence, or any alleged error, omission, act or offence, which may undermine or threaten to undermine the integrity, credibility, security or the fairness of the examination and assessment processes and outcomes;

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

“college” means a public college that is established or declared in terms of the CET Act;

“continuing education and training” means all post-school learning and training programmes leading to qualifications or part-qualifications on the GFETQSF;

“curriculum” means a statement which encompasses three components, to wit intended curriculum, enacted curriculum and assessed curriculum;

“curriculum framework” has the same meaning as a programme;

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

“examination centre” means a private college registered by a public or private accredited assessment body as a venue to conduct examinations for their registered candidates;

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

“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;

“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 assessment body’s indication of its intent to apply for accreditation;

“Minister” means the Minister of Higher Education, Science and Innovation;

“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 CET Act;

“programme” means a structured and purposeful set of learning experiences that leads to a qualification or part-qualification, and means the same as ‘curriculum’ in these Regulations;

“provisional accreditation” means the granting of accreditation for a limited time to a private assessment body that has applied for accreditation to enable such private assessment body to comply with the requirements to assess a qualification or part-qualification or programmes leading to a qualification or part-qualification registered on the GFETQSF;

“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 assessment and the capacity of the assessment body to assess the qualification or part-qualification;

“receipt of application for accreditation” means Umalusi has received a completed self-evaluation report from a private assessment body;

“registered qualification” means a qualification registered on the NQF in terms of section 13(1)(h) of the NQF Act;

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

“requirements” means requirements as established by these Regulations as determined by Umalusi Council in respect of the quality assurance of private colleges for continuing education and training, and accreditation of an assessment body;

“resulting” means a quality assurance process undertaken to calculate the final marks of candidates in accordance with the relevant policy; and

“**Umalusi**” means the Umalusi Council as established by section 4 of the GENFETQA Act.

Purpose

2. (1) The GENFETQA Act -

- (a) *Section 17A(2)(a)* enables Umalusi to develop policy and criteria for the quality assurance, accreditation and monitoring of private assessment bodies;
- (b) *Section 17A(2)(b)*, requires the Minister to make regulations in which the policy for accreditation is set out;
- (c) *Section 17A(2)(c)* requires Umalusi to accredit an assessment body seeking to assess a qualification registered on the GFETQSF;
- (d) enables Umalusi to accredit private assessment bodies, subject to the outcome of the accreditation process as contemplated in paragraph (c);
- (e) enables Umalusi to monitor private assessment bodies in accordance with a set of regulated accreditation criteria; and
- (f) enables Umalusi to affirm or withdraw the accreditation status of a private assessment body.

(2) The purpose of these Regulations is to give effect to the Minister’s obligation, in terms of section 17A(2)(b) GENFETQA Act, to make regulations in which the policy for accreditation of private assessment bodies is set out.

Application

3. These Regulations apply to private assessment bodies that quality assure formal internal assessment and conduct external examinations in accordance with the regulatory framework outlined in the national policies that govern the qualifications or part-qualifications registered on the GFETQSF that are offered at private colleges.

CHAPTER 2

QUALITY ASSURANCE OF PRIVATE ASSESSMENT BODIES

Accreditation status

4. (1) Private assessment bodies must obtain accreditation with Umalusi in order to assess a qualification or part-qualification registered on the GFETQSF.
- (2) The accreditation of an assessment body must entail the recognition of the private assessment body to assess the qualification or part-qualification registered 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 its goals;
 - (c) demonstrated evidence of achieving its goals;
 - (d) demonstrated capacity to fulfil its functions; and
 - (e) provided sufficient reason for the Quality Council (QC) to believe that it can continue to achieve its goals.
- (4) Accreditation must be 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 registered on the GFETQSF;
 - (b) demonstrates the capacity to conduct, administer, and manage national examinations and assessments of learner achievement in respect of qualifications or part-

- qualifications registered on the GFETQSF as stipulated in the policies and directives of Umalusi; and
- (c) assesses a qualification or part-qualification registered on the GFETQSF, which includes all the processes involved in the setting and administration of external examinations and the quality assurance of 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 examinations as set out in section 18 of the GENFETQA Act.
- (6) A private assessment body must be monitored and reported on annually to ensure ongoing compliance with policies and regulations, improvement and maintenance of standards.
- (7) A private assessment body that fails to comply with the accreditation requirements set out in sub-regulation 4(3) shall be notified and advised accordingly.

Accreditation process to be followed by the applicant

5. (1) The assessment system is critical in assuring 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 by-
- (a) quality assuring internal assessment and designing, conducting and managing external examinations 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/or any relevant policies and directives issued by Umalusi.
- (2) In order to obtain accreditation, private assessment bodies must-
- (a) submit an application for accreditation to assess a qualification or part-qualification registered on the GFETQSF, which shall only be processed if the applicant-

- (i) 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);
 - (ii) is able to provide proof that its income is sufficient to sustain its assessment regime as based on criteria determined by Umalusi;
 - (iii) has a stable financial position that will enable it to maintain operational continuity;
 - (iv) 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
 - (v) has sufficient professional expertise in the provision of education and assessment in order to provide assessment services for the qualification or part-qualification it is seeking to offer;
 - (vi) lodge 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; and
 - (vii) establishes the need for an assessment body to assess such qualification or part-qualification and motivates such need through a feasibility study;
- (b) submit a self-evaluation report and supporting evidence to Umalusi;
 - (c) undertake a site verification conducted by Umalusi;
 - (d) conduct an exit examination pilot study;
 - (e) receive provisional or no accreditation;

- (f) apply for accreditation;
- (g) conduct a full exit examination; and
- (h) receive accreditation or no accreditation.

The role of Umalusi in the accreditation process

- 6. (1) Umalusi must evaluate the applicant's capacity to conduct, administer and manage examinations. In undertaking the evaluation, Umlusi will among other things, take cognisance of the 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 6(1) and 6(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 at least 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.

Provisional accreditation

7. (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 and Umalusi must submit such outcome to the Registrar of private colleges.
- (2) Provisional accreditation of an assessment body may be extended by Umalusi on reasonable grounds shown or provided by such assessment body and such extension should be submitted to the Registrar of private colleges for purposes of ensuring that the Registrar assesses and reviews registration of private colleges.
- (3) If the assessment body fails to meet all the requirements of accreditation as contemplated in sub-regulation 7(1), it must 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.

Accreditation of private assessment bodies

8. (1) Accreditation may be 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 or part-qualification as required by the policies that govern the qualification or part-qualification.
- (2) Private assessment bodies must be monitored and reported on annually by Umalusi to ensure ongoing compliance with policies

and regulations, improvement, and maintenance of standards and Umalusi must submit any adverse finding to the Registrar of private colleges as it may have an effect of the continued registration of a private college.

- (3) In order to ensure consistency in the national assessment system, Umalusi must set common criteria for the state and private assessment bodies.
- (4) An accredited private assessment body must perform the functions with regard to external examinations as set out in section 18 of the GENFETQA Act.

Functions of Private Assessment Bodies

- 9. (1) An assessment body conducts formal, externally quality assured assessment for qualifications or part-qualifications registered 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.

Registration of examination centres

10. Accredited private assessment bodies may register examination centres on condition that they-

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

- (b) assess a qualification or part-qualification registered on the GFETQSF of qualifications;
- (c) meet all the requirements of the regulations pertaining to the conduct, administration, and management of the qualification or part-qualification to be assessed.

CHAPTER 3

CRITERIA FOR THE ACCREDITATION AND MONITORING OF PRIVATE ASSESSMENT BODIES

Standard of compliance

- 11.** (1) Accreditation must be granted to private assessment bodies where such organisations satisfy the requirements for accreditation as indicated in these Regulations.
- (2) Should a private assessment body that has obtained accreditation in terms of the requirements set out in Regulation 4(4), fail to adhere to, or disregard them, accreditation will be withdrawn, as contemplated in regulation 14.

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

- 12.** (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 assess a qualification or part-qualification on the GFETQSF are grouped into the following five focus areas:
- (a) Leadership, planning, and management;
 - (b) Assessment standards;
 - (c) Research and development;
 - (d) The conduct and administration of examinations and/or assessment; and
 - (e) Resulting systems and processes.

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

(b) Criterion 2: Assessment Standards

- (i) The assessment body's assessment approach and systems must be credible in that assessments must be administered against the policy and regulation requirements and standards of qualifications or part-qualifications registered on the GFETQSF and their intended curricula.
- (ii) The assessment body must produce assessment products of an acceptable standard and ensure the credibility and quality of internal and external

assessment of all its registered examination centres.

- (iii) Assessment standards and practices must be benchmarked and quality assured.
- (iv) Standards of assessment must be maintained and improved through appropriate and effective monitoring and moderating mechanisms.

(c) Criterion 3: Research and Development

- (i) The work of the assessment body must be informed by appropriate research and assessment approaches that are innovative, benchmarked and fit for purpose.
- (ii) Research findings must be 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 must be developed.

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

- (i) The private assessment body must conduct 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 must be registered for the examination at the commencement of the qualification or part-qualification.
 - (iii) Security systems with a low tolerance for irregularities must be implemented and irregularities must be reported and dealt with as required in the Umalusi policy and relevant Regulations.
 - (iv) The assessment body must meet all Umalusi's requirements in respect of the registration, resulting and certification system and must be able to submit learner datasets that meet Umalusi specifications.
 - (v) The assessment body must have efficient and reliable systems for the capture, storage, and management of learner achievement data, and must be ethical in reporting and safeguarding the accuracy and security of learner results.
 - (vi) The assessment body must ensure 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 must be applied and met.
 - (viii) Delivery of the examination must be monitored and evaluated with the purpose of supporting continuous improvement.

(e) Criterion 5: Resulting Systems and Processes

- (i) The assessment body must ensure that it encapsulates the reliable and accurate processing and issuing of results.

- (ii) The assessment body must comply with policy and regulations to maintain the integrity of the system.

CHAPTER 4

WITHDRAWAL OF ACCREDITATION

Rationale

13. (1) Private assessment bodies accredited in terms of these Regulations must be monitored by Umalusi in terms of section 25(1) of the GENFETQA Act, to ensure continued compliance as contemplated in these Regulations.
- (2) Umalusi may withdraw the accreditation of a private assessment body if the private assessment body-
- (a) is found to be non-compliant with the requirements as stipulated in these Regulations; or
 - (b) fails to pay the required quality assurance fees.
- (3) Umalusi shall advise the Registrar of private colleges of such withdrawal.

Procedures to be followed in the event of non-compliance by a Private Assessment Body

14. (1) In the event of non-compliance with these Regulations as contemplated in regulation 13(2), Umalusi must -
- (a) notify the private assessment body in writing and set out the nature and extent of the failure;
 - (b) determine a reasonable period within which the private assessment body must comply with these Regulations;
 - (c) evaluate, at the expiry of the stipulated period, the remedial steps taken by the private assessment body;

- (d) based on the decision taken in terms of paragraph(a), affirm or withdraw the 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 must 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.

CHAPTER 5

APPEALS

Appeals procedure

- 15.** (1) The outcome of an accreditation application may be appealed through a formal appeals process established by Umalusi.
- (2) The appeal applications, as contemplated in sub-regulation 15(1) shall be evaluated and considered by Umalusi's Appeals Committee.

CHAPTER 6**PROVISION FOR FUNDING BY COUNCIL**

- 16.** Section 13(1)(c) of the GENFETQA Act, makes provision for funds to be received by the Council in respect of fees charged for services.

CHAPTER 7**SHORT TITLE****Short Title**

17. These Regulations are cited as the Regulations for the Accreditation of Private Assessment Bodies Assessing Qualifications Registered on the General and Further Education and Training Qualifications Sub-Framework offered at Private Colleges and shall commence on the day of their promulgation in the Government *Gazette*.