



Skills Development Providers Nationwide Submission of Appeal and Concerns

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Structure of Presentation

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Background of the Appeal
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Introduction: the nationwide appeal is a submission that concerns the NQF Act, OQSF Policy and the impact on Skills Development Providers. It highlights the contradictions and facts regarding the policy and its implementation and raises questions about its effects on the education and training sector, specifically SMMEs.

The appeal argues that the policy stipulations and red tape are putting undue pressure on SDPs to comply and that this is hurting the upskilling of learners. The submission also presents possible solutions to the current situation and called for the Minister of Higher Education and Training, Dr Blade Nzimande, to intervene and help streamline the process of registering occupational skills programmes in a way that is fair and transparent to all SDPs.



Background of nationwide Appeal

- ❑ Overview of the National Qualifications Framework Act, 2008 (Act No.67 of 2006)
Occupational Qualifications Sub-Framework Policy
 - **NQF Act** objective: developing, fostering and maintaining an integrated and transparent national framework for the recognition of **learning achievements**
- ❑ Shortage of skills and high unemployment in South Africa
- ❑ Threats to the existence of accredited skills development providers (SDPs)
- ❑ Unjust stipulations and excessive requirements for SDPs
 - Continuous red tape on private Skills Development Providers (SETAs and QCTO) goes against the Reconstruction and Recovery Plan (employment stimulus incl: support for livelihoods and the protection of jobs)

Background: List of Acts, Regulations, Policies etc



- ❑ **OQSF Policy:** stipulating the duration and credits of Occupational **Skills Programmes**
 - **SAQA - Regulatory** short programmes – currently registered under SAQA as Unit Standards – no limit to number of days or minimum credits.
 - **SD Act**, Chapter 5 (page 39) defines a Skills Programme as a Skills Programme that is occupationally based and when completed will **constitute/contribute a credit** towards a qualification registered on the NQF.
 - **SAQA NLRD:** learners that achieve credits from occupational skills programmes will not be able to build on their record of learning (skills programmes have credits and are linked to a NQF level – but not recognized by SAQA).
 - **SDA Act**, Section 26: mandates the QCTO to issue a certificate to any person who has **achieved** an occupational qualification, part-qualification or **skills programme**
 - **State of Skills – S.A** (issued by ILO) makes reference: Skills Programmes ought not only to provide clear progression pathways within education, but also pathways towards employment.

Background: List of Acts, Regulations, Policies etc



- ❑ Acts and papers that should protect SDPs
 - **White Paper for PSET:** main policy objective – a post-school system that can assist in building a fair, equitable, non-racial, non-sexist and democratic S.A
 - **White Paper for PSET:** pg 43 – DHET must develop better communication between itself, CHE, SAQA, Umalusi and SETAs. Clearer processes for private provider **registration and accreditation**. DHET to develop a simple and efficient registration, monitoring & regulatory system for dealing with private providers (SDPs)
 - **SAQA** notice 12 April 2019: “it is a criminal offence for an education institution or education skills provider to falsely claim to be registered and accredited and let alone offer qualifications that are not registered on the NQF”.
 - **OHS Act** intends: the protection of persons including others than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work.

Causes of Concern: B-BBEE



- ❑ Concerns about occupational qualifications being registered with less than 120 credits.
 - Occupational Qualifications are being registered as **learnerships** with as little as 28 credits. What is the impact on 12 month contracts, stipends, B-BBEE scorecard, tax rebates and tax incentives?
 - Note: a learnership that is less than 12 months cannot be claimed as a learnership under the Learning Programme Matrix Category C, therefore a learnership that is less than 120 credits will not qualify. This affects Employers, SDPs and the learner.
 - B-BBEE Commissioner, SANAS, SARS & DTI should be requested to engage and amend the changing over from “legacy qualifications/unit standards to occupational qualifications, part-qualifications and occupational skills programmes) – how categories will be amended on the B-BBEE Score Card, Categories, Tax Rebates, Tax incentives)
 - Occupational Skills Programmes under the QCTO does not get recognised, as they are not registered with SAQA.

Background of nationwide Appeal continue: B-BBEE



- The consequences and negative impact on Employers with the QCTO NOT registering Occupational Skills Programmes with SAQA
- When Employers move over from legacy to occupational – example Assessor Programme – they will not benefit, if the Skills Programme falls under the QCTO

Category E	Category F and Category G
U/S 115753 : Conduct Outcomes Based Assessment NQF Level 5, Credits 15	SP-220320 : Assessment Practitioner NQF Level 5, Credits 20
Registered with SAQA	Registered under the QCTO, Not registered under SAQA
EMPLOYER CAN CLAIM TOTAL EXPENDITURE, EXCLUDING THE SALARY OF THE LEARNER.	EMPLOYER CAN CLAIM 25% OF THE VALUE OF THE TRAINING – CLAIM MAY NOT EXCEED MORE THAN 15% OF THE TOTAL VALUE OF THE SKILLS DEVELOPMENT EXPENDITURE
Can claim TOTAL expenditure	Limited to claim 15% back – due to the Skills Programme not being registered with SAQA.



Causes: Issues of concern

- **QCTO** – Red Tape, restrictions of trade/operations against Skills Development Providers:
- Every physical site must be accredited (not the entity) – when moving premises even if it is a level higher/lower in a building – **all training must stop**, until a new accreditation application is received, a new site visit has been arranged, and accreditation is approved (this can take 6 months or more)
- When a Provider is requested to conduct a programme at an Employer, they may not do so until approval have been granted by the QCTO – a **month's notice** must be sent to the QCTO before the training date. SDPs are not allowed to offer training at any other premises, unless permission is granted by the QCTO – restricted to trade and operate (against our constitutional rights)
- QCTO have implemented Assessment Centres, although many occupational qualifications do not have EISA assessments ready for learners to write – where learners have been waiting with no indication of when (some have been waiting for more than 2 years if not longer). Learners are being disadvantaged.



Causes - Issues and Concerns: Red Tape

- For two decades SETAs have accredited SDPs (accreditation based on legal entity registration) where OHS Audit reports were merely submitted per site. QCTO delays this process by issuing an accreditation number per physical site. If the SDP has 10 sites, they will have 10 accreditation numbers, whereby each one will have a different start and end date.
- Restricting flexibility of operations, opens doors for Bogus Providers, as they don't have to deal with the red-tape, do not need to get permission to conduct training where they want, and definitely do not need to delay training dates due to QCTO not giving permission to train at the Employer, Conference Centre, Community Centre etc.
- The question that needs to be asked: Why are SDPs that have proven their worth being disadvantaged, and restricted to trade and operate?
- **Not one** regulatory short programme, has been registered as an occupational skills programme under the QCTO whereby thousands of SDPs offer regulatory programmes, registered under SAQA. Most regulatory programmes are offered at the Employer's premises, whereby a SDP will be given short-notice to conduct the training (less than 3 days)



Causes: Issues and Concerns: Survival of SDPs

- Providers have been fighting the battle against bogus providers for a long time, and the current state of stipulations, will close doors of the ethical good providers, and open doors of the bad bogus providers. Learners will be at risk and disadvantaged.
- If an Employer is forced to do First Aid training (duration 10 days, as per the OQSF) instead of 2 days, less Employers will comply, due to economical and practical reasons. This is not productive for the economy and does not make good business sense.
- Limiting opportunities for new incoming and existing entrepreneurs in black empowerment, and stopping them from making a difference, in uplifting and upskilling the youth. The amount of restrictions makes it more difficult for B-BBEE candidates to start up training companies and build a business, in order to employ people.
- The registration deadline of legacy qualifications and unit standards, are set for 30th June 2023 – not enough progress have been made, to move over to occupational qualifications and occupational skills programmes, which places thousands of providers at risk of losing their business. Those employed, will be added to the unemployed stats.



Causes: Issues and Concerns: QCTO vs DoEL

- **The continuous engagement between the QCTO and DoEL has been unproductive as no suitable solution have been agreed to.**
- Discussions, debates, meetings and emails have been ongoing since 2016 with no progress, no resolution and no solution for Providers that offer regulatory training nationwide.
- DoEL will approve a SDP if they are accredited by either SETA or QCTO for the specific regulatory programmes (there are many regulatory programmes – and registered as unit standards under SAQA). Risk: unit standards – registration end date set: 30th June 2023.
- It is entirely unproductive to duplicate quality assurance – QCTO are the quality council.
- QCTO wants DoEL to accredit providers for regulatory programmes, do quality assurance on the learning material, and all administration (DoEL does not have a mandate for this)
- DoEL wants QCTO to register regulatory programmes, and accredit providers accordingly, so that DoEL can approve providers for regulatory programmes, as the quality assurance of the learning programmes falls under the QCTO, not DoEL.



Causes: Contradictions vs Facts

Contradiction

1. OQSF : An OQ should have 120 credits
2. OQSF: A Part OQ must be less than 120 credits
3. Part Q – will be registered with SAQA
4. Regulatory Unit standards are compulsory to train employees
5. NQF – does not stipulate duration of programme or limit credits
6. QCTO accreditation application turnaround time set at 90 days from date of submission
7. Bill of Rights: Every citizen has the right to choose their trade, occupation or profession freely.

Facts

1. OQ registered with 28 credits
2. Part OQ registered with 376 credits
3. Part-Q registered as O Skills Programme
4. No regulatory programmes have been registered as skills programmes by QCTO
5. OQSF – restriction 10 days in duration, minimum of 8 credits
6. Some SDPs have been waiting for longer than 12 months
7. SDPs restricted to trade - permission to upskill learners – off-site. 1 month notice and wait for approval – or be de-accredited



Causes: Contradictions vs Facts

Contradiction

8. SDPs must seek accreditation with the QCTO for OQ, Part-OQ and Skills Programs
9. Skills programmes constitute/contribute a credit towards a qualification registered with the NQF
10. NSDS III – must ensure access to training and skills development opportunities
11. NQF Act: objective to develop, fostering, maintaining and integrated and transparent national framework for the recognition of learning achievements
12. SAQA notice: it is a criminal offence for a SDP to falsely claim to be registered and accredited to offer qualifications not registered on the NQF

Facts

8. SDPs are limited as not all legacy qualifications have been aligned – deadlock
9. Occupational Skills Programmes are not registered with SAQA, learner achievement does not get uploaded to the NLRD
10. SDPs restricted to give learners access to programmes at off-site venues (rural)
11. Learners who have achieved credits against various NQF levels by completing O-Skills Programmes are not recognised by SAQA, not uploaded to the NLRD
12. SDPs are accredited to offer O-Skills Programmes that carry credits and NQF levels, but they are not registered on the NQF.



Causes: Contradictions vs Facts

Contradiction

13. OQSF – skills programmes must have a link to a minimum of 2 qualifications for which CAT may apply.

14. QCTO delegated Quality Partners for approving Assessment Centres, and control of EISA nationwide

15. Occupational training is meant to be on demand to accommodate the Employer's needs

16. Delays in registering learners to sit for EISA, where some EISA have not been designed or implemented as yet – it should have been a seamless process, to give access to all.

Facts

13. Skills programmes may link to 1 OQ, or not at all, thus CAT cannot apply, which disadvantage the learner.

14. EISA not ready on many OQs, many learners disadvantaged, as EISA is not ready – this disadvantage the learner and career choice/opportunities for employment

15. It might not fit into the SDPs schedule, but the learning will be conducted, as the SDP has the resources for it.

16. SETA FISA and portfolios worked well, learners were not disadvantaged – perhaps go back to a system that caters for learners nationwide without further delays. Some learners been waiting for 2 years or longer.



Remedies: Possible Remedial Actions

- OQSF Policy should be revoked or amended whereby unfair stipulations should be removed.
- All Regulatory unit standards/skills programmes should be registered as occupational skills programmes and registered with SAQA.
- **Should** all Regulatory unit standards/skills programmes not be registered as occupational skills programmes (without restrictions of duration and number of credits) then all regulatory unit standards registration end date should be **re-registered**, and SETAs should accommodate SDPs accreditation applications for these programmes.
- The flexibility of providers to offer training at Employer's premises, conference centers must be allowed without further restrictions of operations. It is recommend that a simple safety checklist be designed that can be used, to show compliance (taking into consideration providers that offer training in rural areas).
- Accreditation should be issued against the legal registered entity, and not per physical site of delivery (a mere OHS Audit report as an additional requirement per site of delivery owned or leased by the provider should be accepted)



Expectations: DHET

- **Socio-Economic Impact Assessment System (SEIAS)** emphasis on:
 - Removal of policy impediments and improving the ease of doing business.
 - Reducing red-tape and improving the business environment for companies of all sizes
 - Review legislation that affected SMMEs to reduce the regulatory burden.
- Monitor QCTO and SETAs that are in violation of Section 29 of our Constitution, by limiting educational progression.
- Plan for registration of private Skills Development Providers, once the NQF Amendment Act comes into implementation: note the number of accreditation numbers per legal entity, and how this will affect the application to register with the DHET with the number of start and end dates.
- To develop a simple and efficient registration, monitoring and regulatory system for dealing with private providers (SDPs), taking into consideration Providers that uplift rural communities.



Expectations: QCTO

- Issue a notice to all stakeholders: All SETA accredited Provider's accreditation end date to be extended to the 30th June 2027 (in order to complete the phase –out period, and upload learner achievements onto the SETA system).
- Issue a notice to all stakeholders: All SETA registered Assessors and Moderator's registration end date to be extended until the 30th June 2027, in order to complete assessing and moderating of legacy qualifications, skills programmes and unit standards that are in the phasing out period.
- All Occupational Part-Qualifications and Skills Programmes to be registered with SAQA
- Provider Accreditation stipulations, to be amended in order to cater for SMMEs, and remove the stipulations of delivery of learning approval whereby learners will be attending learning at their Employer's premises, Community Centres or Conference Centres.
- Recommended: QCTO designs a off-site delivery safety checklist, that SDPs can use when conducting off-site learning (consideration to rural area venues)



Expectations: SAQA

- Assist the QCTO in registering Occupational Skills Programmes without delays: 30 days from date of submission.
- Record all Accredited Providers against the occupational qualifications, part-qualifications and skills programmes, that they are accredited for under the QCTO.
- Improve system to recognize Knowledge Module Codes, Practical Codes, Workplace Experience Codes, in order for learner achievements to be uploaded to the NLRD.
- All learner achievements, like what has been done for the past 2 decades, must continue. We cannot have two systems, whereby the QCTO hold one database, and SAQA holds another.



Summary

❑ What is the purpose of all of this?

- The learner's development.
- Upskilling and upliftment to all learners, including rural communities
- Remove red-tape from SMMEs in order to grow, and increase employment (jobs)
- Save thousands of businesses by doing what is right and to remove restrictions to trade

Legislation should be enabling but it's actually a blockage – it's hampering SDPs and obstructing progress for learners in all provinces and rural areas.

- **NQF objective:** Create a single integrated national framework for learning achievements. Learner achievements will not be uploaded to SAQA, and not included in the learner's learning records that SAQA hold);
- The NQF is designed to contribute to the full personal development of each learner and the social and economic development of the nation at large (why does occupational skills programmes not form part of the learner's development?)



- I end off by words that our Minister Nzimande stated in the Forward: Skills Strategy – Support for the South African Economic Reconstruction and Recovery Plan:
- “The focus of skills is wide-ranging and entails an optimization of the regulatory environment, structural reforms to boost education and skills development and a concerted effort to build the skills based required by our changing economy.....”
- And from our President: “We need to work together and leave no-one behind”.

Thank you for the opportunity to address you. I am happy to clarify further on any issues.