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Contents

No.		Gazette No.	Page No.
	Government Notices • GoewermentskennisGewinGs		
Higher Education and Training, Department of / Hoër Onderwys en Opleiding, Departement van			
4920	National Qualifications Framework Act (67/2008): Directive on the implementation and Transitional Arrangements for PRE-2009 Qualifications (under SAQA Act, 1995)	50742	3

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DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 4920 **3 June 2024**

NATIONAL QUALIFICATIONS FRAMEWORK ACT, 2008 (ACT NO. 67 OF 2008)

DIRECTIVE ON THE IMPEMENTATION AND TRANSITIONAL ARRANGEMENTS FOR PRE-2009 QUALIFICATIONS (UNDER SAQA ACT, 1995)

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, in terms of sections 3(2) and 36 of the of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008) (NQF Act), considered advice from the South African Qualifications Authority (SAQA) and the Quality Council for Trades and Occupations (QCTO), and hereby publish the ***Directive on the Implementation and Transitional Arrangements for pre-2009 Qualifications*** (under SAQA Act, 1995 (Act 58 of 1995).

Commented [TL1]: This is an addendum to the Ministerial Determination on sub frameworks comprising the National Qualifications Framework published 2020 and the OQSF Policy published 2021. This is with immediate implementation.

Dr BE Nzimande, MP
Minister of Higher Education, Science and Innovation
Date: 28/05/2024

MINISTERIAL DIRECTIVE ON IMPLEMENTATION AND TRANSITIONAL ARRANGEMENTS FOR PRE-2009 QUALIFICATIONS (UNDER SAQA ACT, 1995)

1. Background

1.1 The South African Qualifications Authority (SAQA) Act (Act 58 of 1995) provided for the eight level National Qualifications Framework (NQF). Unit standard based qualifications, unit standards and qualifications not based on unit standards were registered at various levels on the eight-level NQF. The SAQA Act was repealed in 2008 and replaced by the National Qualifications Framework (NQF) Act (Act 67 of 2008). The NQF Act provides for a ten-level NQF with three distinct sub-frameworks with a quality council responsible for the development and quality assurance of its specific sub-framework. Each sub-framework developed its sub-framework policy that identifies the qualification types to be registered at each level of the NQF.

1.2 The NQF Act (2008), in section 36, makes allowance for transitional arrangements between the SAQA Act (1995) and the NQF Act (2008).

1.3 The Ministerial Determination in 2012 indicated that all qualifications registered on the eight level NQF will not be re-registered and must be replaced with qualifications as per the sub framework policies. All pre-2009 qualifications allocated to the Occupational Qualifications Sub-Framework (OQSF) were to reach their registration end date on 30 June 2015. The Quality Council for Trades and Occupations (QCTO) requested extension until 30 June 2018 as it was a newly established council, and not enough occupational qualifications were developed to replace the pre-2009 qualifications, at the time. The QCTO thereafter requested the reregistration of the pre-2009 qualifications until 30 June 2023 to allow for the development and implementation of the new occupational qualifications.

1.4 In 2020, the Minister of Higher Education, Science and Innovation published implementation and transitional arrangements for all pre-2009 qualifications (Under the SAQA Act, 1995) in a Determination of the sub-frameworks that comprise the National Qualifications Framework (Notice number on 1391 on Government Gazette No. 44031 published on 24 December 2020).

1.5 Sections 12 to 15 state:

a) The registration end date for pre-2009 qualifications and unit standards registered on the OQSF shall be 30 June 2023;
b) The last date of first-time learners enrolling for pre-2009 qualifications and unit standards registered on the OQSF shall be 30 June 2024;
c) The last date of achievement for learners enrolled for pre-2009 qualifications and unit standards registered on the OQSF shall be 30 June 2027; and
d) The Quality Councils must ensure that the accreditation period for the pre-2009 qualifications coincide with the ministerial determination.

1.6 In addition, the revised OQSF policy was published in 2021, identifying 9 occupational qualification types from NQF level 1 to 8. The policy states that all occupational qualifications registered on the OQSF must be reviewed and aligned to the qualification types as stated in the OQSF (2021).

1.7 A total of 1 475 pre-2009 qualifications reached their registration end date on 30 June 2023. The last date of first-time learners enrolling for pre-2009 qualifications and unit standards registered on the OQSF is 30 June 2024, less than 2 months from the date of this gazette. It was however found that a number of pre-2009 qualifications have not been prioritised by the SETAs for review and alignment to the OQSF policy (2021).

1.8 Although SETAs have been well informed of the transition since the establishment of the QCTO in 2009; have been specifically engaged to replace qualifications since 2018 (towards the 2023 expiry); and have been instructed by the Ministerial determination in 2020; they have not all adequately taken up this function.

1.9 Against this background, and after considering advice from SAQA and the QCTO, this directive amends the implementation and transitional arrangements for pre-2009 qualifications (under the SAQA Act, 1995) and puts in place a structured process to track and support the full implementation and transitional arrangements within the short to medium term.

Commented [TL2]: The Ministerial Determination as well as the OQSF Policy now have what we call a Directive amending the implementation.

2. Authorisation

2.1 This Directive is issued by the Minister of Higher Education, Science and Innovation in terms of sections 3(2) and 36 of the of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008) (NQF Act).

Commented [TL3]: This Directive is issued by the Minister, not QCTO nor by SAQA.

2.2 This Directive replaces the published implementation and transitional arrangements for all pre2009 qualifications (Under the SAQA Act, 1995) in the Determination of the sub-frameworks that comprise the National Qualifications Framework (Notice number on 1391 in Government Gazette No. 44031 published on 24 December 2020).

3. Commencement

This Directive takes effect on 1 June 2024.

Commented [TL4]: It is already in place.

4. Scope of the Implementation of Transitional Arrangements of pre-2009 Qualifications

Annexure A outlines the scope of the challenge in implementation and transitional arrangements for pre-2009 qualifications as well as the directives for implementation.

5. Implementation and transitional arrangements for pre-2009 qualifications

The following directives will be implemented related to implementation and transitional arrangements for pre-2009 qualifications:

5.1 No blanket extensions will be considered.

Commented [TL5]: Pre-2009 or Historically Registered Qualifications and Unit Standards are deregistered. This means Provider Based Qualifications, Unit Standard Based Qualifications, NATED Report 190/1 (N4 – N6 Programmes) Part Qualifications and the N-Diploma, and qualifications registered by SAQA before 2009 have deregistered and are now under what is called teach-out period as stated in this GG.

5.2 Deregister 1 101 pre-2009 qualifications and unit standards (in rows 1a, 2 – 5 of the table in Annexure A) based on the following:

i. Replaced by registered occupational qualifications, part-qualifications and/or QCTO approved skills programmes;
ii. Dormant qualifications and pre-2009 qualifications that need not be realigned as confirmed by SETAs in consultation with industry;
iii. Provider based qualifications that are no longer relevant; and iv. Insufficient motivation for extension.

Commented [TL6]: These are qualifications offered by Educor/INTEC etc registered on the OQSF.

5.3 Extend the last date of enrolment for 374 pre-2009 qualifications (1b, 6 – 7; marked in grey of the table in Annexure A) for a minimum of 1 year and a maximum of 2 years for qualifications that are in the process of realignment, development, evaluation and recommended to SAQA for registration. Reasons to extend learner enrolment are:

i. Linked to regulatory qualifications (2 qualifications requested by the Minister of Finance);

ii. As confirmed by SETAs in consultation with industry, these qualifications in the QCTO realignment, evaluation and SAQA registration process; and

iii. Linked to instructional offerings of NATED Report 191 Part 2 - N4-N6 Programmes and N Diplomas.

5.4 The DHET and QCTO must engage to explore modalities for implementing Occupational Qualifications in TVET Colleges.

5.5 The listed trades where artisanal occupational qualifications have not yet been registered will be allowed an extension of a minimum of 1 year and a maximum of 2 years to allow training and development trade standards to be utilised to qualify artisans in such trades. [For information, there are 125 listed trades and 74 of these trades have occupational qualifications registered. SAQA, QCTO and the DHET note that artisanal occupational qualifications will be developed for the outstanding 51 listed trades].

5.6 The Pre-2009-unit standards that have been used for regulatory programmes will continue to be recognised provided that they are realigned through the QCTO as occupational skills programmes to replace the regulated unit standards.

5.7 SAQA, QCTO and DHET will report to the Minister of Higher Education, Science and Innovation on the SETA implementation in relation to their qualification development and replacement of the 374 pre-2009 qualifications.

5.8 SETAs are accountable for finalising the development and replacement of occupational qualifications.

5.9 SETAs will submit development plans and commit resources to the implementation of this transition to occupational qualifications.

5.10 DHET will contract and monitor the development of these occupational qualifications in the SETA Service level agreements (SLAs);

5.11 Ministerial instruction will be given for funding arrangements.

5.12 QCTO has the authority through SLAs with SETAs to hold SETAs accountable for delegated quality assurance functions.

5.13 The DHET, SAQA and QCTO will conduct a series of roadshows to capacitate SETAs, TVET Colleges and others.

6. Conclusion

6.1 These arrangements are not a collapse of the education and training system, but rather relates to 374 of the almost 9000 qualifications registered on the NQF (approximately 4%).

6.2 These arrangements only link to 18 of the 21 SETAs, (85%) who should be working closely with the QCTO and SAQA to ensure transition.

6.3 These arrangements are part of a process to transition into new, relevant occupational learning that develops appropriate skills for the current context, which has arguably changed significantly since the pandemic in 2020.

Commented [TL7]: i.These qualifications were consulted with SETAs to extend its enrolment period for a year or a maximum of 2 years.
ii.QCTO will publish these qualifications in the GG.
iii.SDPS can apply for accreditation to offer these qualifications.
iv.SDPs can enrol learners on these qualifications even after 30 June 2024.
v.A list of these qualifications will be submitted to SAQA to extend enrolment for a year or a maximum of 2 years.

Commented [TL8]: These are qualifications linked to the specific regulation and the regulation has to be changed so that OCs registered can be used.

Commented [TL9]: These are mostly used by DHET TVET Colleges and Private FET Colleges. The DHET requested an extension of these qualifications. . The enrolment of learners has been extended for a year to a maximum of two years.

Commented [TL10]: The QCTO has started to engage TVET Colleges and CET Colleges in the implementation of OCs in colleges. Mr Pule is the PM of this area.

Commented [TL11]: These will remain active but only on enrolling learners. This is for a year or a maximum of 2 years.

Commented [TL12]: The unit standards not realigned learners can be enrolled but for a year or maximum of 2 years. QPs/SETAs are urged to speedily realign unit standards into Skills Programmes.

Commented [TL13]: A Plan will be drawn to monitor this activity and reports provided quarterly or as needed.

Commented [TL14]: A plan from each SETA should be developed and submitted to SAQA?QCTO/DHET in order to monitor progress in replacing the 379 into OCs.

Commented [TL15]: Plans should be submitted to the QCTO Liaison Officer , Mr MacPherson who will prepare a consolidated plan to QCTO/SAQA/DHET on progress to replace the 379 qualifications.

Commented [TL16]: This is to ensure that the 379 qualifications are replaced in a year or a maximum of 2 years.

Commented [TL17]: This provides QCTO to hold SETAS/QPs accountable and to comply with the SLA.

Commented [TL18]: i.The roadshows/marketing itinerary will be developed by the Qualifications Unit and shared to all units for inputs.
ii.The Itinerary should be available by the 15th of June 2024 and be shared to all QPs/SETAs or Professional Bodies.
iii.The CEO will approve the Itinerary.
iv.A presentation should be developed that will be used in all roadshows.

Commented [TL19]: The remaining 3 SETAs/QPs have either realigned all their pre-2009 qualifications or deregistered inactive qualifications and do not have an

6.4 None of these objections to the expiry of pre-2009 qualifications are educational issues and should therefore be dealt with in other spaces.

6.5 No learner will be prejudiced if the system implements a managed transition away from qualifications that are now over 15 years old. On the contrary, learners may finally be given access to learning that is current and of high quality.

Annexure A – Current Process and Scope of the Challenge

SAQA, QCTO and DHET worked collectively on the identification, mitigation and monitoring of the implementation of the transitional arrangements for pre-2009 qualifications.

Through the QCTO, the SETAs have been consulted to confirm the information and co-craft mitigation strategies.

A total of 1 475 pre-2009 qualifications reached their registration end date on 30 June 2023. The last date of first-time learners enrolling for pre-2009 qualifications and unit standards registered on the OQSF shall be 30 June 2024.

The following table outlines the scope of implementation of the transitional arrangements for the pre2009 qualifications and the way forward.

#	Pre 2009 Qualifications	Number	Way forward
1	Replaced by registered Occupational Qualification/s Part Qualifications/approved Skills Programme/s	394	(a) Deregister all pre-2009 qualifications and unit standards replaced by occupational qualifications. Part qualifications or skills programmes
		2	(b) Extend last date of enrolment based on the request from Ministry of Finance
2	Dormant Qualifications and unit standards. These are qualifications and unit standards that need not be aligned	286	Deregister all dormant pre-2009 qualifications and unit standards
3	Qualifications not linked to SETAs (Professional Bodies (SANC)/ DBE etc)	192	QCTO to follow up with these entities, check learner enrolment and confirm the need and recommendations. Some of these qualifications may already be able to be mapped to registered qualifications
4	Provider Based Qualifications on the OQSF	146	De-register all pre-2009 provider-based qualifications and unit standards

Commented [TL20]: The Minister received a petition regarding the deregistration of pre-2009 qualifications but the petition had no bearing on the qualification that had to be deregistered/reregistered but focus on other things.

Commented [TL21]: That is why the extension focuses on learner enrolment which now has been extended for a year or a maximum of 2 years to the 379 qualifications. Just to remind you other qualifications that will not be extended apart from the 379 is because they have been replaced or are no longer active (no learner uptake).

Commented [TL22]: A need to review the regulations before the pre-2009 qualifications are replaced. The QCTO has registered the OCs of these pre-2009 qualifications but because the regulation process takes time, the pre-2009 qualification learner enrolment is extended for a year or a maximum of 2 years depending how long the regulations take to be reviewed.

Commented [TL23]: SAQA has deregistered these qualification and no learner enrolment will extended beyong 30 June 2024.

Commented [TL24]: The qualification unit together with the quality assurance unit will contact SETAS regarding these qualifications. The reports will be developed each quarter to inform the stakeholders about these qualifications.

Commented [TL25]: The providers of these qualifications have been informed. Ms Hannelie van Rensburg liaison person in INTEC can be contacted about these qualifications. The learner enrolment date for these qualifications remain 30 June 2024.

5	Qualifications not prioritised by SETA for realignment into an Occupational Qualification/s Part Qualifications/Skills Programme/s. The QCTO is in the process to consult SETAs to prioritise pre-2009 qualifications	83	The QCTO has engaged SETAs to confirm the status of qualifications with SETAs. These qualifications are recommended for de-registration based on insufficient motivation for extension. Only 10 SETAs have not prioritised replacement of these 83 qualifications: 1. Agri SETA (25) 2. Bank SETA (5) 3. ETDP (1) 4. FASSET (8) 5. FP&M (8) 6. HWSETA (9) 7. MQF (6) 8. SASSETA (7) 9. SERVICES (12) 10. TETA (2)
6	In process: realignment development; evaluation; recommended to SAQA a) SAQA Returns b) Qualifications Recommended to SAQA Qualifications in evaluation (New quals, Realignment, Review and SAQA Returns) c) Qualifications in development (Qualifications in development and applications approved /processed)	275	Extend the last date of enrolment for all pre-2009 qualifications that are in the process of realignment, development, evaluation and recommendation on a case-by case basis
7	Instructional Offerings: NATED Report 191 Part 2 - N4-N6 Programmes and N Diplomas	97	In consultation with the DHET, SAQA and the QCTO - learner enrolment extension for a limited time (2-year extension of learner enrolment may also be considered)
8	Skills programmes underpinning workplace regulations (all under Department of Employment and Labour)	Various	Pre-2009-unit standard have been used for regulatory programmes. QCTO will allow for the development of occupational skills programmes to replace the regulated unit standards

Commented [TL26]: These qualifications learner enrolment date remains 30th June 2024.

Commented [TL27]: i.These qualifications learner enrolment date will be extended to a year or to a maximum of 2 years. will be
ii.SDPs can apply to the QCTO for accreditation against these qualifications.
SETAs/QPs should refer applications received to the QCTO for accreditation.

Commented [TL28]: iii.These qualifications learner enrolment date will be extended to a year or to a maximum of 2 years. will be
iv.SDPs can apply to the QCTO for accreditation against these qualifications.
v.SETAs/QPs should refer applications received to the QCTO for accreditation.

Commented [TL29]: Regulatory Skills Programmes remain active and in accordance to the Joint Communique 1 of 2023. The Communique between DoEL and QCTO.

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