**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 2594**

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**2594. Ms H S Boshoff (DA) to ask the Minister of Basic Education:**

With reference to her reply to question 4098 on 14 December 2015, (a) what are the key differences between the National Education Evaluation and Development Unit (NEEDU) and the Office of Standards and Compliance for Basic Education (OSCBE), (b) why is the OSCBE being established by regulation and not by legislation, (c) what guarantees will be written into legislation to safeguard the independence of the OSCBE from the civil service responsible for the administration of schools and (d) by what date will the OSCBE be established? NW3007E

**Response:**

1. The main difference between the National Education Evaluation and Development Unit (NEEDU) and the Office of Standards and Compliance for Basic Education (OSCBE) is that through a Bill, NEEDU would be established as a statutory body whereas pursuing the new legal pathway (i.e., establishing NEEDU as the OSCBE) will create a ‘component of government.’

Where NEEDU is established as a statutory body, it would be governed by a board whereas the OSCBE will be governed by a Governing Advisory Council to oversee, guide and monitor its activities. The process of nominating and appointing members of the Board or the Council, to ensure that the functions of NEEDU or the OSCBE are performed according to the highest professional standards, is the same, and so are the functions of these bodies.

Except for these differences, where NEEDU is established as a statutory body (through a Bill) or as a component of government (in terms of section 7(5)(c), read with section 7A(1) of the Public Service Act,1994, NEEDU and OSCBE are basically the same in all respects, including governing principles, vision, strategic objectives, functions, authorities, and requirements to report to the Minister of Basic Education on the activities and outcomes of their work.

1. The Bill no longer has any status following the advice by the Department of Public Service and Administration (DPSA) to pursue a new legal pathway. It was argued that, the most appropriate organizational form for NEEDU will be that of an independent government component, established in terms of section 11 of the National Education Policy Act, 1996 (Act 27 of 1996) read with section 7(5) and section 7A of the Public Service Act.
2. In terms of the Administration and Operations clause in the *Business Case and Business Plan for the Establishment of the OSCBE,* the OSCBE founding document, the Head of OSCBE will be the accounting officer of OSCBE and will report and account on progress and the achievements of functions to the Minister of Basic Education.
3. OSCBE will be established when all the prescribed processes have been completed. The process entails the following:
* Approval of the Regulations for the establishment of the OSCBE **by the CEM**.
* Declaring the establishment of OSCBE through the promulgation of the Regulations (via the Government Notice) **by the Minister**.
* Submitting the updated business case and promulgated Regulations and Government Notice to the DPSA [**by NEEDU**].
* Arranging a meeting of the Interdepartmental Assessment Committee to make recommendations on the organizational form for the OSCBE—with NEEDU participating as a member in the Committee and making a presentation to the members [**by DPSA**].
* Preparing a submission to inform the Minister for Public Service and Administration and the Minister of Finance of the Committee's recommendation and obtain the concurrence of the said Ministers for the establishment of the OSBE as a government component [**by DPSA**].
* Preparing (following concurrence from said Ministers) a presidential proclamation to list the OSCBE in schedule 3 of the Public Service Act so as to establish the OSCBE as a government component [**by DPSA**].