

The purpose of the Higher Education Laws Amendment Bill [B24 - 2010] is to: Amend the Higher Education Act, 1997, so as to amend certain definitions; to ensure that all higher education programmes offered in South Africa by a foreign juristic person are registered on the National Qualifications Framework; and to ensure that higher education institutions may offer a degree, diploma or certificate only if it is registered on the National Qualifications Framework; the Skills Development Act, 1998, so as to amend certain definitions; to provide for the appointment of the chief executive officer of the QCTO and for

The Portfolio Committee on Higher Education and Training invites stakeholders and interested parties to submit written submissions on the Higher Education Laws Amendment Bill [B24 - 2010], Skills Development Levies Amendment Bill [B25 - 2010] and Higher Education and Training Laws Amendment Bill [B26 - 2010]

Submissions and Hearings

Higher Education and Training Laws Amendment Bill [B26 - 2010]

And

Skills Development Levies Amendment Bill [B25 - 2010]

Higher Education Laws Amendment Bill [B24 - 2010]

**INVITATION TO ALL HIGHER EDUCATION AND TRAINING STAKEHOLDERS
HAVE YOUR SAY on legislation**

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



COMMITTEES
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evaluation of adult education and training; and to provide for quality assurance in for the publication of national education policy and for the monitoring and principles of national education policy, for consultation on policy and legislation, determination of national education policy for public centres, for directive, arrangements with regard to public centres; to make provision for the and the performance of other work by educators; to provide for transitional retirement of educators, the discharge of educators, incapacity and misconduct the filling of posts, the transfer of educators, the secondment of educators, the educators, the educator establishment, powers of employers, appointments and with regard to employers of educators, salaries and other conditions of service of employment of educators at public centres by inserting provisions in the said Act Training Act, 2000, so as to amend certain definitions; to make provision for the

The purpose of the Higher Education and Training Laws Amendment Bill [B26 – 2010] is to: Amend the Adult Basic Education and

matters connected therewith.

amend the definitions of "Director-General" and "Minister"; and to provide for [B25 – 2010] is to: Amend the Skills Development Levies Act, 1999, so as to

The purpose of the Skills Development Levies Amendment Bill

connected therewith.

references in the said Act to the Minister of Labour; and to provide for matters Republic are registered on the National Qualifications Framework; and to remove application of the Act in order to require that all qualifications offered in the Act, 2008, so as to amend a definition and delete another; to amend the so as to amend certain definitions; and the National Qualifications Framework composition of the QCTO; the National Student Financial Aid Scheme Act, 1999, the transfer to and appointment of staff to the QCTO; and to further regulate the

respect of the qualifications offered by public and private centres; and the Further Education and Training Colleges Act, 2006, so as to amend certain definitions; to make provision for the determination of national education policy for colleges, for directive principles of national education policy, for consultation on policy and legislation, for the publication of national education policy and for the monitoring and evaluation of further education and training; to make provision for the Council of Education Ministers and the Heads of Education Departments Committee and for their administrative functions; to provide for transitional arrangements with regard to colleges; and to provide for quality assurance in respect of the qualifications offered by colleges; and to provide for matters connected therewith.

Public hearings on all Bills will be conducted at Parliament on Tuesday 31 August & Wednesday 01 September 2010. Submissions must reach Anele Kabingesi, Committee Secretary, Portfolio Committee on Higher Education and Training, 3rd Floor, 90 Plain Street, Cape Town, 8000 by no later than 12:00, Thursday, 26 August 2010. Please indicate your interest in making a verbal presentation.

Enquiries/copy of Bill: Mr Anele Kabingesi tel: (021) 403-3760; Cell: 083 412 1585; fax: 086 570 7078; e-mail: akabingesi@parliament.gov.za; or Parliamentary website www.parliament.gov.za

Issued by:

Mr M Fransman, MP

Chairperson: Portfolio Committee on Higher Education and Training

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JR Thomas
ACTING CHIEF EXECUTIVE OFFICER

Yours sincerely

Find attached Umalusi's comment on the Higher Education and Training laws amendment bill.
The chairperson of Umalusi Council, Dr SG Mabizela and the Chief Executive Officer Dr MS Rakometsi would like to make a presentation on the bill to Parliament on Tuesday, 31 August 2010.

INVITATION TO COMMENT ON HIGHER EDUCATION LAWS AMENDMENT BILL (B25 - 2010)

Dear Mr Fransman

Mr M Fransman MP
Chairperson: Portfolio Committee on Higher Education and Training
P O Box 15
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26 August 2010

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24 August 2010

**Umalusi, Council for Quality Assurance in General
and Further Education and Training - comments on
the Higher Education and Training Laws Amendment
Bill (Government Gazette 33393 of 19 July 2010)**



INTRODUCTION

Thank you for the opportunity to comment on the above mentioned amendment Bill currently being considered.

Umalsi has been mandated by the National Qualifications Framework (NQF) Act no 67 of 2009 and the General and Further Education Quality Assurance (GENFETA) Act no 58 of 2001 (amended 2008), as the Quality Council to quality assure for the general and further education and training sector. It is therefore important for Umalsi to provide substantive comments on this Bill as it has implications for its work both in Adult and Further Education and Training.

Traditionally Umalsi has quality assured the General Education and Training Certificate (GETC) for adults at NQF 1; and is currently in progress with the finalization of an alternative matrix for adult learners.

In the case of qualifications offered at Further Education and Training (FET) Colleges, Umalsi has for many years quality assured the National Technical Certificates (NTC) as well as the National Senior Certificate (NSC) offered at colleges, most of which is currently being phased out (some Engineering N certificates are being retained). More recently is has quality assured the National Certificate (Vocational) (NC(V)) levels 2-4.

The accreditation of private providers to offer the above qualifications has also been the task of Umalsi and consequently the organization has built a robust system for the quality assurance of provision for both those offering private adult education and training and private further education and training. The assessment system in public adult education centres and FET colleges has also been audited and reported on for the last 9 years (2001 – 2010).

In this time Umalsi has experienced a migration of qualification and programmes between the Adult Basic Education and Training (ABET) and FET sectors and in 2008 began to work with the sectors in an integrated manner through the establishment of an Adult and Vocational Education and Training (AVET) Provider Forum that has participated in qualification development, accreditation and the setting of assessment standards.

The comment that follows is therefore informed by an in depth understanding and experience of both sectors.

GENERAL COMMENTS While Umalsi understands that the purpose of the amendments was primarily to align the existing legislation to the new education dispensation that came about during 2009 when the former Department of Education was split into the Department of Basic Education (DBE) and the Department of Higher Education and

came about during 2009 when the former Department of Education was split into the Department of Basic Education (DBE) and the Department of Higher Education and Training (DHET); there has also been an emerging understanding that adult and vocational education and training (AVET) are not in fact discrete sectors and that to continue making this difference is no longer educationally defensible; that articulated post-compulsory schooling system should be established where the learning pathways are a continuum of learning from post literacy achievement through to NQF 4 and beyond into NQF 5, the purpose of which is to serve the identified 2.8 million candidates who are not in employment, education or training (NET) and who need a variety of post-compulsory schooling options that will lead to employment or further learning.

The post-compulsory schooling system should therefore reflect the AVET sector as a whole and not be falsely delineated by NQF levels, between adult education, further education and higher education; but should provide accessible alternatives to out-of-school youth and post-literacy adults with a broad and diverse range of offerings and qualifications from NQF 1 – NQF 5; and where no learner is turned away i.e. a post-compulsory schooling sector that is more akin to further than higher education wherein Umalusi and other QCs work together in 'zones of mutual trust' at NQF 5.

Definitions: The definitions of "further education and training" and "adult education and training" therefore don't reflect the new and emerging understanding of the sector, and it is therefore suggested that both Acts are revisited in terms of these definitions that continue to make the NQF levels central to the definitions i.e. FE" (NQF 2-4) and AET (NQF 1). The definitions should be linked to the purpose of basic education (i.e. general education), and adult and vocational education and training in respect of the post-compulsory schooling stream.

Policy: Umalusi welcomes the provision made in both Acts for national policies and the clarification of the responsibilities of the Council of Education Ministers (CEM) and HEDCOM in respect of adult learning centres and FET colleges. However, in the light of the above Umalusi advises that the policies which are currently envisaged as discrete and separate, should be conceived on the basis of an integrated single AVET system for post-compulsory schooling candidates. Provincial and national competencies could be spelled out in such a policy.

SPECIFIC COMMENTS ON THE AMENDMENTS TO THE FET COLLEGES ACT (NO 16 OF 2006)

1) Section on "Directive Principles of national Education policy" 41C (f) refers to 'achieving an integrated approach to **adult** education and training within a national qualifications framework

Comment: It is probably a typing error that **adult** has been put in here, rather than **further education and training**.

2) Section on "Further Education and training programmes", 12. (b) section (5) has been included which reads:

'A college may apply to the Quality Council for Trades and Occupations established in terms of the for accreditation as a Skills Development Provider in order to offer qualifications registered on the sub-framework for Trades and Occupations....'

Comment: Umalusi would like the same provision to be made in the sub-framework of qualifications for general and further education and training (As has been made for QCTO), otherwise FET colleges (especially private colleges) may consider that they may not offer Umalusi's qualifications. Amendment should read as follows: 'A college may apply to Umalusi the Council for Quality Assurance in General and Further Education, established in terms of the for accreditation as a FET institution in order to offer qualifications registered on the Umalusi sub-framework of qualifications as contemplated in section ... of the National Qualifications Framework Act, 2008.'

3) Section on "Limitation of Liability" 49 (1), (2), (3) -

Comment: While this section does not form part of the proposed amendments Umalusi nevertheless wishes to indicate that it may be necessary to also include liability of the State in of private colleges - at the moment it only includes liability in of public colleges.

4) Section on "Further Education and Training Programme" 43. (1) indicates 'The Minister may prescribe minimum norms and standards for further education and training programmes within the sub-framework of further education and training on the National Qualifications Framework that are offered at colleges'.

Comments: Firstly, the amended act does not define the term "programme" and it is therefore not clear what the Minister will set norms and standards for given

- establish a committee for monitoring of academic standards and quality promotion;
- ensure that the requirements to provide learning against standards and qualifications registered on the National Qualifications Framework are met;

Under section "Functions of Governing body" the following should be included:

Umalsi proposes the following **additional amendment** to ensure that the quality of adult learning is ensured : (As modified from the FETC Act section on "Academic Board of public colleges" 11.91) (b) and (c))

2) Umalsi further welcomes the amendments that address the appointment of educators in PALCs as this will stabilize teaching and learning, the uncertainty of which has bedeviled adult education since inception. Umalsi anticipates that this newly created stability will reflect in the adult education success rate in future.

1) Umalsi welcomes the effort at creating coherence in the adult and FEI systems through linking of adult education and vocational education in common structures namely the CEM and HEDCOM but advises that national policies should be developed jointly to ensure a seamless continuum of learning in a post-compulsory schooling system from NQF 1-NQF 5, and that education and training is no longer divided falsely and rigidly restricted by NQF levels. Rather, as noted above, differentiation should be on the basis of the purpose of qualifications and the target groups to be serviced.

SPECIFIC COMMENTS ON THE AMENDMENTS TO THE ADULT BASIC EDUCATION ACT (NO 52 OF 2000)

Umalsi's mandate to develop qualifications for a sub-framework of qualifications for general and further education and training. (Does programme mean curriculum? qualification? learning programme?).

Secondly, there is no "sub-framework of further education and training on the National Qualifications Framework" – the sub-framework developed and quality assured by Umalsi includes qualifications related to basic education, adult education as well as those for further education and is entitled "The qualifications framework for general and further education and training". Further education cannot therefore be singled out as if on a separate framework.

It has been Umalsi's understanding, after obtaining legal advice from the State legal services that all matters relating to the development of the NQF and its sub-frameworks are in the ambit of the Minister of Higher Education and Training and therefore the full set of qualifications located on its sub-framework would be overseen by HE&T in cooperation with The Ministry of Basic Education.

Conclusion
The linking of the two Acts through the amendments is welcomed but Umaluzi would like to see a more integrated post-compulsory schooling system established through the national education policies envisaged. The amendment of the Acts seems an opportune time to create "space" for such to occur. The above comments are made in the light of such expectations.