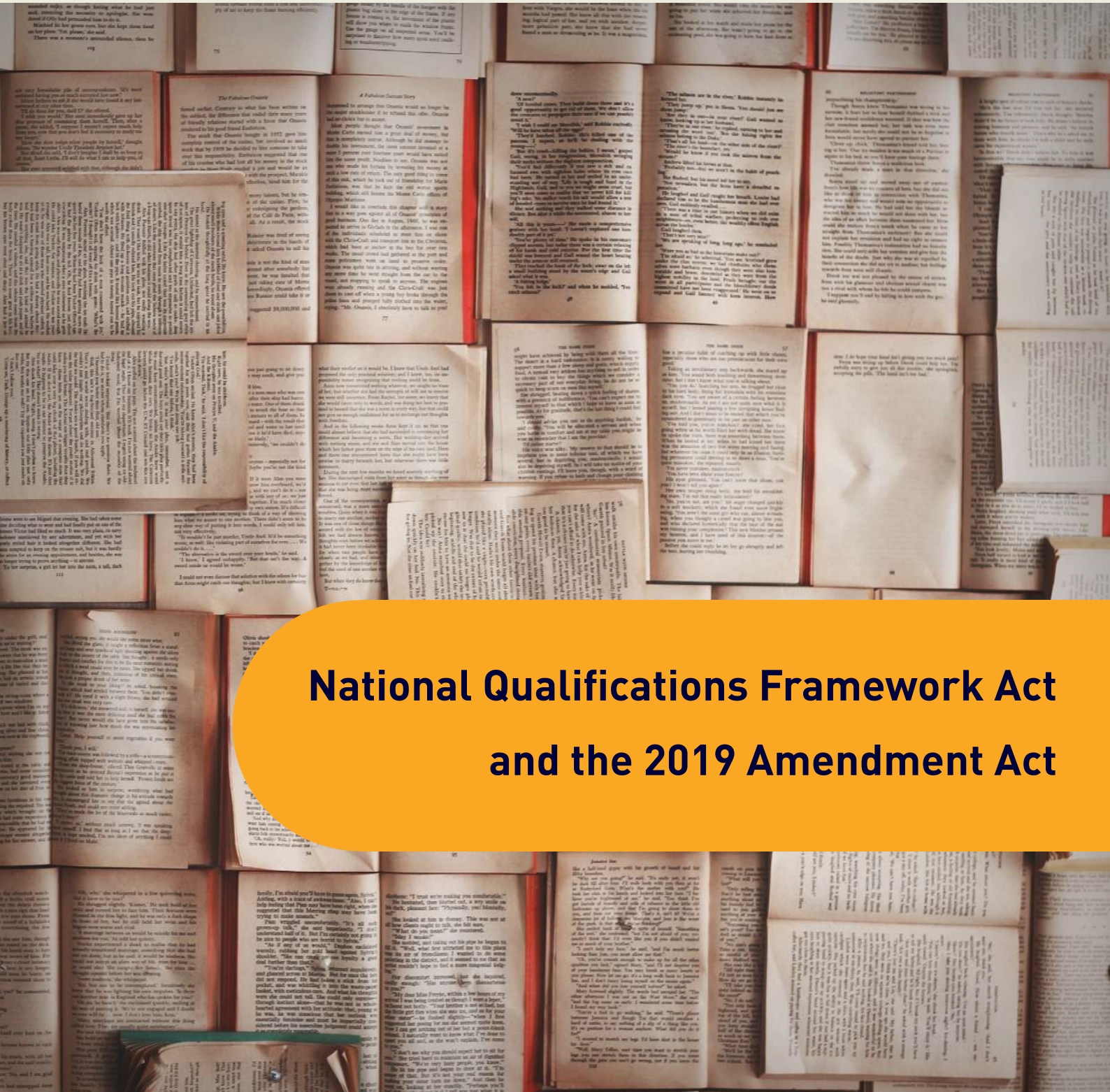


FACT SHEET

National Qualifications Framework Act and the 2019 Amendment Act



INTRODUCTION

The purpose of this fact sheet is to take a holistic view of South Africa's National Qualifications framework including the legislation pertaining to its governance and to outline the provisions of the 2019 Amendment Act in relation to the creation of a criminal offence in claiming false qualifications. The Fact Sheet published in October 2016 took a deep dive into the L&D landscape and provided the reader with a foundational overview to the NQF Act.

National qualifications frameworks (NQFs) classify qualifications by level, based on learning outcomes. This classification reflects the content and profile of qualifications - that is, what the holder of a certificate or diploma is expected to know, understand, and be able to do. The learning outcomes approach also ensures that education and training sub-systems are open to one another. Thus, it allows people to move more easily between education and training institutions and sectors.

National qualifications frameworks also assist in making qualifications easier to understand and compare. It can also encourage countries to rethink and reform national policy and practice on education, training and lifelong learning.

The National Qualifications Framework (NQF) is the system that records the credits assigned to each level of learning achievement in a formal way to ensure that the skills and knowledge that have been learnt are recognised throughout the country.

The NQF is a set of principles and guidelines by which records of learner achievement are registered to enable national recognition of acquired skills and knowledge, thereby ensuring an integrated system that encourages life-long learning.

The objectives of the NQF are to:

- Apply a single integrated national framework for learning achievements
- Facilitate access to, and mobility and progression within, education, training and career paths
- Enhance the quality of education and training; and
- Accelerate the redress of past unfair discrimination in education, training and employment opportunities.

These objectives are designed to contribute to the full personal development of each learner and the social and economic development of the nation at large.



HISTORICAL OVERVIEW

The National Qualifications Framework was developed and implemented in terms of the South African Qualifications Act (SAQA), 1995 and in 2008 the NQF Act was promulgated with an objective to provide for the further development, organisation and governance of the NQF. The Framework was implemented on the 01 June 2009.

SAQA's role is to:

- advance the objectives of the NQF;
- oversee the further development of the NQF; and
- co-ordinate the sub-frameworks.

SAQA has the following deliverables:

- register qualifications and part-qualifications;
- collaborate with international counterparts on all matters of mutual interest concerning the NQF;
- conduct or commission investigations on issues of importance to the development and implementation of the NQF;
- maintain the National Learners' Records Database comprising registers of national qualifications, part-qualifications, learner achievements,
- recognise professional bodies,
- register professional designations;
- provide an evaluation and advisory service of foreign qualifications; and
- provide NQF Advisory Service.

In 2013 the NQF Act was amended to determine the NQF sub frameworks (see below) and more importantly the NQF level the qualifications should be aligned to.

- General and Further Education and Training Sub-Framework (GFETQSF),
- Higher Education Qualifications Sub-Framework (HEQSF), and
- Occupational Qualifications Sub-Framework (OQSF).

Key to note is that at that stage qualifications beyond level eight had not yet been determined.

These sub-frameworks have qualifications registered at the following NQF levels:

- GFETQSF - levels 1 to 4;
- HEQSF - levels 5 to 10;
- OQSF - levels 1 to 6. For NQF levels 7 and 8 the Quality Council for Trades and Occupations can motivate for a qualification only in collaboration with a recognised professional body and the Council on Higher Education, in a process co-ordinated by SAQA.

FACT SHEET - DECEMBER 2019

There are 3 Quality Councils (QCs), namely:

- UMALUSI,
- Quality Council for Trades & Occupations (QCTO), and
- Council on Higher Education South Africa (CHE).

The table below graphically demonstrates the relationship between the three QC's in terms of the NQF.

National Qualifications Framework				
Level	Sub-framework and qualification types			
10	Higher Education Qualifications Sub-Framework	Doctoral Degree Doctoral Degree (Professional)	*	Occupational Qualifications Sub-Framework
9		Master's Degree Master's Degree (Professional)	*	
8		Bachelor Honours Degree Post Graduate Diploma Bachelor's Degree	Occupational Certificate (Level 8)	
7		Bachelor's Degree Advanced Diploma	Occupational Certificate (Level 8)	
6		Diploma Advanced Certificate	Occupational Certificate (Level 8)	
5		Higher Certificate	Occupational Certificate (Level 8)	
4	General and Further Education and Training Qualifications Sub-Framework	National Certificate	Occupational Certificate (Level 8)	
3		Intermediate Certificate	Occupational Certificate (Level 8)	
2		Elementary Certificate	Occupational Certificate (Level 8)	
1		General Certificate	Occupational Certificate (Level 8)	

The NQF is a single integrated system which comprises of 3 co-ordinated qualifications sub-frameworks.

INTERNATIONAL COMPARISON



Other countries using a qualifications framework on the African continent include nine Southern African Development Community (SADC) countries which are implementing a comprehensive qualifications framework, which will both facilitate mutual recognition of qualifications and ensure the easy movement of students and workers within the SADC's 16 countries.

The Southern African Development Community Qualifications Framework – the SADCQF – which covers higher education, technical and vocational education and training, as well as schooling, provides a mechanism for comparability and the recognition of qualifications within the SADC. It also coordinates qualifications, promotes the transfer of credits within and among member states, and creates SADC regional standards.

The implementation of the SADCQF followed its approval by the SADC ministers responsible for education and training, science, technology and innovation in 2011, and the development of principles for the framework since then.

The Technical Committee on Certification and Accreditation (TCCA) – comprising a group of experts from the 16 SADC member states and supported by the SADC secretariat – was constituted and given the task of implementing the SADCQF.

The bloc has come up with six implementation areas that have been championed by five countries: governance (SADC secretariat); quality assurance (Botswana); verification (Eswatini); recognition of prior learning, credit accumulation, transfer and articulation (Namibia); advocacy and communication (Zambia); and development and alignment (South Africa).

South Africa's Department of Higher Education and Training has been giving updates on the implementation of the SADC framework. One of the updates said that after piloting the framework in eight countries, the SADC's TCCA also aimed to roll out the programme in the remaining eight countries:

“Eight SADC countries are piloting alignment of their national qualifications frameworks or national qualifications systems with the SADCQF. The pilot countries are Botswana, Lesotho, Mauritius, Namibia, Seychelles, South Africa, Swaziland and Zambia. An alignment plan and roadmap, as well as alignment timelines, were developed to assist the eight pilot countries,”.

Moving further abroad, the main catalyst for the development of comprehensive national qualification frameworks in Europe has been the European qualifications framework (EQF).

All countries committed to the EQF are developing or implementing national frameworks mostly covering all levels and types of qualifications: the 28 Member States, Iceland, Liechtenstein, Norway, Switzerland, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, and Turkey.

The development of national qualifications frameworks in Europe also reflects the Bologna process and the agreement to implement qualifications frameworks in the European higher education area (QF-EHEA).

This is by no means an exhaustive list, but rather its intention is to show international comparability, more especially in the context of the contemporary education systems articulation and access.

THE 2019 NQF AMENDMENT ACT

2019 saw a second amendment to the NQF Act with particular focus matters such as the:

- verification of qualifications including part qualifications;
- maintaining a separate register for professional designations;
- evaluation of foreign qualifications;
- providing a guide for offences and penalties.

This last point is necessary since fake credentials (qualifications and experiences) are becoming more common in South Africa. In 2018, South Africa saw a sharp increase in the number of fraudulent qualifications reported to regulatory bodies including the South African Qualifications Authority. Then Higher Education Minister Naledi Pandor explained that the number of reported cases spiked from just 37 in 2011/12 to 982 in the 2017/18 financial year. This only represents the number of fake credentials reported. The real number may be much higher. This poses a serious problem for universities and employers. It undermines their legitimacy and reputation and robs honest candidates of opportunities for further education or employment.

Fortunately, there are steps that universities and employers can take to protect themselves. These include the use of verification systems, reference checking and competency-based interviews. In South Africa, MIE operates as a registered credit bureau and is a member of both the National Association of Professional Background Screeners (NAPBS) and the Southern African Fraud Prevention Service (SAFPS). MIE owns and operates the National Qualifications Register (NQR®). The NQR® is an electronic register with over 4.4-million graduate records from 27 subscribing tertiary institutions. MIE verifications are in line with legislation, requiring the signed consent of the individual prior to the checks being conducted.

For universities and employers, fake qualifications pose a reputational risk. If postgraduate students who manage to gain entry on a falsified transcript perform below standard, future applicants from that university may be disadvantaged by association.

This also poses a risk to university selection criteria data and policy, as it damages the validity of using prior academic records as a predictor of success.

Another consequence is that fraudulent qualifications may increase the tendency for institutions to hire their own – accepting more students from their own institution for further study, or employment, rather than recruiting from further afield. That's because students who've already been trained by the institution are more easily verified and represent a known entity.

For employers, hiring those who have falsified their qualifications or lied on their CVs can lead to costly exposure to legal action, high staff turnover, lost revenue and public reputational damage which may take years to repair.

Recent examples include the Passenger Rail Agency of South Africa (PRASA) which employed Daniel Mthimkhulu on a fraudulent curriculum vitae in an executive position (as a Chief Engineer), and for the next 63 months the Company paid him more than R15-million in salary and related cost-to-company benefits. In this position Mr Mthimkhulu allegedly caused millions of Rands of detriment to PRASA in poor engineering decisions, apart from possible corrupt decisions. Another example is that of the former SABC Board chairperson Zandile Ellen Tshabalala who was found to have misled parliament by claiming to have a B Com degree and a diploma from Unisa. It also emerged in the report of the Public Protector in 2014 that former SABC chief operations officer, Hlaudi Motsoeneng, had falsely claimed to have a matric qualification in applying for the position.

The Amendment Act makes it a criminal offence to claim a false qualification: Section 32B(3) of the Act provides that “A person is guilty of an offence, if such person falsely or fraudulently claims to be holding a qualification or part-qualification registered on the NQF or awarded by an education institution, skills development provider, QC or obtained from a lawfully recognised foreign institution.” In terms of s32B(6), any person convicted of an offence in terms of s32B(3) is liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and imprisonment. This will include claims made by a person on social media, in job applications or any other channel.

“The provision is intentionally broad enough to cover just about any type of misleading claim about just about any type of formal qualification, says Shirley Lloyd, the recently retired head of the National Qualifications Framework (NQF) directorate, and one of the driving forces behind the new law. If someone reads a false claim of a degree on Twitter or LinkedIn and that person is misled, “then they should be able to raise it,” says Lloyd. The South African Qualifications Authority (SAQA) will be obliged to investigate such a claim, and hand it over to prosecutors if it is in breach of the law. That doesn’t mean anyone with a fake degree is liable for prosecution though, Lloyd says, because some of those are victims rather than perpetrators. “There are some people who might have inadvertently gone to an institution that is itself an illegal institution, what is commonly referred to as a bogus institution, and they have no idea whatsoever that they were achieving a qualification without formal standing,” Lloyd tells Business Insider South Africa.”¹

Thus, not only do HR practitioners have the national register through which to verify claims made by applicant and employees, but they are now under a professional obligation to report false claims to SAQA for investigation. The new Act does provide relief for people who genuinely believe that the qualification they have is registered by SAQA, as explained above, and thus the spotlight should fall more on institutions that falsely claim to be offering registered qualifications. What sometimes happens in the private training industry is that an institution will register one or more qualifications and then claim that all their qualifications are registered.



¹ <https://www.businessinsider.co.za/national-qualifications-framework-amendment-act-offences-for-fraud-2019-8>

CONCLUSION

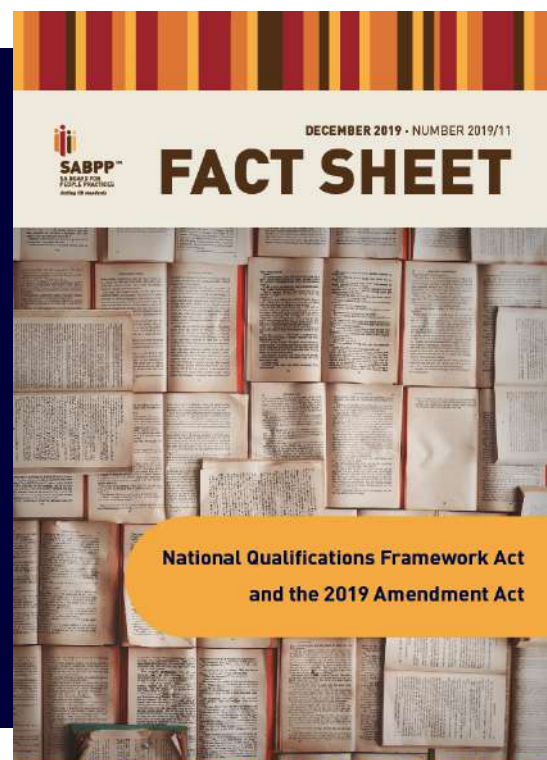
The HR profession must support institutional ethics and it is imperative that thorough screening and verifications take place to reduce misrepresentation of qualifications and experience within the South African economy. Our high levels of unemployment lead to desperate attempts to secure qualifications and subsequent employment, so a high level of integrity in the verification of qualifications system is critical to ensure that desperate people are not taken advantage of and damage to employers is minimised.

The final thrust of the strategy SABPP's People Factor strategy 2020-2030 is explained as "HR practitioners should be champions of ethically centred governance in their organisations, thereby contributing to the ethical culture determined by the King IV Commission as one of the critical outcomes of governance".

This Fact Sheet can thus conclude that the NQF Amendment Act 2019 provides a framework and guideline by which South Africa is to govern qualifications and will assist its participants and stakeholders to engage in an ethically sound manner.

This fact sheet was written by:
Dustin Hogg (CHRP)

Chartered HR Professional: 42865884
SABPP L&D Committee Chairperson
SABPP O.D & Change Management Deputy Chairperson





REFERENCES

<https://www.msn.com/en-za/money/news/prasas>: Accessed 20 Oct. 2019

<https://www.iol.co.za/news/politics/new-law-to-deal-with-fake-degree>: Accessed 20 Oct. 2019

[www.news.uct.ac.za/article/Tackling the fake qualifications threat](http://www.news.uct.ac.za/article/Tackling-the-fake-qualifications-threat) Accessed 20 Oct.2019

<https://www.businessinsider.co.za/national-qualifications-framework-ame>. Accessed 20 Oct.2019

[https://www.universityworldnews.com/Nine SADC countries geared for qualifications framework](https://www.universityworldnews.com/Nine-SADC-countries-gear-up-for-qualifications-framework). Accessed 20 Oct.2019

<http://peoplefactor.co.za/the-people-factor-strategy-2020-2030-hr202030/?print=pdf>. Accessed 20 Oct.2019

NQF Act 67 of 2008

NQF Amendment Act of 2013

NQF Amendment Act of 2019

NSDP

SAQA Act

FACT SHEET

DATE	NUMBER	SUBJECT
2016		
February	1	PRODUCTIVITY BASICS
March	2	SERVICE LEVEL AGREEMENT
April	3	TALENT MANAGEMENT: PAST, PRESENT AND FUTURE
May	4	BUILDING ORGANISATIONAL CAPABILITIES
June	5	CHANGE MANAGEMENT
July	6	INNOVATION IN HR
August	7	HR TECHNOLOGY
September	8	HR IN BUSINESS SUSTAINABILITY
October	9	THE LEARNING & DEVELOPMENT LANDSCAPE IN SA
2017		
February	1	MODERN SLAVERY
March	2	PENSION LAW FOR EMPLOYERS
April	3	THE GAME CHANGER: ROLE OF HR
May	4	HR GOVERNANCE
June	5	INTEGRATING SKILLS DEVELOPMENT, EMPLOYMENT EQUITY AND B-BBEE TRANSFORMATION
July	6	STRESS MANAGEMENT
August	7	REMUNERATION: RECENT TRENDS
September	8	HOW CEOs AND CHROs CAN USE THE SABPP TO CREATE EXCELLENCE IN HR MANAGEMENT
October	9	PEOPLE WITH DISABILITIES
November	10	RETRENCHMENT
December	11	THE SOUTH AFRICAN LEADERSHIP STANDARD

For more information about SABPP, visit our website www.sabpp.co.za or follow us on twitter @Sabpp1 for daily HR information

FACT SHEET

DATE	NUMBER	SUBJECT
2018		
February	1	STRATEGIC HUMAN RESOURCE MANAGEMENT
March	2	BULLYING IN THE WORKPLACE
April	3	LISTERIOSIS AND FOOD SAFETY IN THE WORKPLACE
May	4	FLEXIBLE WORK PRACTICES
June	5	YOUTH EMPLOYMENT SERVICE
July	6	HR PRACTITIONERS AS EX-OFFICIO COMMISSIONERS OF OATHS
August	7	NATIONAL MINIMUM WAGE (NMW)
September	8	EMPLOYEE RETRENCHMENT
October	9	THE FUTURE OF YOUTH IN SOUTH AFRICA
November	10	BOARD EXAMINATIONS: A SIGNIFICANT STEP FORWARD FOR HR PROFESSIONALISATION
December	11	CHRONIC DISEASE MANAGEMENT: CANCER IN THE WORK PLACE
2019		
February	1	EMPLOYER VALUE PROPOSITION
March	2	QUALITY COUNCIL FOR TRADES AND OCCUPATIONS
April	3	RECENT TRENDS ON REMUNERATION GOVERNANCE
May	4	THE PROTECTED DISCLOSURES ACT
June	5	HR SERVICE DELIVERY MODELS
July	6	CREATING A SPEAK UP CULTURE AT WORK
August	7	JOB PROFILES
September	8	ETHICS HOTLINE MANAGEMENT: BEST PRACTICE GUIDE FOR SOUTH AFRICAN EMPLOYERS
October	9	DISABILITY AND EMPLOYMENT: THE SABPP DISABILITY PROFESSIONAL PRACTICE STANDARD
November	10	FACING THE FOURTH INDUSTRIAL REVOLUTION: WHAT ARE SOUTH AFRICA'S CONSTRAINTS?
December	11	NATIONAL QUALIFICATIONS FRAMEWORK ACT AND THE 2019 AMENDMENT ACT

For more information about SABPP, visit our website www.sabpp.co.za or follow us on twitter @Sabpp1 for daily HR information