

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

Contents

CHAPTER 1: DEFINITIONS	3
1. <i>Definitions.....</i>	3
CHAPTER 2: REGISTRATION OF OCCUPATIONAL QUALIFICATIONS ON THE OCCUPATIONAL QUALIFICATIONS FRAMEWORK.....	4
2. <i>Registration of occupational qualifications</i>	4
3. <i>Occupational qualifications recognised by QCTO</i>	5
CHAPTER 3: DEVELOPMENT OF OCCUPATIONAL QUALIFICATIONS	6
4. <i>Appointment of development quality partner</i>	6
5. <i>Criteria for appointment of development quality partner</i>	6
6. <i>Functions of development quality partner.....</i>	7
7. <i>Termination of appointment of development quality partner.....</i>	8
8. <i>QCTO approval of occupational qualifications.....</i>	9
9. <i>QCTO publication of approved occupational curricula and qualification assessment specifications.....</i>	9
10. <i>Funding the development of occupational qualifications.....</i>	9
11. <i>Review of occupational qualifications.....</i>	9
12. <i>De-registration of occupational qualifications</i>	10
CHAPTER 4: REGISTRATION OF QUALIFICATION DEVELOPMENT FACILITATORS	11
13. <i>Registration of qualification development facilitators</i>	11
CHAPTER 5: ACCREDITATION OF SKILLS DEVELOPMENT PROVIDERS	12
14. <i>Application for accreditation as skills development provider.....</i>	12
15. <i>General criteria for accreditation of skills development providers</i>	12
16. <i>Curriculum specific criteria for accreditation of skills development providers.....</i>	13
17. <i>Bodies accredited by other quality councils.....</i>	13
18. <i>Accreditation of skills development providers.....</i>	13
19. <i>Application for amendment of scope of accreditation of skills development provider.....</i>	14
20. <i>Responsibilities of accredited skills development providers</i>	14
21. <i>Withdrawal of accreditation of skills development providers</i>	15
CHAPTER 6: EXTERNAL ASSESSMENT OF OCCUPATIONAL QUALIFICATIONS	17
22. <i>Appointment of assessment quality partner.....</i>	17
23. <i>Criteria for appointment of assessment quality partner.....</i>	18

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

24.	<i>Functions of assessment quality partner</i>	18
25.	<i>Funding the assessment of occupational qualifications</i>	20
26.	<i>Termination of appointment of assessment quality partner</i>	20
27.	<i>Registration of occupational assessment practitioners</i>	20
CHAPTER 7: ACCREDITATION OF ASSESSMENT CENTRES		22
28.	<i>Application for accreditation of assessment centres</i>	22
29.	<i>Criteria for accreditation of assessment centres</i>	22
30.	<i>Accreditation of assessment centres</i>	22
31.	<i>Functions of assessment centres</i>	23
32.	<i>Withdrawal of accreditation of assessment centres</i>	24
CHAPTER 8: RECOGNITION OF PRIOR LEARNING		25
33.	<i>Recognition of prior learning in respect of occupational qualifications</i>	25
CHAPTER 9: CERTIFICATION		26
34.	<i>Certification for occupational qualifications</i>	26
35.	<i>Statements of results</i>	27
36.	<i>Falsification of certificates and statements of results</i>	27
CHAPTER 10: GENERAL PROVISIONS		28
37.	<i>Appeals</i>	28
38.	<i>Fees</i>	30
39.	<i>Transitional arrangements regarding registered qualifications</i>	30
40.	<i>Short title</i>	31
SCHEDULE		32
	<i>Transitional arrangements regarding registered qualifications</i>	32

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

CHAPTER 1: DEFINITIONS

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Skills Development Act, 1998 (Act 97 of 1998) has that meaning and unless the context indicates otherwise-

- (a) **“accredited assessment centre”** means a body, including a trade test centre, accredited by the QCTO in terms of regulation 30 to conduct the external summative assessment for a specified occupational qualification or qualifications;
- (b) **“assessment quality partner”** means an assessment quality partner appointed by the QCTO in terms of regulation 22;
- (c) **“curriculum component”** means one of the three components common to all occupational curricula which are the knowledge component, the practical skills component and the work experience component;
- (d) **“development quality partner”** means a development quality partner appointed by the QCTO in terms of regulation 4;
- (e) **“foundational learning competence”** means the competence identified for coping with the demands of occupational learning at NQF levels 2 – 4 in the key areas of communication and mathematical literacy;
- (f) **“moderation”** means the process of ensuring that assessment principles are consistently applied;
- (g) **“National Qualifications Framework Act”** means the National Qualifications Framework Act, 2008 (Act 67 of 2008);
- (h) **“occupational assessment practitioner”** means a person registered by an assessment quality partner as contemplated by regulation 24(2)(e) for the external assessment and moderation of occupational qualifications;

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (i) **“organising framework for occupations”** means the organising framework for occupations prescribed by the Minister in terms of section 26J(1) of the Skills Development Act;
- (j) **“qualification assessment specifications”** means the requirements for the external summative assessment of a specified occupational qualification, including whether or not assessment must be conducted at an accredited assessment centre or may be conducted at another suitable site;
- (k) **“qualification development facilitator”** means a facilitator registered by the QCTO in terms of regulation 13 to facilitate the development of occupational curricula, qualification assessment specifications and occupational qualifications;
- (l) **“South African Qualifications Authority”** means the South African Qualifications Authority contemplated by section 10 of the National Qualifications Framework Act; and
- (m) **“Skills Development Act”** means the Skills Development Act, 1998 (Act 97 of 1998).

CHAPTER 2: REGISTRATION OF OCCUPATIONAL QUALIFICATIONS ON THE OCCUPATIONAL QUALIFICATIONS FRAMEWORK

2. Registration of occupational qualifications

- (1) The QCTO must develop and implement policy and criteria for the development, registration and publication of occupational qualifications on the Occupational Qualifications Framework.
- (2) No occupational qualification may be registered on the Occupational Qualifications Framework unless the occupational qualification is—
 - (a) approved by the QCTO; and
 - (b) submitted by the QCTO to the South African Qualifications Authority for registration.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (3) The QCTO may submit an occupational qualification to the South African Qualifications Authority for registration on the Occupational Qualifications Framework if the occupational qualification is developed in accordance with –
- (a) the policy and criteria contemplated in sub-regulation (1); and
 - (b) the requirements of these regulations.

3. Occupational qualifications recognised by QCTO

- (1) The QCTO recognises the following occupational qualifications for purposes of registration on the Occupational Qualifications Framework:
- (a) national occupational awards, which are occupational qualifications representing an occupation or group of occupations classified at skills level 2 or above on the organising framework for occupations; and
 - (b) national skills certificates, which are occupational qualifications –
 - (i) representing an occupation or group of occupations classified at skills level 1 on the organising framework for occupations;
 - (ii) for occupational specialisations or other specialisations linked to an occupation or group of occupations;
 - (iii) for distinct sub-components of national occupational awards; or
 - (iv) for occupational skills sets that require licensing, registration or certification.
- (2) A national skills certificate must consist of a minimum of 20 credits recognised by the QCTO.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

CHAPTER 3: DEVELOPMENT OF OCCUPATIONAL QUALIFICATIONS**4. Appointment of development quality partner**

- (1) The QCTO may on application in the form and manner required by the QCTO, appoint a body as a development quality partner to perform the functions contemplated in regulation 6.
- (2) If the QCTO appoints an applicant as a development quality partner, the QCTO must issue the body with a letter of appointment stating –
 - (a) that it is appointed as a development quality partner;
 - (b) the occupation or occupations for which it is appointed; and
 - (c) the duration of its appointment, which may not exceed 5 years.
- (3) The QCTO must conclude a service level agreement with a development quality partner concerning the performance of its functions in terms of these regulations.
- (4) The QCTO may amend the scope or duration of appointment of a development quality partner –
 - (a) on application in the form and manner required by the QCTO; or
 - (b) on its own initiative, after reasonable prior written notice to the development quality partner.
- (5) If the QCTO amends a development quality partner's scope or duration of appointment, it must provide the development quality partner with an amended letter of appointment stipulating the amended scope or duration of appointment.

5. Criteria for appointment of development quality partner

The QCTO may appoint a body as a development quality partner only if satisfied that the body:

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (a) has the necessary expertise, experience and standing in the occupation or occupations concerned; and
- (b) has the resources necessary to perform its functions in terms of these regulations.

6. Functions of development quality partner

- (1) A development quality partner must, in respect of the occupation or occupations for which it is appointed -
 - (a) develop or revise, for the approval of the QCTO, occupational qualifications and curricula;
 - (b) develop or revise, in co-operation with the assessment quality partner, qualification assessment specifications;
 - (c) compile a database of relevant expert practitioners;
 - (d) recommend, for the approval of the QCTO, the appointment of a working group or working groups –
 - (i) to represent the relevant community of expert practice; and
 - (ii) to assist the development quality partner to develop or revise the occupational qualifications, occupational curricula and qualification assessment specifications;
 - (e) appoint a registered qualification development facilitator to assist it in the performance of its functions;
 - (f) report to the QCTO on the performance of its functions in the form and manner required by the QCTO;
 - (g) comply with its obligations under the service level agreement referred to in regulation 4(3);

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (h) if requested by the QCTO, conduct quality audits of skills development providers; and
 - (i) perform such other functions as may be delegated by the QCTO.
- (2) A development quality partner must comply with the QCTO's policy and criteria for the development of occupational qualifications.

7. Termination of appointment of development quality partner

- (1) The QCTO may on reasonable grounds terminate the appointment of a development quality partner, including on the grounds that the development quality partner -
- (a) no longer satisfies the criteria for appointment contemplated in regulation 5;
 - (b) has failed or refused to perform its functions in terms of regulation 6; or
 - (c) has failed or refused to comply with the QCTO's policy and criteria for the development of occupational qualifications.
- (2) Before the QCTO terminates the appointment of a development quality partner the QCTO must-
- (a) notify the development quality partner in writing of its intention to do so, with reasons;
 - (b) grant the development quality partner a period of 20 working days from the date of notice to make representations on the matter; and
 - (c) consider any such representations received.
- (3) If the QCTO terminates the appointment of a development quality partner, the QCTO must notify the development quality partner of its decision in writing.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)**8. QCTO approval of occupational qualifications**

The QCTO may recommend to the South African Qualifications Authority the registration of an occupational qualification developed by a development quality partner if the QCTO approves –

- (a) the occupational qualification;
- (b) the related occupational curriculum; and
- (c) the related qualification assessment specifications.

9. QCTO publication of approved occupational curricula and qualification assessment specifications

After the South African Qualifications Authority registers an occupational qualification on the Occupational Qualifications Framework, the QCTO must publish the occupational curriculum and qualification assessment specifications which relate to the occupational qualification on the QCTO's official website and give notice in the *Gazette* that it has done so.

10. Funding the development of occupational qualifications

A development quality partner is responsible for funding the performance of its functions in terms of these regulations.

11. Review of occupational qualifications

- (1) The QCTO must develop policy and criteria for the review of occupational qualifications registered on the Occupational Qualifications Framework, including the review of the occupational curricula and qualification assessment specifications related to occupational qualifications.
- (2) The QCTO must review an occupational qualification registered on the Occupational Qualifications Framework at least every 5 years, the first 5 year period commencing on 1 January of the year following registration of the occupational qualification or revised occupational qualification.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009**(Final)**

-
- (3) After reviewing an occupational qualification, the QCTO may –
 - (a) recommend to the South African Qualifications Authority the continued registration of the occupational qualification;
 - (b) approve a revised occupational qualification and submit it to the South African Qualifications Authority for registration;
 - (c) recommend to the South African Qualifications Authority that the occupational qualification be de-registered from the Occupational Qualifications Framework;
 - (d) approve a revised occupational curriculum and qualification assessment specifications.
 - (4) The periodic review of occupational qualifications contemplated in sub-regulation (2) does not preclude the more frequent revision of occupational qualifications or related occupational curricula and qualification assessment specifications by the QCTO.
 - (5) The review period for an occupational qualification as contemplated in sub-regulation (2) is not affected by the QCTO approving a revised occupational curriculum or qualification assessment specifications which do not require a revision of the occupational qualification concerned.

12. De-registration of occupational qualifications

- (1) The QCTO may recommend to the South African Qualifications Authority that an occupational qualification be de-registered from the Occupational Qualifications Framework if the QCTO is satisfied that there is no longer a need for the occupational qualification.
- (2) If the South African Qualifications Authority, on the recommendation of the QCTO, de-registers an occupational qualification from the Occupational Qualifications Framework, the QCTO, after consulting the development quality partner concerned, must determine an appropriate teach-out period for learners registered on learning programmes related to the occupational qualification.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)**CHAPTER 4: REGISTRATION OF QUALIFICATION DEVELOPMENT
FACILITATORS****13. Registration of qualification development facilitators**

- (1) Any person who has obtained a national skills certificate for the facilitation of the development of occupational curricula, qualification assessment specifications and occupational qualifications may apply to the QCTO, in the form and manner required by the QCTO, for registration as a qualification development facilitator.
- (2) The QCTO must establish and maintain a register of qualification development facilitators.
- (3) If the QCTO approves an application contemplated in sub-regulation (1), it must register the applicant's name in the register of qualification development facilitators.
- (4) The QCTO may determine –
 - (a) a code of ethical standards applicable to qualification development facilitators;
 - (b) a fair disciplinary procedure to consider and determine contraventions of the code of ethical standards; and
 - (c) requirements for the continuing professional development of qualification development facilitators.
- (5) The QCTO may withdraw the registration of a qualification development facilitator and remove the qualification development facilitator's name from the register if the facilitator -
 - (a) contravenes the code of ethical standards determined by the QCTO;
 - (b) does not comply with the requirements of continuing professional development determined by the QCTO;
 - (c) does not act in this capacity for a period of 3 years; or
 - (d) requests removal from the register in writing.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

CHAPTER 5: ACCREDITATION OF SKILLS DEVELOPMENT PROVIDERS**14. Application for accreditation as skills development provider**

- (1) Any body which wishes to provide the knowledge or practical skills curriculum component of an occupational qualification, may apply to the QCTO for accreditation in the form and manner required by the QCTO.
- (2) Any body which wishes to provide the foundational learning curriculum for mathematical literacy or communication, may apply to the QCTO for accreditation in the form and manner required by the QCTO.
- (3) The QCTO must consider and determine an application for accreditation as a skills development provider within 30 working days of receiving the application.

15. General criteria for accreditation of skills development providers

- (1) An applicant for accreditation to provide the knowledge or practical skills curriculum component of an occupational qualification must satisfy the following general criteria -
 - (a) the applicant must –
 - (i) be a juristic person registered or established in terms of any law; and
 - (ii) if applicable, have a valid income tax clearance certificate issued by the South African Revenue Service; and
 - (b) the QCTO must be satisfied that the applicant has an adequate-
 - (i) assessment and moderation policy;
 - (ii) learner appeals procedure;
 - (iii) system for issuing statements of results to learners;
 - (iv) system for assessing and recognising prior learning; and

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (v) system for reporting learner achievements to the QCTO.
- (2) An applicant for accreditation to provide the foundational learning curriculum for mathematical literacy or communications must satisfy the general criteria specified in sub-regulation (1)(a).

16. Curriculum specific criteria for accreditation of skills development providers

An applicant for accreditation as a skills development provider must satisfy the QCTO that the applicant meets the requirements for provision specified in the relevant curriculum.

17. Bodies accredited by other quality councils

Any institution accredited as a provider by the quality council for general and further education and training or the quality council for higher education referred to in sections 25 and 26 of the National Qualifications Framework Act is deemed to satisfy the general requirements for accreditation contemplated in regulation 15.

18. Accreditation of skills development providers

- (1) If the QCTO grants an application for accreditation as a skills development provider, the QCTO must –
 - (a) notify the skills development provider of its decision in writing; and
 - (b) publish on the QCTO's official website –
 - (i) that the body is accredited by the QCTO as a skills development provider;
 - (ii) the relevant details of the skills development provider; and
 - (iii) the curriculum component or components that the skills development provider is accredited to provide.
- (2) The accreditation of a skills development provider by the QCTO is valid –
 - (a) for a period of 5 years from the date the QCTO grants accreditation; or

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009**(Final)**

- (b) until expiry of the qualification to which the curriculum component or components concerned apply, if the qualification expires within that 5 year period.
- (3) The QCTO must establish and maintain a register of accredited skills development providers and publish the register on its official website.
- (4) The QCTO must ensure that its official website allows accredited skills development providers to download their official certificates of accreditation, including the curriculum component or components that they are accredited to provide.

19. Application for amendment of scope of accreditation of skills development provider

- (1) An accredited skills development provider may, in the form and manner required by the QCTO, apply to the QCTO to amend the scope of its accreditation, by adding or removing a curriculum component or components.
- (2) If the QCTO approves the amendment of the skills development provider's scope of accreditation, the QCTO must –
 - (a) notify the skills development provider of its decision in writing; and
 - (b) publish the necessary amendments to the skills development provider's scope of accreditation on the QCTO's official website.
- (3) For purpose of an application to amend the scope of its accreditation, an accredited skills development provider is deemed to satisfy the general requirements for accreditation contemplated in regulation 15.

20. Responsibilities of accredited skills development providers

- (1) An accredited skills development provider must, in respect of the curriculum component or components for which it is accredited -
 - (a) provide occupational learning as specified in the relevant curriculum component or components;

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (b) conduct internal assessment as specified in the relevant curriculum component or components;
 - (c) moderate internal assessment;
 - (d) issue statements of results to learners in the form and manner required by the QCTO;
 - (e) report on the performance of its functions in the form and manner required by the QCTO;
 - (f) report learner achievements to the QCTO in the form and manner required by the QCTO; and
 - (g) co-operate fully with any quality or resource audit conducted or authorised by the QCTO in respect of the skills development provider.
- (2) An accredited skills development provider may, in respect of the curriculum component or components for which it is accredited, conduct internal assessment for recognising prior learning.
- (3) A skills development provider accredited to provide the foundational learning curriculum for mathematical literacy or communication may not conduct summative assessments, recognition of prior learning assessments or issue statements of results in respect of foundational learning.
- (4) An accredited skills development provider must comply with all relevant policies, procedures and criteria of the QCTO.

21. Withdrawal of accreditation of skills development providers

- (1) The QCTO may on reasonable grounds withdraw the accreditation of a skills development provider in respect of –
- (a) all of the curriculum components it is accredited to provide; or
 - (b) one or more of the curriculum components it is accredited to provide.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

-
- (2) The grounds contemplated in sub-regulation (1) include that the skills development provider -
- (a) no longer satisfies the criteria for accreditation contemplated in regulations 15 or 16;
 - (b) has failed or refused to fulfil its responsibilities in terms of regulation 20; or
 - (c) has failed or refused to comply with the relevant policies, procedures and criteria of the QCTO.
- (3) Before the QCTO withdraws the accreditation of the skills development provider the QCTO must-
- (a) notify the skills development provider in writing of its intention to withdraw the accreditation, with reasons;
 - (b) grant the skills development provider a period of 20 working days from the date of notice to make representations on the matter; and
 - (c) consider any such representations received.
- (4) The QCTO must notify the skills development provider of its decision in writing.
- (5) If the QCTO withdraws the accreditation of a skills development provider in respect of all of the curriculum components it is accredited to provide, the QCTO must remove the skills development provider's relevant details from –
- (a) the register contemplated in regulation 18(3); and
 - (b) the QCTO's official website.
- (6) If the QCTO withdraws the accreditation of a skills development provider in respect of one or more but not all of the curriculum components it is accredited to provide, the QCTO must publish the necessary amendments to the skills development provider's scope of accreditation on the QCTO's official website.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (7) The QCTO must notify affected SETAs of any withdrawal of accreditation of a skills development provider contemplated in this regulation.

CHAPTER 6: EXTERNAL ASSESSMENT OF OCCUPATIONAL QUALIFICATIONS**22. Appointment of assessment quality partner**

- (1) The QCTO may on application in the form and manner required by the QCTO, appoint a body as an assessment quality partner to perform the functions contemplated in regulation 24.
- (2) If the QCTO appoints an applicant as an assessment quality partner, the QCTO must issue the body with a letter of appointment stating –
- (a) that it is appointed as an assessment quality partner;
 - (b) the occupational qualifications or foundational learning for which the assessment quality partner is appointed; and
 - (c) the duration of its appointment, which may not exceed 5 years.
- (3) The QCTO must conclude a service level agreement with an assessment quality partner concerning the performance of its functions in terms of these regulations.
- (4) The national artisan moderating body, when established in terms of section 26A of the Skills Development Act, must be deemed to be the assessment quality partner for all trades listed in terms of section 26B of the Skills Development Act.
- (5) The QCTO may amend the scope or duration of appointment of an assessment quality partner –
- (a) on application in the form and manner required by the QCTO; or
 - (b) on its own initiative, after reasonable prior written notice to the assessment quality partner.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009**(Final)**

- (6) If the QCTO amends an assessment quality partner's scope or duration of appointment, it must provide the assessment quality partner with an amended letter of appointment stipulating the amended scope or duration of appointment.

23. Criteria for appointment of assessment quality partner

The QCTO may appoint a body as an assessment quality partner only if satisfied that the body:

- (a) has the necessary expertise, experience and standing in relation to the occupational qualifications or foundational learning for which the assessment quality partner is appointed; and
- (b) has the resources necessary to perform its functions in terms of these regulations.

24. Functions of assessment quality partner

- (1) An assessment quality partner must, in respect of occupational qualifications falling within its scope -
- (a) manage the quality of external assessment;
 - (b) co-operate with the development quality partner on the development of qualification assessment specifications;
 - (c) facilitate the development, validation and maintenance of a data-bank of assessment items and tasks for the assessment of occupational qualifications;
 - (d) develop and maintain a secure data-base of learner achievements;
 - (e) establish and maintain a register of occupational assessment practitioners for the external assessment and moderation of occupational qualifications as contemplated in regulation 27;
 - (f) promote the continuous professional development of registered occupational assessment practitioners;

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (g) make recommendations to the QCTO on applications for the accreditation of assessment centres;
 - (h) in accordance with the form and manner required by the QCTO –
 - (i) report on the external assessment results of accredited assessment centres and recommend certification to the QCTO within 20 working days after receiving results from accredited assessment centres;
 - (ii) analyse assessment results in terms of the quality of occupational learning provision and report on skills development provider trends;
 - (i) recommend to the QCTO changes to qualification assessment specifications; and
 - (j) perform such other functions as may be delegated by the QCTO.
- (2) An assessment quality partner must, in respect of assessment centres accredited to assess occupational qualifications falling within its scope -
- (a) monitor accredited assessment centres in relation to the performance of their functions;
 - (b) promote the quality of accredited assessment centres;
 - (c) conduct external moderation;
 - (d) report to the QCTO on accredited assessment centres in the form and manner required by the QCTO; and
 - (e) make recommendations to the QCTO on the withdrawal of accreditation of assessment centres.
- (3) An assessment quality partner must comply with all relevant policies, criteria and procedures of the QCTO.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009**(Final)****25. Funding the assessment of occupational qualifications**

An assessment quality partner is responsible for funding the performance of its functions in terms of these regulations.

26. Termination of appointment of assessment quality partner

- (1) The QCTO may on reasonable grounds terminate the appointment of an assessment quality partner, including on the grounds that the assessment quality partner -
 - (a) no longer satisfies the criteria for accreditation contemplated in regulation 23;
 - (b) has failed or refused to fulfil its functions in terms of regulation 24; or
 - (c) has failed or refused to comply with the relevant policies, criteria and procedures of the QCTO.
- (2) Before the QCTO withdraws the appointment of an assessment quality partner the QCTO must-
 - (a) notify the assessment quality partner in writing of its intention to withdraw the accreditation, with reasons;
 - (b) grant the assessment quality partner a period of 20 working days from the date of notice to make representations on the matter; and
 - (c) consider any such representations received.
- (3) If the QCTO withdraws the appointment of an assessment quality partner, the QCTO must notify the assessment quality partner of its decision in writing.

27. Registration of occupational assessment practitioners

- (1) Any person who has obtained a national skills certificate for the external assessment and moderation of occupational qualifications may apply to the assessment quality partner with jurisdiction, in the form and manner required by the assessment quality partner for registration as an occupational assessment practitioner.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (2) The assessment quality partner must establish and maintain a register of occupational assessment practitioners.
- (3) If the assessment quality partner approves an application contemplated in sub-regulation (1), it must register the applicant's name in the register of occupational assessment practitioners.
- (4) The assessment quality partner may determine –
 - (a) a code of ethical standards applicable to occupational assessment practitioners;
 - (b) a fair disciplinary procedure to consider and determine contraventions of the code of ethical standards; and
 - (c) requirements for the continuing professional development of occupational assessment practitioners.
- (5) The assessment quality partner may withdraw the registration of an occupational assessment practitioner and remove the occupational assessment practitioner's name from the register if the practitioner -
 - (a) contravenes the code of ethical standards determined by the assessment quality partner;
 - (b) does not comply with the requirements of continuing professional development determined by the assessment quality partner;
 - (c) does not act in this capacity for a period of 3 years; or
 - (d) requests removal from the register in writing.
- (6) In performing its functions under this regulation, the assessment quality partner must comply with the relevant policies, procedures and criteria of the QCTO.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

CHAPTER 7: ACCREDITATION OF ASSESSMENT CENTRES**28. Application for accreditation of assessment centres**

- (1) Any body which wishes to be accredited as an assessment centre to conduct the external summative assessment for a specified occupational qualification or qualifications may apply to the QCTO for accreditation in the form and manner required by the QCTO.
- (2) The QCTO must consider and determine an application for accreditation as an assessment centre within 20 working days of receiving the application.

29. Criteria for accreditation of assessment centres

The QCTO may accredit any body as an assessment centre, if that body –

- (a) satisfies the criteria specified in the relevant qualification assessment specifications; and
- (b) satisfies any other criteria or requirements specified by the QCTO for accreditation as an assessment centre.

30. Accreditation of assessment centres

- (1) If the QCTO grants an application for accreditation as an assessment centre, it must –
 - (a) notify the applicant of its decision in writing;
 - (b) publish on the QCTO's official website –
 - (i) that the body is accredited by the QCTO as an assessment centre;
 - (ii) the occupational qualifications the assessment centre is accredited to assess; and
 - (iii) the relevant details of the assessment centre.
- (2) The accreditation of an assessment centre is valid –

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (a) for a period of 5 years from the date the QCTO grants accreditation; or
 - (b) until expiry of the qualification that the centre is accredited to assess, if the qualification expires within that 5 year period.
- (3) The QCTO must establish and maintain a register of accredited assessment centres and publish the register on its official website.
- (4) The QCTO must ensure that its official website allows accredited assessment centres to download their official certificates of accreditation, including the occupational qualifications they are accredited to assess.
- (5) When established, in terms of section 26A of the Skills Development Act, the national artisan moderating body must advise and make recommendations to the QCTO on the accreditation of trade test centres.

31. Functions of assessment centres

- (1) An accredited assessment centre must -
- (a) conduct and moderate the external assessment of occupational competence in line with the relevant qualification assessment specifications;
 - (b) establish and maintain all necessary physical resources required by the QCTO or the relevant assessment quality partner;
 - (c) ensure that all assessors and moderators working at the assessment centre are registered as occupational assessment practitioners by the relevant assessment quality partner;
 - (d) comply with relevant statutory health and safety requirements;
 - (e) determine that candidates meet the eligibility criteria as specified in the relevant qualification assessment specifications to undertake external assessment;
 - (f) submit learner achievements to the relevant assessment quality partner; and

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009**(Final)**

- (g) co-operate fully with any quality or resource audit conducted or authorised by the QCTO in respect of the accredited assessment centre.
- (2) Accredited assessment centres may offer recognition of prior learning assessment and related services for the any of the curriculum components of the occupational curriculum.
- (3) Accredited assessment centres must comply with all relevant policies, procedures and criteria of the QCTO.

32. Withdrawal of accreditation of assessment centres

- (1) The QCTO may on reasonable grounds withdraw the accreditation of an accredited assessment centre in respect of –
 - (a) all of the qualifications that it is accredited to assess; or
 - (b) one or more of the qualifications that it is accredited to assess.
- (2) The grounds contemplated in sub-regulation (1) include that the assessment centre -
 - (a) no longer satisfies the criteria for accreditation contemplated in regulation 29;
 - (b) has failed or refused to perform its functions in terms of regulation 31; or
 - (c) has failed or refused to comply with the relevant policies, procedures and criteria of the QCTO.
- (3) Before the QCTO withdraws the accreditation of an assessment centre the QCTO must-
 - (a) notify the assessment centre in writing of its intention to withdraw the accreditation, with reasons;
 - (b) grant the assessment centre a period of 20 working days from the date of notice to make representations on the matter; and
 - (c) consider any such representations received.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (4) The QCTO must notify the assessment centre of its decision in writing.
- (5) If the QCTO withdraws the accreditation of an assessment centre in respect of all of the qualifications it is accredited to assess, the QCTO must remove the assessment centre's relevant details from –
 - (a) the register contemplated in regulation 30(3); and
 - (b) the QCTO's official website.
- (6) If the QCTO withdraws the accreditation of an assessment centre in respect of one or more but not all of the qualifications it is accredited to assess, the QCTO must publish the necessary amendments to the assessment centre's scope of accreditation on the QCTO's official website.
- (7) When established, in terms of section 26A of the Skills Development Act, the national artisan moderating body must advise and make recommendations to the QCTO on the withdrawal of accreditation of trade test centres.

CHAPTER 8: RECOGNITION OF PRIOR LEARNING**33. Recognition of prior learning in respect of occupational qualifications**

- (1) For purposes of this regulation, the assessment of prior learning includes -
 - (a) the verification of documents presented as evidence of prior learning achievement in respect of one or more curriculum component; and
 - (b) the recognition of prior learning in respect of the achievement of a curriculum component acquired through any combination of formal or informal training and education, work experience, community engagement or general life experience.
- (2) Any learner may apply to an accredited skills development provider or an accredited assessment centre for recognition of prior learning for the purpose of -
 - (a) access to a learning programme;

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009**(Final)**

-
- (b) exemption from completing some learning components of a learning programme;
 - (c) access to external summative assessment;
 - (d) issuing a statement of results.
- (3) In addition to the assessment of prior learning of an applicant, the accredited skills development provider or accredited assessment centre –
- (a) must advise learners on their learning achievements and any gaps identified in their prior learning; and
 - (b) may -
 - (i) refer learners to appropriate skills development providers or workplaces; and
 - (ii) provide learners with career advice.
- (4) Accredited skills development providers and accredited assessment centres must comply with all relevant policies, procedures and criteria of the QCTO regarding the assessment and recognition of prior learning.
- (5) The recognition of prior learning does not substitute for the external summative assessment of occupational qualifications or foundational learning.

CHAPTER 9: CERTIFICATION**34. Certification for occupational qualifications**

- (1) The QCTO is responsible for issuing certificates for the following occupational qualifications:
 - (a) national occupational awards, which must include -
 - (i) the title of the occupation as listed on the organising framework for occupations;

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (ii) the National Qualifications Framework level of the award;
 - (iii) the South African Qualifications Authority identification number;
 - (iv) any specialisation or context; and
 - (v) the unit standards achieved, with their credit values.
- (b) national skills certificates, which must include -
- (i) the skills set or sets achieved;
 - (ii) the National Qualifications Framework level of the certificate;
 - (iii) the South African Qualifications Authority identification number; and
 - (iv) the unit standards achieved, with their credit values; and
- (c) foundational learning certificates for –
- (i) foundational communications; and
 - (ii) foundational mathematical literacy.
- (2) Certificates and duplicate certificates will be issued by the QCTO in accordance with QCTO policies, procedures and criteria.

35. Statements of results

- (1) Accredited skills development providers, except for skills development providers accredited to provide foundational learning must issue statements of results in the form and manner required by the QCTO.
- (2) Duplicate statements of results may be issued by accredited skills development providers only in accordance with QCTO policies, procedures and criteria.

36. Falsification of certificates and statements of results

- (1) It is an offence to –

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009**(Final)**

- (a) obtain or attempt to obtain any certificate contemplated in regulation 34 or statement of results contemplated in regulation 35 by means of fraud, false pretences, or by presenting or submitting a false or forged document; or
 - (b) falsify or forge any certificate contemplated in regulation 34 or statement of results contemplated in regulation 35.
- (2) Any person convicted of an offence in terms of sub-regulation (1) may be sentenced to any penalty that may in law be imposed for fraud.

CHAPTER 10: GENERAL PROVISIONS**37. Appeals**

- (1) The QCTO must establish an appeals committee to consider and determine appeals against decisions -
- (a) to accept or reject occupational competence in any external assessment process contemplated by these regulations;
 - (b) to appoint or terminate the appointment of a development quality partner or an assessment quality partner;
 - (c) to refuse to register or to withdraw the registration of a qualification development facilitator;
 - (d) to refuse to register or to withdraw the registration of an occupational assessment practitioner;
 - (e) to refuse to accredit or to withdraw the accreditation of a skills development provider;
 - (f) to amend or refuse to amend, the scope of accreditation of a skills development provider;
 - (g) to refuse to accredit or to withdraw the accreditation of an occupational assessment centre;

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

- (h) to amend or refuse to amend, the scope of accreditation of an occupational assessment centre.
- (2) Any person who is aggrieved by a decision referred to in sub-regulation (1) may lodge an appeal with the appeals committee –
 - (a) in the form and manner required by the QCTO; and
 - (b) within 30 working days of receiving notice of the decision.
- (3) The appeals committee must consist of at least 10 persons appointed by the QCTO, including at least -
 - (a) 5 members of the QCTO; and
 - (b) 5 other persons with suitable expertise and experience.
- (4) The QCTO must designate-
 - (a) the chairperson of the appeals committee who must be a member of the QCTO; and
 - (b) the deputy-chairperson, who must act as chairperson when the chairperson is absent or is unable to perform his or her duties.
- (5) The chairperson of the appeals committee must select an appeals panel of 3 members of the appeals committee to hear and determine any appeal lodged with the appeal committee. An appeals panel must consist of persons who did not participate in the decision appealed against.
- (6) An appeals panel may-
 - (a) uphold or dismiss an appeal, or impose conditions when upholding the appeal;
 - (b) decide any question concerning its own jurisdiction; and
 - (c) make any other order it considers appropriate.
- (7) An appeals panel must –

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009**(Final)**

- (a) dispose of appeals in accordance with the procedure determined by the QCTO;
 - (b) keep a record of its proceedings; and
 - (c) provide written notice of its decision to the appellant.
- (8) The decision of the appeals panel is final and binding.

38. Fees

The QCTO may determine and charge fees in respect of-

- (a) the appointment of development quality partners and assessment quality partners;
- (b) the accreditation of skills development providers and occupational assessment centres;
- (c) the registration of qualification development facilitators and occupational assessment practitioners;
- (d) the issuing of certificates to learners, skills development providers, occupational assessment centres, qualification development facilitators and occupational assessment practitioners;
- (e) the lodging of appeals; and
- (f) the performance of any other function or the delivery of any other service contemplated by these regulations.

39. Transitional arrangements regarding registered qualifications

The provisions of the Schedule to these regulations apply to transitional arrangements regarding qualifications related to a trade or occupation that on commencement of these regulations are registered on the National Qualifications Framework.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

40. Short title

These regulations are to be known as the Occupational Qualifications Regulations, 2009.

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

SCHEDULE**Transitional arrangements regarding registered qualifications**

- (1) For purposes of this Schedule, a registered qualification means a qualification related to a trade or occupation that on commencement of these regulations is registered on the National Qualifications Framework.
- (2) A registered qualification remains registered until revised or de-registered in accordance with these regulations.
- (3) Until a date determined by the Minister after consulting the QCTO and by notice in the *Gazette*, the QCTO may, despite the provisions of these regulations, appoint a person or body to develop an occupational curriculum and qualification assessment specifications related to a registered qualification -
 - (a) on application in the form and manner required by the QCTO;
 - (b) subject to any reasonable conditions determined by the QCTO; and
 - (c) if –
 - (i) the registered qualification is not subject to periodic review by the South African Qualifications Authority within 2 years following the date of application; and
 - (ii) the person or body has the necessary resources, expertise, experience and standing in respect of the occupation concerned.
- (4) Any qualification associated with a trade or occupation that on commencement of these regulations is under development in accordance with section 6 of the National Qualifications Framework Act or Schedule 2A of the Skills Development Act, may be developed and registered on the National Qualifications Framework as if these regulations had not commenced.
- (5) Any learner who on commencement of these regulations, in terms of section 6 of the National Qualifications Framework Act or Schedule 2A of the Skills Development Act, has achieved occupational competence in a registered qualification, must for

OCCUPATIONAL QUALIFICATIONS REGULATIONS, 2009

(Final)

purposes of these regulations be deemed to be competent in the occupation concerned.

- (6) Any learner who on commencement of these regulations is enrolled in a learning programme related to a registered qualification but has not yet achieved the qualification, may apply for assessment of prior learning as contemplated in regulation 33.
- (7) Until a date determined by the Minister after consulting the QCTO and by notice in the *Gazette*, any constituent assessor or moderator of a registered qualification who on commencement of these regulations is registered as contemplated by section 6 of the National Qualifications Framework Act, is deemed to be registered as an occupational assessment practitioner for purposes of these regulations.