higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

SAQA
SOUTH AFRICAN QUALIFICATIONS AUTHORITY

CHE

QCTO
Quality Council for Trades & Occupations

UMALUSI

The South African Qualifications Authority
System of Collaboration

CONTENT

Foreword

The South African National Qualifications Framework (NQF) has been implemented since 1998 following the promulgation of the South African Qualifications Authority (SAQA) Act in 1995, and the National Standards Bodies Regulations in 1998. During the first ten years the various NQF partner organisations, including the Departments of Education and Labour, SAQA, the Council on Higher Education (CHE) and Umalusi worked collaboratively within the broader ambit of the SAQA Act. An NQF review process also took place during this period. Due to a lack of agreed processes to guide the relationships of the NQF partner organisations at the time, some processes became unnecessarily prolonged and resulted in delays in finalising the review of the NQF up to 2008.

In 2008 the NQF Act was promulgated to replace the SAQA Act. This new Act introduced several refinements to the NQF landscape, including also a "System of Collaboration" to guide the mutual relationships of SAQA and three Quality Councils, namely the CHE, Umalusi, and a new body, the Quality Council for Trades and Occupations (QCTO). This booklet contains the details of the System of Collaboration and is made available to the public to promote the principles of co-operative government and intergovernmental relations within the NQF system.

The System of Collaboration was initially developed by SAQA in 2012, after consulting with the Quality Councils. The System of Collaboration takes into account the set of dispute resolution regulations that was determined by the Minister of Higher Education and Training in 2010. The System of Collaboration also takes into account the responsibilities of SAQA to advance the objectives of the NQF, to oversee the further development and implementation of the NQF, and the coordination of the sub-frameworks of the NQF, as well as the role of Quality Councils to achieve the objectives of the NQF.

SAQA looks forward to working with the NQF partner organisations in a respectful, appreciative and accountable manner within the parameters of this agreed System of Collaboration.

Mr Joe Samuels
Chief Executive Officer
SAQA

Definitions

In this System of Collaboration any expression to which a meaning has been assigned in the National Qualifications Framework (NQF) Act bears the same meaning unless the context indicates otherwise:

"Arbitration" means hearing and determination of a dispute by an impartial referee selected or agreed upon by the parties concerned.

"Conciliation" means a process to resolve conflict among the Qualification Councils (QCs), or between South African Qualifications Authority (SAQA) and a QC, before a dispute is declared.

"Conflict" means a disagreement among QCs or between SAQA and a QC that, until resolved, may result in a dispute.

"Collaboration" means working together in such a manner so as to avoid or prevent conflict and to fairly and quickly resolve a dispute if it occurs.

"Cooperation" means working together for a common purpose.

"Dispute" means a conflict that remains unresolved and relates to duties, responsibilities or functions of the respective parties in terms of the NQF Act.

Purpose

1. The object of this System of Collaboration is to guide the mutual relations of SAQA and the Quality Councils, namely the Council on Higher Education (CHE), Umalusi and the Quality Council for Trades and Occupations (QCTO), in such a manner as to promote constructive cooperation.

Underlying principles

2. This document has been developed in accordance with the *NQF Act* (Act 67 of 2008) and the *Regulations for Resolving a Dispute in terms of the NQF Act* (GG33483, 27 August 2010).

3. The South African NQF is a comprehensive system approved by the Minister for the development, classification, registration, publication and articulation of quality assured national qualifications. The NQF is a single integrated system which is comprised of three coordinated sub-frameworks for General and Further Education and Training, Higher Education and Trades and Occupations. The objectives of the NQF are to:

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

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

4. SAQA is responsible to oversee the further development and implementation of the NQF. Each of the Sub-frameworks of the NQF are developed and managed by a specific QC: the General and Further Education and Training Qualifications Sub-framework (GFETQSF) by Umalusi, the Higher Education Qualifications Sub-framework (HEQSF) by the CHE, and the Occupational Qualifications Sub-framework (OQSF) by the QCTO. The Minister: Higher Education and Training (HET) has overall responsibility for the NQF, SAQA and the QCs.

5. This System of Collaboration is based on the principles of co-operative governance and intergovernmental relations of Section 41 of the Constitution of South Africa. In particular, SAQA and the QCs must:

   a. Respect the constitutional status, institutions, powers and functions of each organisation;

   b. Exercise their powers and perform their functions with due regard for the geographical, functional or institutional integrity of each organisation;

   c. Adhere to principles of transparency and openness with regard to information sharing and consultation; and

   d. Cooperate with one another in mutual trust and good faith by:
      i. fostering friendly relationships;
      ii. assisting and supporting one another;
      iii. informing one another of, and consulting one another on, matters of common interest;
      iv. coordinating their actions and legislation with one another;
      v. adhering to agreed procedures; and
      vi. avoiding legal proceedings against one another.

6. In conducting their mutual relations, SAQA and the QCs have a duty to exercise their powers and carry out their functions in terms of this System of Collaboration. The System of Collaboration does not replace or infringe upon the legislated responsibilities and relative autonomy of SAQA and the QCs. In particular SAQA and the QCs agree that they will:

   a. Act reasonably and in good faith;
   b. Avoid or prevent conflict;
   c. Contain conflict if it occurs;
   d. Maintain communication;
   e. Respect and adhere to confidentiality;
   f. Declare a dispute only if all procedures for preventing it have been exhausted;
   g. Expedite the resolution of a dispute;

h.   Encourage intellectual scrutiny and collaboration in order to advance debates on national, continental and international levels;

i.   Be willing to take risks for the greater good;

j.   Keep the social purpose of the NQF in mind;

k.   Have a willingness to find new language in relation to old issues;

l.   Show appreciation for achievements and difficulties;

m.   Work across borders and boundaries;

n.   Recognise and embrace differences;

o.   Be accountable to one another; and

p.   Work together on improving service delivery.

7.   The System of Collaboration is guided by the *Guidelines for Strategy and Priorities for the NQF*, issued by the Minister of HET, and the *NQF Implementation Framework*, developed by SAQA after consultation with the QCs.

Collaboration structures

8.   Minister and Department of Higher Education and Training (DHET)

a.   The Minister: HET has overall responsibility for the NQF, SAQA and the QCs.

b.   The DHET, represented by the Director-General (DG): HET, is responsible to execute the decision of the Minister in accordance with its strategic plan.The Minister: HET and the DHET is subject to the requirements of the *NQF Act* and the *Regulations for Resolving a Dispute in terms of the NQF Act* which acknowledges the principles of intergovernmental relations contained in the Constitution and as espoused in this System of Collaboration.

c.   Transparency and openness with regard to information sharing and consultation should be adhered to at all times.

9.   SAQA Board and Quality Councils

a.   The SAQA Board and Quality Councils are established through the NQF Act.

b.   Membership of the SAQA Board and Quality Councils is determined by the NQF Act.

c.   The Chief Executive Officers (CEOs) of SAQA and the QCs are members of the SAQA Board and the Quality Councils.

d.   When serving on the SAQA Board or a Quality Council, CEOs are required to participate without prejudice or favour towards any specific Board or Council.

10.   NQF Forum

a.   Members are the Minister: HET, the DG: HET, chairpersons of SAQA and the QCs, and CEOs of SAQA and the QCs.

b. The DG chairs the NQF Forum. The SAQA CEO will act as vice-chairperson and as guided by the DG: HET.

c. The NQF Forum of chairpersons and CEOs will meet annually or at the request of the Minister.

11. CEO Committee

a. The purpose of the CEO Committee is to develop high-level understanding of the inter-relationships between the three qualifications sub-frameworks, and between the three sub-frameworks and the NQF.

b. The CEO Committee is a permanent sub-committee of the NQF Forum and reports to the NQF Forum.

c. Members of the CEO Committee are the CEOs of SAQA and the QCs.

d. Chairpersons of the SAQA Board and the Councils of the QCs may attend the CEO Committee.

e. Advisors and experts may also attend at the request of a CEO.

f. A standing invitation exists for members of the Inter-departmental NQF Steering Committee to attend.

g. The CEO Committee is chaired by the SAQA CEO. A CEO of a QC can be nominated to chair the CEO Committee in the absence of the SAQA CEO.

h. The CEO Committee meets quarterly.

12. Sub-committees and working groups of the CEO Committee

a. The CEO Committee may establish sub-committees and working groups in agreed areas in order to develop high-level understanding of the inter-relationships between the three qualifications sub-frameworks, and between the three sub-frameworks and the NQF.

b. Sub-committees are set up for longer-term interventions and oversight roles.

c. Working groups are set up for shorter-term interventions.

d. Sub-committees and working groups are chaired by nominated staff members from SAQA or the QCs.

e. Sub-committees and working groups may include Board/Council members from SAQA and the QCs as well as external members.

f. Sub-committees and working groups report to the CEO Committee.

g. Sub-committees and working groups meet as required.

13. Inter-departmental NQF Steering Committee

a. The Inter-departmental NQF Steering Committee is established by the DG: HET in agreement with the DG: Basic Education. Members are appointed by the DG: HET.

b. The Committee coordinates the NQF responsibilities of the two departments; advises the DG: HET on matters relating to the Minister of Higher Education and Training's NQF responsibilities; and provides advice to the NQF Forum.

Collaboration levels

14. This System of Collaboration includes collaboration on the following levels:

    a. Bi-lateral engagements between SAQA and a QC;
    b. Multi-lateral engagements between SAQA and more than one QC;
    c. Bi-lateral engagements between two QCs; and
    d. Multi-lateral engagements between three QCs.

Collaboration procedures

15. The CEOs of SAQA and the QCs are collectively responsible for the effective functioning of the System of Collaboration in the general execution of their mandates and in their *ex officio* membership of each other's Board and Councils.

16. Specific collaboration projects between SAQA and the QCs, and between QCs, are agreed to at the CEO Committee.

17. Meetings of the CEO Committee must be documented and agendas prepared after consultation with members. Document packs must be sent to members no later than one week prior to meetings. Actions arising from NQF Forum and CEO Committee meetings must be prioritised and reported on timeously.

18. SAQA and the QCs must actively participate in the development of the NQF Implementation Framework and agree to its contents.

19. The annual strategic plans and budgets of SAQA and the QCs must take into account the Minister's Guidelines for Strategy and Priorities for the NQF and must be aligned to the NQF Implementation Framework.

20. Where overlaps exist between different Sub-frameworks of the NQF the following must be considered:

    a. Primary accountability for each qualification is assigned to a specific QC in accordance with the NQF Act;
    b. Qualifications may be delegated by the primary QC to another QC; the primary accountability remains with the delegating QC;
    c. Where two qualifications from different Sub-frameworks are required for a specific purpose the primary QC must promote collaboration in the development and quality assurance of the qualification;
    d. Where two qualifications from different Sub-frameworks serve competing purposes the primary QC must collaborate in the development and quality assurance of the qualification; and
    e. SAQA will monitor qualifications recommended by QCs for registration on the NQF to avoid duplications.

Conciliation

21. Conciliation is undertaken to resolve conflict among the QCs, or between SAQA and a QC, before a dispute is declared.

22. Disagreements and concerns between QCs must be addressed through the CEO Committee chaired by the SAQA CEO. Conciliation must be requested in writing to the SAQA CEO by the CEO of a QC.

23. Disagreements and concerns between SAQA and one or more QCs must be addressed by the DG: HET. Conciliation must be requested in writing to the DG: HET by the CEO of SAQA or a QC.

24. Conciliation will be deemed concluded when the conflict is resolved, or if not possible, when one of the parties declares a dispute.
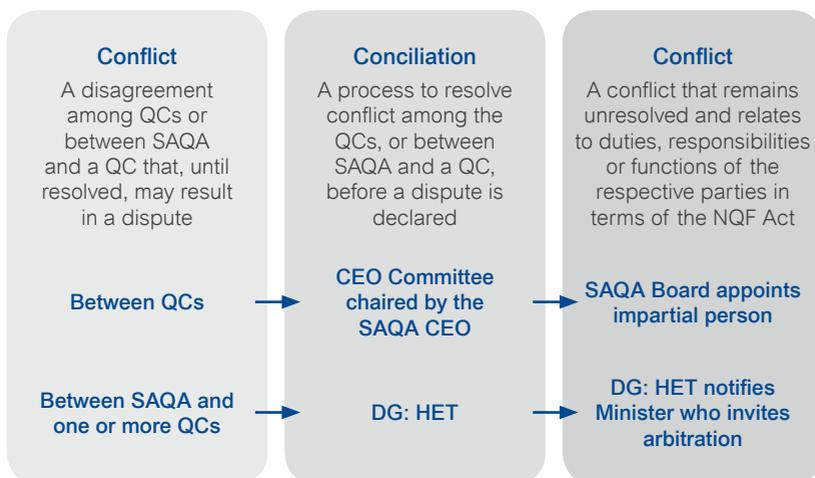
Disputes

25. Disputes must be handled in the manner prescribed in the *Regulations for Resolving a Dispute in terms of the National Qualifications Framework Act* (GG33483, 27 August 2010).

26. On declaration of a dispute between QCs, the SAQA Board must appoint a competent person of sufficient seniority who will act impartially on behalf of SAQA in resolving the dispute.

27. On declaration of a dispute between SAQA and one or more QCs the DG: HET must notify the Minister who must invite the parties to consider binding arbitration. The decision of the Minister is final.

Diagrammatic overview

Collaboration

Working together in such a manner so as to avoid or prevent conflict and to fairly and quickly resolve a dispute if it occurs

Conflict	Conciliation	Conflict
A disagreement among QCs or between SAQA and a QC that, until resolved, may result in a dispute	A process to resolve conflict among the QCs, or between SAQA and a QC, before a dispute is declared	A conflict that remains unresolved and relates to duties, responsibilities or functions of the respective parties in terms of the NQF Act
Between QCs →	CEO Committee chaired by the SAQA CEO →	SAQA Board appoints impartial person
Between SAQA and one or more QCs →	DG: HET →	DG: HET notifies Minister who invites arbitration