



## FOREIGN QUALIFICATIONS EVALUATION APPEAL POLICY

### 1 Preamble

The South African Qualifications Authority (SAQA) is mandated by Section 13(1)(m) of the National Qualifications Framework (NQF) Act, 67 of 2008, to **“In respect of foreign qualifications, provide an evaluation and advisory service consistent with this Act”**.

This mandate aligns with SAQA’s apex responsibility to promote the objectives of the NQF; one of which focuses explicitly on access to, and mobility and progression within, education and training and career paths. It is a strategic imperative of the organisation to support and direct the national and international mobility of lifelong learners, including workers, by facilitating the recognition of their learning achievements.

The evaluation of foreign qualifications by SAQA entails a process that is described in the Definitions section below; which is guided by criteria that are transparent, coherent, and reliable and applied consistently; and which results in a decision whether or not to recognise a qualification.

The SAQA Foreign Qualifications Evaluation Appeal Policy is embedded in the South African common law system; and is guided by Section 24 of the Constitution (Administrative Justice) and the Promotion of Administrative Justice Act (PAJA), 3 of 2000 to ensure that it is procedurally fair and valid.

### 2 Definitions

- Appeal** The formal petitioning, by an applicant, against the decision made by SAQA, after the evaluation process, regarding the recognition of a foreign qualification.
- Appeal decision** The decision taken by the Appeals Committee, whether to dismiss or uphold an appeal.
- Applicant** The person (holder of the qualification) who lodges a formal appeal.
- Evaluation** The process followed by SAQA to verify and compare foreign qualifications with South African qualifications; the process includes authenticating the status of institutions and the qualifications offered by them, investigating the authenticity of qualification documentation and verifying that the qualification was awarded to the individual in question; and comparing foreign qualifications with South African qualifications, considering the structure and outcomes of the foreign qualifications, and locating them within the NQF.
- Foreign qualification** A qualification offered by an awarding institution that is accredited or recognised in a national system other than South Africa and in accordance with the national policies, or generally accepted practice of that country.
- Review** The first stage of the appeal process undertaken by SAQA to examine a previously evaluated qualification, in order to validate the correctness of its recognition decision.
- Review** The decision taken by the Review Panel to uphold the recognition decision, or to

**decision** refer the case to the Appeals Committee, or to reverse the recognition decision.

**Recognition decision** The outcome of the evaluation process, which will be that SAQA either recognises, or does not recognise, a foreign qualification.

### **3 Purpose**

The purpose of this policy is to outline the process according to which SAQA receives, and deals with, appeals. Qualification holders have the right to be informed of the rationale underlying decisions to recognise their qualifications at particular levels, or not to recognise their qualifications. In addition, the appeal policy and process confer on them the right to appeal against decisions that impact them adversely.

### **4 Scope**

This policy makes provision for appeals against recognition decisions reached by SAQA, the process that follows, and the investigation that would provide a resolution to the appeal.

### **5 Right to Appeal**

5.1 SAQA acknowledges the right of applicants for evaluation of foreign qualifications to appeal against the recognition decisions taken by SAQA in respect of their qualifications.

5.2 SAQA will make information on the procedures for appeals available to all applicants.

### **6 The Appeal process**

6.1 The appeal comprises two stages: (1) the review stage and (2) the final appeal stage.

6.2 Stage (1) (review) will be carried out by the Foreign Qualifications (FQ) Review Panel (Section 7 below).

6.3 Stage (2) (final appeal) will be executed by the Foreign Qualifications (FQ) Appeals Committee (Section 8 below).

6.4 SAQA will register the appeal on the Appeals Register maintained by the organisation.

6.5 The normal response time is thirty (30) working days. This may take longer if there is a need for further external consultation. Applicants will be informed of such delays.

### **7 The FQ Review Panel**

7.1 The Review Panel will consist of the Deputy Chief Executive Officer of SAQA, The Director of the Directorate Foreign Qualifications Evaluation and Advisory Services (DFQEAS) and two persons who are not DFQEAS staff members.

7.2 The Review Panel will meet as and when required.

7.3 In cases where the Review Panel decides to uphold the original recognition decision of SAQA, applicants will be notified of their right to challenge that review decision, which will then be considered by the Appeals Committee.

## 8 The FQ Appeals Committee

- 8.1 The FQ Appeals Committee will consist of the Chief Executive Officer (CEO) of SAQA and three other members of the Foreign Qualifications Committee.
- 8.2 The FQ Appeals Committee will meet as and when required.
- 8.3 The FQ Appeals Committee will not consider any evidence over and above what has already served at the FQ Review Panel.
- 8.4 In cases where the Appeals Committee is inclined to dismiss the appeal, applicants will be allowed to make representation, after which the Appeals Committee will make a final and binding appeal decision.

## 9 Grounds for appeal against the recognition decision

The recognition decision can be disputed on one or more of the following grounds:

- 9.1 The facts underlying the decision *not* to recognise a qualification are incorrect. These facts can pertain to one or more of the following:
  - Issuing body not recognised as part of the national system in country of origin
  - Issuing body recognised, but not authorised to offer qualification / qualification does not have national status in the country of origin
  - Documents not authentic (inconsistencies identified)
  - Award not made to individual (as confirmed by the issuing body);
- 9.2 The evidence underlying the *level* at which a qualification is recognised is incomplete, incorrect or irrelevant; or the interpretation thereof is flawed;
- 9.3 The *process* was unfair, due to deviation from the published principles, criteria and methodology;
- 9.4 Other (to be considered).

## 10 Lodging an Appeal

- 10.1 An appeal must be lodged, by the applicant, within sixty (60) days of the date of receiving the SAQA Certificate of Evaluation.
- 10.2 An applicant must include the following documents as part of the appeal submission:
  - 10.2.1 If the appeal is against the level of recognition, the original SAQA Certificate of Evaluation to which the appeal refers;
  - 10.2.2 A written account, addressed to the Foreign Qualifications Appeals Committee, stating the grounds on which the recognition decision is challenged and the arguments in favour of a different decision;
  - 10.2.3 Relevant substantiating documentation in addition to what was submitted before, when applicable; and
  - 10.2.4 An appeal fee as determined by SAQA. If the outcome of the appeal is in favour of the applicant and leads to the amendment of the original recognition decision, then the appeal fee will be refunded.