

## SOUTH AFRICAN QUALIFICATIONS AUTHORITY

NO. 9

06 JANUARY 2017



# DRAFT NATIONAL POLICY ON THE MISREPRESENTATION OF QUALIFICATIONS

Draft for public comment  
6 January 2017

## Introductory note

The South African Qualifications Authority (SAQA) is mandated by the National Qualifications Framework (NQF) Act, 67 of 2008, to advance the objectives of the NQF, oversee the further development and implementation of the NQF and to co-ordinate the Sub-Frameworks. One of the objectives of the NQF is to facilitate access to, and mobility and progression within education, training, development and work. In this regard Section 13(1) (m) requires SAQA to provide an evaluation and advisory service in respect of foreign qualifications, consistent with the NQF Act. The NQF Amendment Bill also confirms SAQA's role in the verification of national qualifications.

To give effect to preserving the integrity of the NQF, and to provide a more complete evaluation and advisory service, SAQA, in consultation with DHET and the Quality Councils, developed this draft Policy on the Misrepresentation of Qualifications. The Policy defines what is meant by misrepresented qualifications; provides a framework for dealing with individuals and providers who misrepresent qualifications; and defines the roles and responsibilities of the different role-players.

SAQA encourages all stakeholders who directly or indirectly engage with qualifications, are in the education and training sector, in the police services or judiciary, have knowledge of the SA legal system, are employers, or have an interest in curbing the proliferation of misrepresented qualifications, to engage with this draft Policy and submit comments to SAQA within 30 days of its publication.

Comments should be sent to Ms Nireen Naidoo, Director: Office of the CEO ([nnaidoo@saqa.co.za](mailto:nnaidoo@saqa.co.za))

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# PART A: DRAFT NATIONAL POLICY ON THE MISREPRESENTATION OF QUALIFICATIONS

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## 1. GLOSSARY OF TERMS

The purpose of this glossary is to define the terminology used in developing this policy document.

**“Accredited provider”** means a legally established institution (public or private) that has been recognised, usually for a particular period of time, by a Quality Council or its appointed agent, as having the capacity or provisional capacity to offer a qualification or part-qualification registered on the NQF at the required standard.

**“Appeal”** means the formal petitioning, by an applicant (the qualification holder), against the decision made by SAQA, regarding the recognition of a foreign qualification or the verification of a South African qualification.

**“Assessment Quality Partner (AQP)”** means a body delegated by the QCTO to manage and coordinate the external integrated summative assessments of specified NQF-registered occupational qualifications and part-qualifications.

**“Authentic qualification”** means that the qualification must be:

- (i) registered on the NQF; and
- (ii) Offered by a registered and accredited provider. This criterion means that:
  - Providers that offer qualifications and/or part-qualifications registered on the HEQSF must be registered as a higher education provider by the DHET and accredited by the CHE;
  - Providers that offer qualifications and/or part-qualifications registered on the GFETQSF must be registered by the DHET as a private college and be accredited by Umalusi; and
  - Providers that offer qualifications and/or part-qualifications registered on the OQSF must be registered by the DHET as a private education and training provider and be accredited by the QCTO or by a body to whom the QCTO has delegated its quality assurance function.

**“Authentic qualification (Foreign)”** means a foreign qualification/part-qualification that meets the following criteria:

- (i) The provider must be an educational institution that is registered, 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; and
- (ii) The qualification/part-qualification must be registered/accredited/recognised in that country.

**“Comparison”** means a process which entails comparing foreign qualifications with South African qualifications, considering the structure and outcomes of foreign qualifications and locating them within the South African NQF.

**“Council on Higher Education (CHE)”** means an independent statutory body responsible for advising the Minister: HET on all Higher Education policy issues, and for quality assurance in Higher Education. The CHE is the council for quality assurance in Higher Education, mandated by the NQF Act, No. 67 of 2008, to achieve the objectives of the NQF and to develop and manage the HEQSF.

**“Degree Mill”** means a provider operating outside of the South African NQF or a foreign institution that is not operating within any national education system outside of South Africa, and that usually exhibit the following characteristics. They:

- (i) Lack legal authority to operate as higher education institutions or award degrees;
- (ii) Require little if any attendance, either on-site or online;
- (iii) Require little if any coursework, or few if any assignments to obtain a credential;
- (iv) Do not provide information about location of incorporation, ownership or governance;
- (v) Provide little or no contact information other than a telephone number or email address;
- (vi) Publish false or exaggerated claims of external quality review (accreditation or quality assurance);
- (vii) Issue degrees that are not accepted for licensing or entry into graduate or professional programmes in the degree mill’s home country;
- (viii) List academic staff whose degrees were issued by degree mills or are unable to provide verifiable lists of academic staff and their qualifications;
- (ix) Plagiarise material from legitimate institutions for inclusion on degree mill websites;
- (x) Feature websites with internet domain registration that is obscured by privacy service rather than being publicly accessible; and
- (xi) There is usually little more than a financial transaction in exchange for a certificate of award.

**“Evaluation of foreign qualifications”** means the process followed by SAQA to verify the authenticity of foreign qualifications and to compare foreign qualifications with South African qualifications so as to locate the foreign qualification within the SA NQF.

**“Foreign institution”** means an education institution that is registered, accredited or recognised in a national education and training system other than South Africa and in accordance with the national policies, or generally accepted practice of that country.

**“Foreign qualification”** means a qualification offered by an awarding institution that is registered, accredited or recognised in an education and training system other than South Africa, and in accordance with the national policies or generally accepted practice of that country.

**“Fraudulent qualification”** means a qualification that is not authentic and has been so pronounced by a court of law.

**“General and Further Education and Training Qualifications Sub-Framework (GFETQSF)”** means the Sub-Framework of the NQF for General and Further Education and Training that is developed and managed by Umalusi.

**“Higher Education Qualifications Sub-Framework (HEQSF)”** means the Sub-Framework of the NQF for Higher Education that is developed and managed by the Council on Higher Education (CHE).

**“Misrepresentation”** means an incorrect statement of fact or law made by one person to another. A qualification/part-qualification has been **misrepresented** if:

- (i) It does not meet the criteria to be an authentic qualification;
- (ii) The certificate of award was not issued by the provider;
- (iii) An individual alters the certificate of award or the SAQA Certification of Evaluation for a qualification; and
- (iv) An individual offers for any reason, a qualification that was obtained from a degree mill.

**“National Learners’ Records Database (NLRD)”** means the electronic management information system of the NQF under the authority of SAQA, which contains records of qualifications, part-qualifications, learner achievements, recognised professional bodies, professional designations and all related information such as registrations and accreditations

**“National Qualifications Framework (NQF)”** means the comprehensive system approved by the Minister: HET for the classification, co-ordination, registration, publication and articulation of quality-assured national qualifications and part-qualifications. The South African NQF is a single integrated system comprising three coordinated Qualifications Sub-Frameworks for: General and Further Education and Training; Higher Education; and Trades and Occupations.

**“Occupational Qualifications Sub-Framework (OQSF)”** means the Sub-Framework of the NQF for Trades and Occupations that is developed and managed by the Quality Council for Trades and Occupations (QCTO).

**“Part-Qualification”** means an assessed unit of learning with a clearly defined purpose that is, or will be, registered as part of a qualification on the NQF.

**“Private college”** means a private institution that is established or declared as a private college and registered under the Further Education and Training Colleges Amendment Act, No. 1 of 2013.

**“Provider (Public)”** means a state or partially state-funded body that offers any education or training programme that leads to a qualification or part-qualification registered on the NQF. They include universities, community education and training colleges and public workplace providers.

**“Provider (Private)”** means a non-state-funded body that offers any education or training programme that leads to a qualification or part-qualification registered on the NQF, and that meets the minimum criteria set by the DHET for providers that are allowed to operate in South Africa. Registration is a pre-requisite for accreditation by the relevant Quality Council.

**“Provider”** for the purposes of the Policy, means a public or private body operating in South Africa, and offering any education or training programme that leads to a qualification or part-qualification registered on the NQF. Providers of other learning initiatives that are not qualifications or part-qualifications are excluded, on condition that no reference relating to the NQF is made in the product offering or marketing thereof.

**“Providers operating outside of the South African NQF”** means providers that:

- (i) Are not registered with the DHET;
- (ii) Are not accredited by a Quality Council;
- (iii) Are not accredited to offer the qualification in question;
- (iv) Mislead the public by making false claims about their programmes; or
- (v) Are degree mills.

**“Qualification”** means a registered national qualification consisting of a planned combination of learning outcomes which has a defined purpose or purposes, intended to provide qualifying learners with applied competence and a basis for further learning and which has been assessed in terms of exit level outcomes, registered on the NQF and certified and awarded by a recognised body.

**“Qualification award”** means the formal acknowledgement of achievement of the stated learning outcomes for a qualification by the relevant authority.

**“Qualifications framework”** means a system for classification, registration, publication and articulation of quality-assured qualifications.

**“Quality Council (QC)”** means one of the three Councils tasked with developing and managing each of the Sub-Frameworks of the NQF in order to ensure that agreed quality standards are met: CHE for the HEQSF; Umalusi for the GFETQSF; and QCTO for the OQSF.

**“Quality Council for Trades and Occupations (QCTO)”** means the Quality Council for Trades and Occupations that was established in terms of the NQF Act, No. 67 of 2008, mandated to achieve the objectives of the NQF and to develop and manage the OQSF.

**“Recognition agreement”** means a formal arrangement, signed between two or more countries at a designated political level, confirming the intent to mutually recognise each other’s qualifications and outlining the agreed mechanisms and responsibilities.

**“Recognition of a foreign qualification”** means the formal acceptance of the appropriateness of a foreign qualification for a specific purpose.

**“Recognition of Prior Learning (RPL)”** means the principles and processes through which the prior knowledge and skills of a person are made visible, mediated and assessed for the purposes alternative access and admission, recognition and certification, or further learning and development.

**“Register of Fraudulent Qualifications”** means a Register containing the names and details of the offence of individuals and providers who have been found guilty by a court of law of holding or issuing at least one fraudulent qualification.

**“Register of Misrepresented Qualifications and Providers operating outside of the South African NQF (RMQP)”** means a Register comprising two parts:

- (i) Part A comprises a list of individuals who have misrepresented their qualifications; and
- (ii) Part B comprises a list of providers that have operated outside of the South African NQF.

An individual or provider's name will be entered into the *RMQP* after the misrepresentation has been confirmed by SAQA or one of the Quality Councils.

**“Registration of a qualification or part-qualification”** means the formal inclusion of a qualification or part-qualification by SAQA on the NQF, with an identification of the relevant Sub-Framework, when a qualification or part-qualification meets the SAQA Policy and Criteria for the Registration of Qualifications and Part-Qualifications on the NQF, and as recommended by the relevant QC.

**“Revocation”** means the action taken to invalidate or cause to no longer be in effect, as by voiding or cancelling (a SAQA Certificate of Evaluation and the recognition decision it conveys).

**“SAQA Certificate of Evaluation”** means a certificate issued by SAQA indicating the authenticity of the foreign qualification and its location on the NQF.

**“Sector Education and Training Authority (SETA):** means a body established in terms of the Skills Development Act, No. 97 of 1998, to develop and implement sector skills plans and promote learning programmes, including workplace learning. The QCTO has delegated quality assurance powers to the SETAs.

**“South African Qualifications Authority (SAQA)”** means the statutory authority established in terms of the SAQA Act, No. 58 of 1995, and continuing in terms of the NQF Act, No. 67 of 2008, which oversees the further development and implementation of the NQF, the achievement of the objectives of the NQF, and the co-ordination of the three Sub-Frameworks.

**“Sub-Framework of the NQF”** means one of three co-ordinated Qualifications Sub-Frameworks which make up the South African NQF as a single integrated system, namely the Higher Education Qualifications Sub-Framework (HEQSF), the General and Further Education and Training Qualifications Sub-Framework (GFETQSF) and the Occupational Qualifications Sub-Framework (OQSF).

**“Umalusi”** means the Quality Council for General and Further Education and Training established by the GENFETQA Act, No. 58 of 2001. In terms of the NQF Act, No. 67 of 2008, it is tasked to support the achievement of the objectives of the NQF and to develop and manage the GFETQSF.

**“Verification of a foreign qualification”** means the process followed by SAQA to check the authenticity of a foreign qualification. Verification includes authenticating the status of the foreign institution and the qualifications offered by them, investigating the authenticity of qualification documentation and verifying that the qualification was awarded to the individual in question.

**“Verification of a national qualification”** means the process followed by SAQA to verify a South African qualification.

## 2. BACKGROUND AND CONTEXT

- a. Media exposure of high ranking officials claiming to hold qualifications that they were not awarded or for which they did not enrol, has created greater public awareness around misrepresented qualifications. Universities are faced with prospective students who submit, as proof of fulfilment of admission requirements, qualifications that they have not rightfully earned. In addition, degree mills continue to operate unabated. As soon as one is shut down, another mushrooms in its place.
- b. Qualifications fraud is not only a South African phenomenon, but also poses a global challenge.
- c. Apart from being illegal, the misrepresentation of qualifications has other serious implications. People are appointed to positions based on their false qualifications, which raises questions around their competence to hold these positions. In more senior positions, the safety of ordinary citizens and employees, the long-term viability and profitability of organisations, and public service delivery rest in these fraudsters' hands.
- d. The stigma of being associated with fraudulent qualifications can lead to negative perceptions about the provider purported to have awarded the qualification, about South Africa and the NQF, and result in reputational damage insofar as skills development, the portability of NQF qualifications to other countries and the competitiveness of South Africa in the world economy are concerned.
- e. The Department of Public Service and Administration (DPSA) issued an amended *Directive on the Verification of Public Service Employees' Qualifications by SAQA*. This Directive came into effect on 1 October 2015 and compels national and provincial government departments to verify the qualifications of all current and prospective employees.
- f. The NQF Amendment Bill (when it comes into effect) will provide for the establishment of the Register of Misrepresented Qualifications and Providers operating outside of the South African NQF. This Register will be published periodically and should act as a deterrent to individuals and providers who are contemplating misrepresenting their qualifications or operating outside of the NQF.

## 3. PURPOSE

- a. The purpose of this Policy is to:
  - (i) Define what is meant by misrepresented qualifications;
  - (ii) Provide a framework for dealing with individuals and providers who misrepresent qualifications; and
  - (iii) Define the roles and responsibilities of the different role-players.
- b. The Policy includes:
  - (i) Definitions of terminology used in the context of this Policy;
  - (ii) The legislative environment pertaining to the Policy and a description of the legislative amendments required to enable the Policy to be implemented;



- (iii) The different categories and types of actions by individuals and providers that can be construed as qualification misrepresentation;
- (iv) The requirements for inclusion on the *Register of Misrepresented Qualifications and Providers operating outside of the South African NQF (RMQP)*, of individuals found to have misrepresented their qualifications or obtained their qualifications from a degree mill;
- (v) The requirements for inclusion on the *RMQP*, of providers operating outside of the South African NQF;
- (vi) The requirements for inclusion on the *Register of Fraudulent Qualifications*, of the names and details of individuals and providers found guilty of qualifications fraud by a court of law;
- (vii) Description of the processes to be followed when a qualification is suspected of having been misrepresented:
  - The process applied to confirm cases of misrepresentation and to deal with confirmed cases of misrepresentation;
  - The process to deal with foreign qualifications where the definition/ understanding of fraud/ misrepresentation in the foreign country is different to that of South Africa and where the nature of the foreign institution differs from those in South Africa;
  - The process to handle qualifications that have been issued by foreign institutions that no longer exist; and
  - Measures to deal with exceptions and exclusions.
- (viii) The respective roles and responsibilities of the different bodies involved;
- (ix) The mechanism(s) available to individuals and providers who have been identified as having misrepresented qualifications, to respond to the claim before their names are added to the *RMQP*; and
- (x) The appeals process available to individuals and providers whose details already appear on the *RMQP*.

#### 4. SCOPE

a. This Policy covers:

- (i) All cases of qualification misrepresentation by individuals living in, who have studied in or who want to live/ work/ study in South Africa; and
- (ii) Providers who operate in South Africa and have flouted the legislation/ regulations that pertain to registration, accreditation, the issuing of certificates and/or marketing of qualification offerings.

b. It should be noted that SAQA reserves the right to decide on which foreign qualifications and foreign institutions to recognise. SAQA is guided by the Policy and Criteria for the Recognition of Foreign Qualifications in the South African NQF and bilateral recognition agreements that the South African government has signed with foreign nations, but is under no obligation to recognise any foreign qualification or provider.

#### 5. OBJECTIVES

The objectives of this Policy are to:

- (i) Establish the Register of Misrepresented Qualifications and Providers Operating outside of the South African NQF (*RMQP*);
- (ii) Define the responsibilities of NQF partners who suspect/confirm that a qualification has been misrepresented;
- (iii) Indicate the rules governing the inclusion on and removal from the *RMQP*;
- (iv) Outline the responsibilities of private qualification verification agencies and the private sector when confronted with a misrepresented qualification;
- (v) Outline the proposed role and responsibilities of the South African Police Services (SAPS) in investigating cases of misrepresentation and providing feedback on progress with investigations;
- (vi) Outline the proposed role and responsibilities of the Department of Justice (DOJ) in prosecuting cases of misrepresented qualifications and providing information about individuals and providers convicted of fraud relating to qualifications; and
- (vii) Outline SAQA's co-ordinating role in dealing with misrepresented and fraudulent qualifications.

## 6. UNDERLYING PRINCIPLES

The following principles underpin this Policy:

- (i) A person and/or provider are confirmed to have misrepresented qualifications or a provider has operated outside of the South African NQF if supporting evidence can show this to be true. The person's name and details, or details about the provider with the relevant timeframes of non-compliance (if applicable) are published in the *RMQP*.
- (ii) A person and/or provider are guilty of qualification fraud only when convicted by a court of law. Details about the person and/or provider are entered into the *Register of Fraudulent Qualifications* with details of the court sentencing and relevant timeframes.
- (iii) Where qualifications are submitted for verification either by individuals or by prospective employees, the qualification holder must be informed of the process and give written consent to have his/her name included in the *RMQP* if he/she has misrepresented his/her qualifications, or where the provider, through which the qualification was obtained, is found to be a degree mill.
- (iv) Innocent parties may not be unnecessarily punished because of the unscrupulous actions of other parties.
- (v) All parties involved in the investigation of possible qualification misrepresentation must be informed of:
  - The pending investigation,
  - Possible action in the case of a confirmed finding,
  - Their right to make representation to the proceedings, and
  - Their right to appeal the findings of the investigation.
- (vi) Both registers will be made public by SAQA.

## 7. LEGISLATIVE ENVIRONMENT

- a. The following legislation is pertinent to the development and implementation of this policy:
  - (i) The Constitution of the Republic of South Africa, 1996;
  - (ii) The NQF Act, No. 67 of 2008;

- (iii) The Higher Education Act, No. 101 of 1997;
- (iv) The Protection of Personal Information Act, No. 4 of 2013;
- (v) The Promotion of Access to Information Act, No. 2 of 2000; and
- (vi) The Promotion of Administrative Justice Act, No 3 of 2000.

In addition, this Policy is part of the suite of NQF policies that were published by SAQA. Of particular relevance are the following SAQA policies:

- (i) Policy and Criteria for the Registration of Qualifications and Part-Qualifications on the National Qualifications Framework;
  - (ii) Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF;
  - (iii) Revised Foreign Qualifications Evaluation Appeals Policy;
  - (iv) Verification Appeals Policy; and
  - (v) Foreign Qualifications Revocation Policy.
- b. The Draft NQF Amendment Bill compels Quality Councils and private verification agencies to report all cases of misrepresented qualifications as defined by the Policy, to SAQA.
- c. The NQF Amendment Bill also allows for the publication of the names and details of individuals who have misrepresented their qualifications.
- d. The NQF Act should be further strengthened to obligate all providers offering learning that results in the award of qualifications and/or part-qualifications, to load all learner records onto the National Learners' Records Database (NLRD). The Quality Councils are already obliged to do so.
- e. There should be a legal obligation that compels the Department of Justice to report to SAQA the outcomes of court cases involving fraudulent qualifications on a regular basis.

## **8. AUTHENTIC QUALIFICATIONS**

### **8.1 SOUTH AFRICAN QUALIFICATIONS**

- a. For an Individual to be holding a qualification/part-qualification that is authentic, the following criteria must all be met:
- (i) The qualification must be registered on the NQF;
  - (ii) The qualification must be offered by a registered and accredited provider;
  - (iii) The individual must have enrolled for the qualification/part-qualification and have met the entrance requirements or been admitted to the qualification/part-qualification through RPL;
  - (iv) The individual must have completed the qualification/part-qualification and have met the criteria for the awarding of the qualification/part-qualification either through successfully completing the summative assessments, or through RPL, or through a combination of assessment and RPL; and
  - (v) The individual must have been awarded the qualification/part-qualification by the relevant awarding body e.g. the accredited higher education provider in the case of HEQSF qualifications, by Umalusi in the case of GFETQSF qualifications or by the QCTO in the case of OQSF qualifications.

- b. If the provider is no longer in business, confirmation may be sought from the records of the provider available to SAQA or to any other approved agency (e.g. Umalusi, DHET, and the HSRC), on condition that the provider was recognised by SAQA or an approved agency.
- c. For awards of qualifications/part-qualifications that cannot be verified, no decision can be taken about its authenticity. A statement must be provided to the effect that the qualification was approved by an agency recognised by SAQA, but records about the qualification award and its holder cannot be located.

## 8.2 FOREIGN QUALIFICATIONS

- a. For an individual to hold an authentic foreign qualification/part qualification the following criteria must be met:
  - (i) The qualification/part qualification must meet the criteria to be declared authentic;
  - (ii) The individual must have enrolled for the qualification/part-qualification by meeting the entrance requirements for that qualification/part qualification;
  - (iii) The individual must have satisfied the criteria for the awarding of the qualification/part-qualification; and
  - (iv) The awarding of the qualification/part-qualification to the individual must be confirmed by the relevant foreign institution.
- b. For foreign qualifications/part-qualifications that cannot be verified and its award to the individual purporting to hold that qualification/part qualification cannot be confirmed, no decision can be taken about its authenticity. A statement should be provided to the effect that details about the qualification and/or the holder cannot be located. SAQA reserves the right to refuse to recognise any foreign provider and/or qualification.

## 9. MISREPRESENTED QUALIFICATIONS

- a. A qualifications/part-qualification has been misrepresented if:
  - (i) It does not meet the criteria to be an authentic qualification;
  - (ii) The certificate of award was not issued by the provider;
  - (iii) An individual alters the certificate of award or the SAQA Certification of Evaluation for a qualification; and
  - (iv) An individual offers for any reason, a qualification that was obtained from a degree mill.
- b. A provider has misrepresented a qualification/part-qualification if the provider:
  - (i) Fails to inform the learners that (a) the qualification/part qualification is not registered on the NQF or (b) the provider is not accredited by the relevant Quality Council to offer the qualification/part-qualification; or
  - (ii) Misleads the public in the marketing of a qualification/part-qualification.

## 10. RESPONSIBILITIES OF NQF PARTNERS AND THE GENERAL PUBLIC WITH RESPECT TO MISREPRESENTED QUALIFICATIONS

- a. The NQF Act and related legislation, by implication, requires SAQA and the NQF partners to uphold the integrity of, and act against threats to, the NQF. It is incumbent upon SAQA and the Quality Councils to take action against providers and individuals who misrepresent qualifications. Such actions will also act as a deterrent to those considering misrepresenting their qualifications.
- b. It is imperative that *all* applications submitted for the verification of qualifications must contain a statement signed by the qualification holder indicating that s/he understands that, should her/his qualification(s) be found to be misrepresented or from a degree mill, then her/his name will be included in the *RMQP*.

### 10.1 THE QUALITY COUNCILS (QCs)

The QCs must:

- (i) Investigate all suspected cases of qualification misrepresentation related to qualifications on their respective sub-frameworks and providers accredited by them;
- (ii) Inform all relevant parties of:
  - The intention of the QC to further investigate possible qualification misrepresentation;
  - Their right to make submissions to the QC;
  - The outcome of the investigation; and
  - Their right to appeal the decisions.
- (iii) Appoint a committee to consider the evidence surrounding an alleged case and make a decision for consideration by the QC CEO;
- (iv) Keep a list of all cases of suspected qualification misrepresentation related to their qualifications sub-framework and accredited providers;
- (v) Develop the knowledge and skills of staff to be able to identify and investigate misrepresented qualifications;
- (vi) Confirm cases of misrepresentation related to qualifications on their respective sub-frameworks or by providers accredited by them;
- (vii) Report cases of misrepresentation to the South African Police Services (SAPS) for further investigation and possible prosecution;
- (viii) Recommend to the DHET to withdraw the provider registration where appropriate; and
- (ix) Report all cases of misrepresentation every two months to SAQA in accordance with SAQA's reporting schedule. The report must include:
  - All information on the matter;
  - Where a decision has been reached, whether or not a charge was laid with the SAPS;
  - A recommendation for the inclusion of the name of the individual/provider in the *RMQP*; and
  - Any other action that should be taken.

### 10.2 SETAS AND ASSESSMENT QUALITY PARTNERS (AQPs)

SETAs and AQPs must:

- (i) Inform the QCTO of any suspected cases of qualification misrepresentation involving qualifications that they quality assure or providers they have accredited on behalf of the QCTO, within 5 working days of them becoming aware of them; and
- (ii) Render the necessary assistance to the QCTO in the latter's investigation of the cases.

### 10.3 SOUTH AFRICAN QUALIFICATIONS AUTHORITY (SAQA)

SAQA must:

- (i) Investigate and confirm cases of misrepresentation that are reported directly to it or by the DHET and decide on the course of action to be taken;
- (ii) Confirm the findings of qualification misrepresentation reported by private verification agencies by adhering to the process outlined in 10.1 for QCs above;
- (iii) Establish an Appeals Committee to consider appeals against the decision to add the name of an individual or provider to the *RMQP*;
- (iv) Compile and communicate the schedule for reporting cases of qualification misrepresentation and circulate it to QCs, private qualification verification bodies and the DHET;
- (v) Co-ordinate the actions of all involved in this process;
- (vi) Act as a sounding board to the QCs on challenging cases;
- (vii) Manage the process of appeals lodged by individuals / providers whose names appear in the *RMQP*;
- (viii) Maintain the *RMQP* by entering and removing information as required;
- (ix) Provide the Minister bi-monthly, with an updated *RMQP*;
- (x) Receive information from the Department of Justice, about individuals and providers who have been convicted of qualifications fraud;
- (xi) Maintain the Register of *Fraudulent Qualifications* by entering and removing names of offenders as per the court rulings; and
- (xii) Provide the updated Register of Fraudulent Qualifications to the Minister bi-monthly.

### 10.4 THE DEPARTMENT OF HIGHER EDUCATION AND TRAINING (DHET)

The DHET must:

- (i) Request the relevant QC or SAQA to investigate suspected cases of misrepresentation by individuals that it is aware of;
- (ii) Investigate or request the relevant QC to investigate suspected cases of misrepresentation by providers;
- (iii) Inform SAQA of the details of the providers that it has confirmed to be operating outside of the South African NQF, for inclusion in the *RMQP*;
- (iv) Report these cases to the SAPS for further investigation and possible prosecution; and
- (v) Consider SAQA and/or the QCs' recommendations to withdraw the registration of providers who have misrepresented qualifications or been convicted of fraud related to qualifications.

### 10.5 OTHER GOVERNMENT DEPARTMENTS AND STATE OWNED ENTITIES

- a. These departments and bodies must inform SAQA / the relevant QC of any cases of misrepresented qualifications that they become aware of and provide as much information as possible to assist SAQA / the QC to investigate further;
- b. Consider the recommendations made by SAQA with respect to the outcome of the verification process of employees or prospective employees' qualifications; and
- c. Lay charges of fraud where appropriate, with the SAPS against offenders in cases that it investigates itself.

#### **10.6 PRIVATE QUALIFICATIONS VERIFICATION BODIES**

- a. These bodies must inform SAQA regularly of all cases of qualification misrepresentation for inclusion on the *RMQP*; and
- b. They must lay charges/ensure that their clients lay charges against offenders with the SAPS, where appropriate.

#### **11. MEASURES TO PREVENT THE MISREPRESENTATION OF QUALIFICATIONS**

- a. The existence and strict application of this Policy, coupled with listing of offenders in the *RMQP* and Register of Fraudulent Qualifications and its publication on SAQA's website, will be strong deterrents to those contemplating qualification misrepresentation and fraud.
- b. In addition, advocacy campaigns across media platforms that draw attention to the existence of the *RMQP* and the Register of Fraudulent Qualifications should drive the message home. The target for the campaigns should be the general public, education and training providers and employers.

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# PART B: PROCEDURE FOR IMPLEMENTING THE POLICY ON THE MISREPRESENTATION OF QUALIFICATIONS

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## 1. PROCEDURES

### 1.1 THE QUALITY COUNCILS (QCs)

The procedure for QCs to deal with alleged cases of qualification misrepresentation is as follows:

- (i) Details of the case of suspected qualifications misrepresentation is entered in the relevant QC's List of Misrepresented Qualifications;
- (ii) The CEO will appoint a staff member to investigate the case;
- (iii) The CEO (or his/her designate) will inform the qualification holder and applicant that an investigation of qualification misrepresentation is being conducted, giving the details of the alleged offence and requesting further information from the individual and/or provider to assist in the investigation;
- (iv) The case is investigated and the information from the qualification holder/applicant /provider is considered;
- (v) A report with supporting documents is submitted to the CEO for consideration;
- (vi) The CEO makes a decision on the matter. The decision could be that:
  - The individual is innocent and the investigation is closed;
  - There is insufficient evidence for a finding of misrepresentation so the investigation is closed;
  - The individual is an innocent victim of circumstances beyond his/her control and the investigation is closed;
  - The individual is an innocent victim of unscrupulous provision by a provider and therefore is not guilty of misrepresentation, but the provider is. The provider's name is recommended to SAQA for addition to the *RMQP*;
  - The individual obtained his/her qualification from a degree mill and is therefore guilty of misrepresentation and his/her name is recommended to SAQA for inclusion in the *RMQP*; or
  - The individual and/or provider is guilty of misrepresentation and their names are recommended to SAQA for inclusion in the *RMQP*.
- (vii) The CEO informs the relevant individual/provider of the outcome of the investigation and, where applicable, of the recommendation that their names be added to the *RMQP*;
- (viii) The individuals/providers are made aware that they may appeal to SAQA against the outcome and are directed to the Appeals Process that should be followed;
- (ix) Details of the misrepresentation are submitted to SAQA ;



- (x) Supporting documents are filed for possible future reference and sent to SAQA in cases where appeals have been lodged with SAQA;
- (xi) Individuals/providers who were found to have misrepresented qualifications must be reported by the CEO to the SAPS for further investigation and possible prosecution; and
- (xii) A recommendation is made to DHET to withdraw registration of the provider if appropriate.

## 1.2 SAQA

SAQA is involved in the process in the following ways:

- (i) Investigating alleged cases of misrepresented qualifications that are reported directly to it or which it becomes aware of;
- (ii) Recording the cases of misrepresented qualifications reported to it by the QCs and other departments and agencies;
- (iii) Considering appeals lodged by individuals/providers whose names appear on the *RMQP*; and
- (iv) Maintaining the *RMQP* as well as the Register of Fraudulent Qualifications and reporting regularly on its contents to the Minister: HET.

### 1.2.1 Investigating cases of alleged qualification misrepresentation

This process is the same as that followed by the QCs.

### 1.2.2 Managing incidents of misrepresented qualifications reported to it by the QCs

a. When SAQA receives its bi-monthly report from the QCs:

- (i) Details of the individual/provider will be entered into the *RMQP*; and
- (ii) A report is generated for the Minister: HET for publication in the Government Gazette.

### 1.2.3 Hearing appeals

The appeals process is as follows:

- (i) An appeal against the decision must be submitted to the SAQA CEO in writing within 60 days of the date on the letter sent by the relevant CEO of the QC informing them of the decision. The appeal should contain the necessary support documentation.
- (ii) SAQA has an existing Appeals Committee. The CEO of the relevant QC will be invited to provide additional information for appeals involving investigations conducted by that QC, where necessary.
- (iii) Acknowledgement of receipt of the appeal must be made to the appellant within 48 hours of receipt.
- (iv) The Appeals Committee must meet within 30 days of receipt of the appeal.
- (v) The Appeals Committee may request the appellant or anyone else deemed necessary to make representation either in writing or in person to the Committee.
- (vi) The decision of the Appeals Committee must be communicated in writing to the appellant within 3 days of the decision being taken. The appellant must also be informed that a final appeal may be made to the Minister: HET whose decision will be final.

- (vii) Should an appeal be lodged with the Minister: HET, the decision of the Minister: HET must be conveyed to SAQA who will implement the decision.

#### **1.2.4 Maintaining the Register of Misrepresented Qualifications and providers operating outside of the NQF (*RMQP*) and reporting to the Minister: HET**

- a. The names of individuals/providers who have misrepresented qualifications are entered into the *RMQP*.
- b. The Register is updated bi-monthly as information is received from QCs.
- c. The Register of Fraudulent Qualifications is updated as information is received from SAPS with respect to cases finalised and sentences handed down in a court of law.
- d. Both Registers are provided to the Minister bi-monthly and published on SAQA's website.

### **1.3 CRITERIA FOR THE REMOVAL OF NAMES FROM THE *RMQP***

#### **1.3.1 INDIVIDUALS**

- a. Names of individuals will be removed from the *RMQP* if they had succeeded in their appeal against the SAQA/QC decision to include their names in the *RMQP*.
- b. The individual's record in the *RMQP* may be amended if the individual later obtains the exact same qualification that s/he had previously falsely claimed to hold.

#### **1.3.2 PROVIDERS**

The *RMQP* will be amended in the case of providers that:

- (i) Falsely claimed to be registered and/or accredited providers and who are subsequently registered and/or accredited. The register will show the dates when the provider operated illegally and the date from which it operated legally; and
- (ii) Falsely claimed that their qualifications or part-qualifications were registered and/or accredited and were subsequently registered and/or accredited. The register will show the dates when the qualifications were not registered and/or accredited and the date from which they were registered and/or accredited.

## **2. EXCLUSIONS**

An individual will not be regarded as having misrepresented a qualification if:

- (i) He/she presents a qualification for which the details of- and/or confirmation that it was awarded to the individual in question- cannot be confirmed; and
- (ii) Mistakes were made by the provider and/or the relevant Quality Assuring Body and/or SAQA regarding the details of the award holder on a qualification certificate or a SAQA Certificate of Evaluation.

## 2.1 VICTIMS OF UNSCRUPULOUS PROVIDERS

- a. The provision of education and training courses by unscrupulous providers results in many unsuspecting victims investing time and money into what is later found to be non-authentic/unaccredited qualifications. These individuals will not have their names published in the *RMQP* as it is through no fault of their own other than their ignorance that they find themselves in this situation. Their qualifications will, however, be flagged on the National Learners' Records Database (NLRD) as being unaccredited.
- b. No mercy must be shown to individuals who obtain qualifications from degree mills as they know that they did not study towards obtaining a qualification. Their details will be entered into the *RMQP*.

## 2.2 SUSPICIOUS QUALIFICATIONS FROM INSTITUTIONS THAT NO LONGER EXIST

- a. Sometimes individuals submit qualification awards for employment or admission to further study, issued by providers that no longer exist and for whom no or incomplete learner records are available. SAQA or the verifying body should inform the applicant if the qualification is authentic or not, and state that no records are available to verify the qualification award.
- b. A similar procedure applies to foreign qualifications and institutions that no longer exist and for whom information cannot be verified.

## 2.3 FOREIGN INSTITUTIONS THAT APPEAR TO BE ACTING UNSCRUPULOUSLY

- a. Care must be taken when contemplating listing the names of suspected unscrupulous foreign institutions. The following must be fully understood:
  - (i) The situation prevailing in their countries regarding their status, their legal ability to operate and the international status of their qualifications;
  - (ii) The way in which fraud and misrepresentation of qualifications is viewed in their countries; and
  - (iii) Whether the education authority/department in their country would consider listing the institution on the *RMQP* as justifiable.
- b. SAQA reserves the right to choose whether to recognise any foreign institution, including regional institutions such as those belonging to the United Nations System, and their qualification/s.
- c. The names and details of foreign institutions that have been found to have misrepresented qualifications or are degree mills will be entered into the *RMQP*. However, no legal action will be sought if the foreign institution does not operate in South Africa.

**LIST OF ACRONYMS**

AQP	Assessment Quality Partner
CHE	Council on Higher Education
DHA	Department of Home Affairs
DOJ	Department of Justice
DPSA	Department of Public Service and Administration
GFETQSF	General and Further Education and Training Qualifications Sub-Framework
HEQSF	Higher Education Qualifications Sub-Framework
MINISTER: HET	Minister of Higher Education and Training
NQF	National Qualifications Framework
OQSF	Occupational Qualifications Sub-Framework
RPL	Recognition of Prior Learning
RMQP	Register of Misrepresented Qualifications and Providers operating outside of the South African National Qualifications Framework
QC	Quality Council
QCTO	Quality Council for Trades and Occupations
SAPS	South African Police Services
SAQA	South African Qualifications Authority
SCoE	SAQA Certificate of Evaluation
SETA	Sector Education and Training Authority
UMALUSI	Council for Quality Assurance in General and Further Education and Training
UNESCO	United Nations Educational, Scientific and Cultural Organisation