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There is more to the NQF Amendment Act than just criminalising lying on CVs

12 September 2019

There is more to the [National Qualifications Framework \(NQF\) Amendment Act, No 12 of 2019](#) than just criminalising qualifications fraud and lying about qualifications on CVs. Signed by the President on 13 August 2019 and published on 19 August 2019, the NQF Amendment Act tightens the legal requirements and strengthens the hands of NQF bodies to inspire confidence in the education and training system.

For example, skills development providers now need to be registered by the Department of Higher Education and Training, which was not the case in the NQF Act of 2008. Private providers are also required to be registered. The Amendment Act also brings with it some new and revised definitions aimed at strengthening the legislation so that there is effective implementation of the NQF. For instance, it introduces the definition of authenticity concerning a national and foreign qualification and part-qualification.

On the one hand, an **authentic** national or South African qualification or part-qualification must be:

- a) Registered on the NQF;
- b) Offered by a registered and accredited education institution or skills development provider; and
- c) Lawfully obtained.

On the other hand, an **authentic** foreign qualification or part-qualification must be lawfully obtained from a foreign country and evaluated by SAQA.

If all education institutions and skills development providers are registered and accredited, and offer NQF-registered qualifications and part-qualifications, learners will have genuine qualifications. Education institutions and skills development providers that are not registered or accredited or offer qualifications and part-qualifications not registered on the NQF will face closure. Such institutions may also be declared unfit to apply for registration for a period not exceeding ten years. Similarly, those found guilty of qualifications fraud will be liable to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.

Also, the Amendment Act makes provision for the establishment of separate registers of misrepresented and fraudulent qualifications and part-qualifications. To ensure fairness and transparency in dealing with cases of misrepresented and fraudulent qualifications and part-qualifications, SAQA will follow the provisions of the Promotion of Administrative Justice Act, No 3 of 2000.

SAQA'S MISSION

To ensure the development and implementation of a National Qualifications Framework which contributes to the full development of each learner and to the social and economic development of the nation at large

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The NQF Amendment Act also gives SAQA the legal responsibility to verify all national qualifications and part-qualifications. Employers, government departments, education and training institutions (both public and private), and professional bodies must first check if their employees or members' qualifications are registered on the NQF. If the qualifications are not registered, they can refer them to SAQA for verification. Similarly, South Africans and foreign nationals who have obtained qualifications and part-qualifications from other countries must also have their qualifications and part-qualifications verified and evaluated by SAQA.

South Africa needs an effective education and training system where the movement between general and further education, higher education as well as occupational qualifications and the world of work is seamless. The NQF Amendment Act aims to realise this by ensuring there is a unified implementation of the NQF by SAQA and the Quality Councils. To this end, it compels SAQA and the Quality Councils to work together to ensure that the NQF works for the people of South Africa.

The NQF Amendment Act also amplifies the role of the National Learners' Records Database (NLRD) to include a separate register for professional designations. The NLRD will also have records of qualification and part-qualification requirements and other related information, including details of education institutions and Quality Councils that awarded the qualifications and part-qualifications. It will also contain information about registration, verification and accreditation. The critical status given to the NLRD will protect the public against the claims from legitimate providers that they are offering registered qualifications when they are not.

An education and training system that is of quality has mechanisms embedded in it that deter misrepresentation of qualifications as well as qualifications fraud. However, misrepresentation and qualifications fraud are neither the only focus nor the sole purpose of a quality education system.

Ultimately, the NQF Amendment Act aims to protect the integrity of the South African education and training system and to address some of the challenges in the system. As envisaged by the [NQF](#), such a system contributes to the full personal development of each learner and the social and economic development of the nation at large.

While the NQF Amendment Act was signed on 13 August 2019 and published for general information on 19 August 2019, it will only come into effect on a date that will be determined by the President. SAQA is ready and looks forward to implementing the amendments in their entirety for the betterment of our education and training system.

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