



SYSTEM OF COLLABORATION

NATIONAL QUALIFICATIONS FRAMEWORK

Revised by SAQA after consultation with the QCs on 22 November 2019.

Approved by the SAQA Board in December 2019.

Definitions

In this System of Collaboration, any expression defined in the NQF Act, 2008 as amended bears the same meaning unless the context indicates otherwise:

“Arbitration” means the 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 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 party in terms of the National Qualifications Framework (NQF) Act, 2008 as amended.

Purpose

1. The object of this System of Collaboration is to guide the mutual relations of SAQA and the Quality Councils [the Council on Higher Education (CHE), Umalusi and the Quality Council for Trades and Occupations (QCTO)], towards the promotion of constructive cooperation.

Underlying principles

2. SAQA and the QCs developed this document in line with the *NQF Act* (Act 67 of 2008) as amended, 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 comprising 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;
 - d. Accelerate the redress of past unfair discrimination in education, training and employment opportunities; and
 - e. Contribute to the full personal development of each learner and the social and economic development of the nation at large.
4. SAQA is responsible for overseeing the further development and implementation of the NQF. Each QC develops and manages a specific sub-framework of the NQF: Umalusi manages the General and Further Education and Training Qualifications Sub-Framework (GFETQSF), the CHE is responsible for the Higher Education Qualifications Sub-Framework (HEQSF), and the QCTO is responsible for the Occupational Qualifications Sub-Framework (OQSF). The Minister: Higher Education, Science and Technology (HEST) 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 covered in 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 concerning information sharing and consultation; and
 - d. Cooperate 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 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 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 about 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 *Guidelines for Strategy and Priorities for the NQF*, issued by the Minister of HEST, and the *NQF Implementation Framework*, developed by SAQA after consultation with the QCs, guide the System of Collaboration.

Collaboration structures

8. Minister and Department of Higher Education and Training
 - a. The Minister: HEST has overall responsibility for the NQF, SAQA and the QCs.
 - b. The Department of Higher Education and Training (DHET), represented by the Director-General (DG): HET is responsible for executing the decisions of the Minister per its strategic plan. The Minister: HEST and the DHET act according to the requirements of the *NQF Act, 2008 as amended* 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 adopted in this System of Collaboration.
 - c. Transparency and openness relating to information sharing and consultation should be adhered to at all times.
9. SAQA Board and Quality Council Councils
 - a. The SAQA Board and QC Councils are established through the NQF Act.
 - b. The NQF Act, 2008 as amended determines the membership of the SAQA Board and QC Councils.
 - c. The Chief Executive Officers (CEOs) of SAQA and the QCs are members of the SAQA Board and the QC Councils.
 - d. When serving on the SAQA Board or a QC Council, CEOs are required to participate without prejudice or favour towards any specific Board or Council.
10. NQF Forum
 - a. Members are the Minister: HEST, the DG: HET, chairpersons of SAQA and the QCs, and CEOs of SAQA and the QCs.
 - b. The DG: HET chairs the NQF Forum. The SAQA CEO acts as vice-chairperson and as guided by the DG.
 - c. The NQF Forum of Chairpersons and CEOs meets annually or at the request of the Minister: HEST.
11. CEO Committee
 - a. The purpose of the CEO Committee is to develop a high-level understanding of the inter-relationships among the three Qualifications Sub-Frameworks, and among 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. Advisors and experts may also attend at the request of a CEO.
 - e. A standing invitation exists for members of the Inter-departmental NQF Steering Committee to attend. The SAQA CEO chairs the CEO Committee. A CEO of a QC can be nominated to chair the CEO Committee in the absence of the SAQA CEO.
 - f. 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 to develop a high-level understanding of the interrelationships among the three Qualifications Sub-Frameworks, and among 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. Nominated staff members from SAQA or the QCs chair Sub-committees and working groups;
- e. Sub-committees and working groups:
 - I. May include Board/Council members from SAQA and the QCs as well as external members;
 - II. Report to the CEO Committee; and
 - III. Meet as required.

13. Inter-departmental NQF Steering Committee

- a. The DG: HET established the Inter-departmental NQF Steering Committee in agreement with the DG: Basic Education. The DG: HET appoints its members.
- 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 advises 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 their 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. The Secretariat documents meetings of the CEO Committee and prepares agendas after consultation with members. Document packs must be sent to members no later than one week before 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 align to the NQF Implementation Framework.
- 20. Where overlaps exist between different Sub-Frameworks of the NQF the following must be considered:
 - a. A specific QC has primary accountability for each qualification under the NQF Act.
 - b. The primary QC may delegate qualifications 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.
- e. SAQA monitors 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 the declaration of a dispute between QCs, the SAQA Board must appoint a competent person of sufficient seniority to act impartially on behalf of SAQA in resolving the dispute.
- 27. On the declaration of a dispute between SAQA and one or more QCs the Director-General: 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

