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DEPARTMENT OF BASIC EDUCATION

NO. 1143

27 OCTOBER 2017

THE COUNCIL FOR GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY ASSURANCE ("UMALUSI")**GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY ASSURANCE ACT, 2001 (ACT NO. 58 OF 2001)****APPROVAL OF THE COUNCIL FOR GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY ASSURANCE ("UMALUSI") REGULATIONS REGARDING THE CRITERIA FOR THE QUALITY ASSURANCE, ACCREDITATION AND MONITORING OF INDEPENDENT SCHOOLS AND PRIVATE ASSESSMENT BODIES**

1. I, Angelina Matsie Motshekga, Minister of Basic Education, hereby, in terms of sections 17A(2)(b), 17A(2)(c) and 27 of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)* approve the *Regulations regarding the criteria for the quality assurance, accreditation and monitoring of independent schools and private assessment bodies by the General and Further Education and Training Quality Assurance Council* as set out in the **Schedule**.



MRS AM MOTSHEKGA, MP

MINISTER OF BASIC EDUCATION

DATE: 03-10-2017

**REGULATIONS REGARDING THE CRITERIA FOR THE QUALITY
ASSURANCE, ACCREDITATION AND MONITORING OF INDEPENDENT
SCHOOLS AND PRIVATE ASSESSMENT BODIES**

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ABBREVIATIONS AND ACRONYMS

GFET	General and Further Education and Training
GFETQSF	General and Further Education and Training Qualifications Sub-Framework
NCS	National Curriculum Statement
NSC	National Senior Certificate
NQF	National Qualifications Framework
QC	Quality Council
SASA	South African Schools Act

CHAPTER 1

DEFINITIONS, OBJECTIVES, SCOPE AND APPLICATION

1. Definitions

The purpose of this glossary is to define the terminology used in developing these regulations.

In these Regulations-

- (a) any word or expression to which meaning has been assigned in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* and the *General and Further Education and Training Quality Assurance Act 2001, (Act No. 58 of 2001)*, shall have the meaning so assigned to it, unless the content indicates otherwise
- (b) the singular shall include the plural and *vice versa*-

“acknowledgement of receipt of application for accreditation” – means Umalusi has received a completed self-evaluation report from an independent school;

“accreditation” – means **the outcome of a quality assurance** process of evaluating-

- (a) a private assessment body to determine whether its capacity, systems, processes and products are of the appropriate quality to deliver valid, reliable, fair and credible assessments and examinations; and
- (b) an independent school to determine whether it has, in accordance with the policy and criteria for quality assurance as set out in these Regulations, the capacity to offer a qualification or programmes

leading to a qualification on the General and Further Education and Training Qualifications Sub-framework;

“accredited provider” – means a legally established institution (public or private) that has been recognised by Umalusi Council as having the capacity or provisional capacity to offer a qualification or part-qualification registered on the NQF at the required standard;

“assessment” - means the process of identifying, gathering and interpreting information about a learner’s achievement in order to-

- (a) assist the learner’s development and improve the process of learning and teaching; and
- (b) evaluate and certify competence in order to ensure qualification credibility. Assessment includes national examinations, end-of-term and/or once-off end-of-year examinations in order to ensure a national standard across providers;

“assessment body” - means a juristic body accredited by Umalusi Council to quality assure internal assessment and conduct external examinations, and includes a department of education;

“certification” - means the formal recognition by Umalusi Council of a qualification or part qualifications awarded to a successful learner;

“Council” – refers to Umalusi, the Quality Council for General and Further Education and Training; as contemplated in the *National Qualifications Framework, 2008 (Act No. 67 of 2008)*, and the *General and Further Education and Training Quality Assurance Act 2001, (Act No. 58 of 2001)*;

“curriculum” - means a statement which encompasses three components: intended curriculum, enacted curriculum and assessed

curriculum; curriculum framework and CAPS, and means the same as programme;

“examination centre” – means an independent school registered by the relevant Provincial Education Department and accredited by Umalusi, and registered by a public or accredited private assessment body as a venue for their candidates to write the National Senior Certificate examination; or a centre other than an independent school registered and managed by a private accredited or public assessment body in line with Umalusi’s requirements, as a venue for their candidates to write the National Senior Certificate examination;

“exit point” - means a point in General and Further Education and Training at which a learner is required to demonstrate competence with a view to obtaining documentary proof of proficiency;

“external assessment” - means assessment conducted by a public or accredited private assessment body, the outcomes of which count towards the achievement of a qualification;

“Further Education and Training” - means all learning and training programmes leading to qualifications from Levels 2-4 of the National Qualifications Framework (NQF), which levels are above general education and training but below higher education;

“General Education and Training” - means all learning and training programmes leading to a qualification on Level 1 of the National Qualifications Framework, which level is below further education and training;

“General and Further Education and Training Qualifications Sub-Framework” - means the Sub-framework of the NQF for General and Further Education and Training that is developed and managed by Umalusi;

“Head of Department” – means the head of a department responsible for education in a province;

“independent school” - means a school registered or deemed registered in terms of *section 46* of the *South African Schools Act, 1996 (Act No. 84 of 1996)*;

“Internal assessment” – means any assessment, conducted by an education institution, the outcomes of which count towards the achievement of a qualification (*section 1* of the *General and Further Education and Training Quality Assurance (Act No. 58 of 2001)*);

“Letter of intent” – means the independent school or private assessment body’s indication of its intent to apply for accreditation as contemplated in *paragraphs 11 and 18(2)(a)*;

“minimum outcomes and standards” as contemplated in the *National Curriculum Statement, Grades R–12*, published in *Government Gazette No. 34600* of 12 September 2011, and any other policies promulgated by the Minister pertaining to qualifications on the General and Further Education and Training Sub-framework of Qualifications and their provision;

“Minister” - means the Minister of Basic Education;

“National Senior Certificate” as contemplated in the policy, *National policy pertaining to the programme and promotion requirements of the National Curriculum Statement, Grades R–12*, published in *Government Gazette No. 34600* of 12 September 2011;

“National Qualification Framework” (NQF) is a comprehensive system approved by the Minister of Higher Education and Training or the classification, registration, publication and articulation of quality-assured national qualifications (*National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*);

“pilot study” – means, within the context of this policy, a small sample study conducted within the jurisdiction of an independent school and private assessment body to be used by Umalusi with the aim of establishing whether these institutions have complied with their respective quality assurance requirements to be awarded accreditation;

“private education institution” as contemplated in the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;

“processes and procedures for the assessment of learner achievement” as contemplated in the *National Curriculum Statement, Grades R-12*, published in *Government Gazette No. 34600* of 12 September 2011;

“provisional accreditation” - means the granting of accreditation for a limited time to either an independent school or a private assessment body that has applied for accreditation to enable such independent school or private assessment body to comply with the requirements to offer or

assess respectively a qualification or programmes leading to a qualification on the General and Further Education and Training Qualifications Sub-framework;

“programme” - means the same as curriculum in the Act and in these regulations;

“qualification” - means qualifications types and variants as defined on the General and Further Education and Training Qualifications Sub-Framework as contemplated in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

“quality” – means meeting the set criteria, standards and requirements;

“quality assurance” - means the process of measuring, evaluating and reporting on quality against standards, and monitoring for ongoing improvement in the qualification, the curriculum/programme, the assessment, the implementation and delivery of the curriculum/programme and the capacity of the institution or assessment body to offer and/or assess the qualification;

“Quality Council (QC)” - means a Quality Council contemplated in sections 24-27 of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

“registered qualification” - means a qualification registered on the National Qualifications Framework by SAQA in terms of section 13(1)(h) of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

“registered independent school” – means an independent school registered by the provincial department of education in which the school is

located in terms of *section 51 of the South African Schools Act, 1996 (Act No. 84 of 1996)*;

“registration of an independent school” – means the process of registration that independent schools must undertake with Provincial Departments of Education in order to operate in South Africa in accordance with the requirements of the Constitution of South Africa and the *South African Schools Act, 1996 (Act No. 84 of 1996)*;

“requirements” - means requirements as outlined in the *National Curriculum Statement, Grades R-12* and requirements established by these regulations as determined by Council in respect of the quality assurance of independent schools and assessment bodies;

“Umalusi” – means, the Quality Council for General and Further Education and Training established by the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*. In terms of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, it is tasked to support the achievement of the objectives of the NQF and to develop and manage the General and Further Education and Training Qualifications Sub-Framework.

2. Objectives

- (1) The Minister must, in accordance with *sections 17A(2)(a)-(c), 23(1), 23(2) and 24(1)(b) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*-
 - (a) regulate the process for accreditation of an independent school seeking to offer a qualification registered on the General and Further Education and Training Qualifications

Sub-framework through a quality assurance process that may lead to accreditation. The aim is to establish whether such independent school has the capacity to offer and manage the quality of such a qualification and its related curriculum/programme and whether it implements the curriculum/programme and its assessment at the required standard;

- (b) regulate the process for accreditation of a private assessment body seeking to offer a qualification registered on the General and Further Education and Training Qualifications Sub-framework through a quality assurance process that may lead to accreditation. The aim is to establish whether such private assessment body has the capacity, systems, processes and products of the appropriate quality to deliver valid, reliable, fair and credible assessments and examinations;
- (c) regulate the basis upon which, subject to the outcome of the accreditation process as contemplated in *sub-regulation 1* above, Umalusi grants accreditation, provisional accreditation, no accreditation, or withdrawal of accreditation to the independent school or private assessment body that has applied for such accreditation;

- (2) *Section 27 of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*, enables the Minister to make regulations regarding any matter which it is necessary or expedient to prescribe in order to achieve the objects of the said *Act*.

3. Application

- (1) These regulations apply to-
 - (a) independent schools which are registered in accordance with the *South African Schools Act, 1996 (Act No. 84 of 1996)* and offer qualifications which are registered on the General and Further Education and Training Qualifications Sub-framework;
 - (b) private assessment bodies that quality assure formal internal assessment and conduct external assessment in accordance with the regulatory framework outlined in the national policies that govern the qualifications they assess. In the case of the National Senior Certificate these include-
 - (i) *National Policy Pertaining to the Programme and Promotion Requirements of the National Curriculum Statement Grades R – 12;*
 - (ii) *National Protocol for Assessment Grades R–12;*
 - (iii) *Regulations Pertaining to the Conduct, Administration and Management of Assessment for the National Senior Certificate Examination;* and
 - (iv) the Curriculum and Assessment Policy Statements for all approved subjects listed in the *National Curriculum Statement, Grades R–12.*
- (2) In the event of a conflict between the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, the *Higher Education Act, 1997 (Act No 101 of 1997)*, the *Skills Development Act, 1998 (Act No 97 of 1998)* and the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*, the

National Qualifications Framework Act, 2008, must be given preference.

CHAPTER 2

LEGISLATIVE CONTEXT

4. Underpinning Legislation

- (1) The regulations are premised on the following acts-
 - (a) *Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);*
 - (b) *South African Schools Act, 1996 (Act No. 84 of 1996);*
 - (c) *National Qualifications Framework Act, 2008 (Act No. 67 of 2008);* and
 - (d) *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001).*

- (2) Notwithstanding that both the *Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)* and the *South African Schools Act, 1996 (Act No. 84 of 1996)* provide for the establishment of independent schools, the establishment thereof is subject to their registration with the relevant provincial department of education.

- (3) The *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* provides for the establishment of Umalusi as a Quality Council that is responsible for the development and management of a Sub-framework of qualifications at Levels 1-4 of the National Qualifications Framework and the related quality assurance processes.
 - (a) The said Act determines that the Quality Council must, in respect of quality assurance within its Sub-framework -

- (i) develop and implement policy for quality assurance;
 - (ii) ensure the integrity and credibility of quality assurance;
and
 - (iii) ensure that quality assurance as is necessary for the Sub-framework is undertaken.
- (b) In order to determine and maintain the standard of qualifications registered on the General and Further Education and Training Qualifications Sub-framework, Umalusi as Quality Council must ensure-
- (i) that qualifications are registered on the General and Further Education and Training Sub-framework, in terms of both the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, and the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;
 - (ii) that education institutions, including independent schools, that offer provision towards the achievement of such qualifications are quality assured and accredited to offer the curriculum/programme that support such qualifications;
 - (iii) that assessment bodies and systems that externally examine such qualifications are accredited to do so and monitored; and
 - (iv) the conduct of national external examinations for qualifications on the Sub-framework is monitored and moderated.

- (4) The *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)* stipulates that the Council must in terms of sections 17A(2), and 23(1) and 24 respectively, develop policy and criteria for-
- (a) the accreditation of assessment bodies other than departments of education; and
 - (b) the quality assurance of private education institutions and the accreditation to offer the curriculum/programme of a qualification on the General and Further Education and Training Sub-framework.
 - (i) Curriculum in this context means the underpinning policy provided for a qualification to facilitate a more general understanding of its implementation in an educational system and encompasses three components-
 - (aa) the intended curriculum: the documented curriculum for a qualification that provides a more detailed description in terms of the depth, breadth and level of difficulty and cognitive demand of what is required for the purpose of the qualification to be fulfilled. The Curriculum and Assessment Policy Statements for all approved subjects listed in the *National Curriculum Statement, Grades R–12* form an integral part of the curriculum;
 - (bb) the enacted curriculum: the delivery of the curriculum in an institution which includes leadership and management, the ethos and values, teaching and learning, extra-curricular

activities, learner support, institutional performance and the management of quality towards improvement; and

(cc) the assessed curriculum: the internal assessment and the external examination of the intended curriculum.

(ii) The curriculum policy and its Curriculum and Assessment Policy Statements for all approved subjects listed in the *National Curriculum Statement, Grades R–12* provide the information necessary for the enactment of the curriculum in the institution and the necessary framework for assessment.

5. Development of the Regulations

- (1) Although not specifically required, regulations for the quality assurance, accreditation and monitoring of independent schools have been developed in accordance with *section 27* of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*, which enable the Minister to make regulations regarding any matter which it is necessary or expedient to prescribe in order to achieve the objectives of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*. The regulations for the quality assurance, accreditation and monitoring of independent schools are stipulated in Chapters 4-6.
- (2) In pursuance of the legal requirement to develop policy for the quality assurance and accreditation of independent schools and private assessment bodies, as contemplated in *Regulation 4(4), Umalusi's policy and criteria for the quality assurance, accreditation*

and monitoring of independent schools and private assessment bodies was developed. The policy was promulgated as *Government Notice No 879 in Government Gazette No 35830* of 29 October 2012.

- (2) In compliance with *sections 17A(2)(b) and 17A(2)(c)* of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*, regulations pertaining to the quality assurance, accreditation and monitoring of private assessment bodies have been developed as contemplated in Chapters 7-9.

6. Supplementary documents

The regulations must be read in conjunction with the following policy documents-

- (1) the General and Further Education and Training Qualifications Sub-framework, promulgated in *Government Gazette No. 36006* of 14 December 2012, as amended in *Government Gazette No. 36803* of 30 August 2013, and published on 8 September 2014;
- (2) Standard Setting and Quality Assurance of the General and Further Education and Training Qualifications Sub-framework, Umalusi, 2014;
- (3) A Policy for the Management of Qualifications on the General and Further Education and Training Qualifications Framework, a Sub-framework of the National Qualifications Framework;
- (4) policy documents and guidelines pertaining to the *National Curriculum Statement Grades R-12* which underpins the National Senior Certificate; and any other policy document pertaining to a qualification on the General and Further Education and Training Qualifications Framework as applicable.

- (5) other related legislation as appropriate to the various education and training sectors Umalusi is mandated to work in;
- (6) the regulations pertaining to qualifications on the General and Further Education and Training Qualifications Sub-framework that are developed by the Department of Basic Education and promulgated by the Minister on assessment and certification including those that are promulgated by provincial legislatures; and
- (7) any other relevant policies and directives issued by the Council.

CHAPTER 3

QUALIFICATIONS ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK

7. Qualifications on the General and Further Education and Training Qualifications Sub-framework

- (1) In terms of *section 3* of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, every qualification or part-qualification, offered in the Republic by education institutions, must be registered on the NQF in accordance with the said Act.
- (2) In accordance with the aim of the *National Qualifications Framework Act, 2008, (Act No. 67 of 2008)*, Umalusi's mandate is limited to qualifications and part qualifications which are registered on the Sub-framework of qualifications for General and Further Education and Training at Levels 1-4 of the NQF.
- (3) The qualifications and part-qualifications are used as benchmarks of quality in the education and training system. Standards are embedded in qualifications, their related curricula/programme and assessment requirements, and in the type and extent of knowledge, skills and competence that the learner is expected to acquire as expressed in these documents.

CHAPTER 4

QUALITY ASSURANCE OF INDEPENDENT SCHOOLS

8. Quality Assurance Process

- (1) Independent schools are required to participate in a process that measures against standards-
 - (a) the school's capacity to deliver a qualification and its supporting curriculum/programme and;
 - (b) the quality of the implementation of such, at the required standard.
- (2) If the institution meets the standards as contemplated in *sub-regulation (1)*, the institution is accredited to offer the specific qualification registered on the General and Further Education and Training Qualifications Sub-framework. However, should the institution fail to comply with the standards as contemplated in *sub-regulation (1)*, the institution will not be accredited.
- (3) Continued meeting of the standards, as contemplated in *sub-regulation (1)*, is periodically monitored.

9. Quality Assurance of Independent Schools

- (1) The criteria for the accreditation of independent schools, as contemplated in Chapter 6 of these regulations, are intended to assess, *inter alia* the effectiveness of the implementation of the curriculum/programme of a qualification on the Sub-framework and includes its internal assessment.

- (2) Based on the outcome of the quality assurance process as contemplated in *Regulation 2(1)* of these regulations, and subject to the compliance with the criteria for accreditation contemplated in *Chapter 6* of these regulations, accreditation may be granted to an independent school by Umalusi.
- (3) Compliance with the criteria for accreditation of independent schools, is determined through a desktop evaluation by Umalusi of a self-evaluation report with supporting evidence provided by the accreditation applicant. The desktop evaluation is followed up with a verification site visit to the independent school.
- (4) Compliant independent schools are accredited to offer the *National Curriculum Statement, Grades R-12* leading to a qualification on the General and Further Education and Training Sub-framework of qualifications and the related curriculum/programme and are subject to monitoring to ensure improvement and maintenance of standards.
- (5) Independent schools that are granted provisional accreditation are required to address areas of partial compliance within a period not **exceeding two years.**

CHAPTER 5

THE REGISTRATION AND ACCREDITATION OF INDEPENDENT SCHOOLS

10. Registration process

- (1) Independent schools are only able to operate legally in South Africa subject to registration by the relevant Provincial Department of Education.
- (2) Registration of independent schools in accordance with the *Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)* and in terms of *section 46(1) of the South African Schools Act, 1996 (Act No. 84 of 1996)* by Provincial Departments of Education is a pre-requisite for accreditation by Umalusi.
- (3) Independent schools must, subject to *sub-regulation (2)*, obtain registration in terms of the conditions as determined by the Provincial Department of Education, before applying for accreditation with Umalusi.

11. Accreditation process

- (1) Independent schools offering a qualification on the General and Further Education and Training Qualifications Sub-framework that received registration, as contemplated in *Regulation (10)(1)*, must apply to Umalusi for accreditation within one year after registration.
- (2) Accreditation is considered within a period of one year after the date of receipt of the application for accreditation.

- (3) Once an independent school has been informed about the outcome of its application for accreditation, Umalusi will advise the Head of Department of the relevant Provincial Department of Education on the outcome of the application of the independent school for accreditation.

12. Accreditation process criteria

Quality assurance of independent schools is carried out through processes that include-

- (1) application for accreditation to offer a qualification on the Sub-framework;
- (2) self-evaluation by the independent school to enhance an internal culture of quality management and ongoing improvement;
- (3) a desktop evaluation of the self-evaluation report;
- (4) external validation to ensure that the independent schools meets the regulated criteria, national policy and regulations and to ensure a bench marked standard of provision and school improvement;
- (5) granting of accreditation or provisional accreditation or no accreditation by Umalusi; and
- (6) periodic monitoring to ensure maintenance of standards and continued improvement.

13. The conduct of external assessments by independent schools

- (1) In order for an independent school to conduct external assessments for a qualification on the General and Further Education and Training Sub-framework, such a school must be-
 - (a) registered as a school in terms of *Section 46* of the South African Schools Act, 1996;
 - (b) accredited by Umalusi to offer a registered qualification; and
 - (c) registered as an examination centre with an accredited private assessment body or the relevant Provincial Education Department.

- (2) Subject to *sub-regulation (3)*, independent schools must be accredited to offer a qualification on the General and Further Education and Training Sub-framework of Qualifications before they are registered as examination centres with the relevant public or accredited private assessment bodies.

- (3) The registration of independent schools as examination centres is determined by the fulfillment of Umalusi's requirements for accreditation and the requirements of the assessment body which is either the relevant Provincial Education Department or a private assessment body accredited by Umalusi.

CHAPTER 6
CRITERIA FOR THE QUALITY ASSURANCE, ACCREDITATION AND
MONITORING OF INDEPENDENT SCHOOLS

14. Minimum standard of compliance for accreditation by independent schools

The set of criteria for the accreditation of independent schools, constitutes the minimum standard that independent schools are expected to comply with. The standard is evaluated in three inter-related areas, namely-

- (1) Input criteria that focus on the standard of input factors which include management and leadership, resources and all other enablers of a conducive environment for effective teaching and learning.
- (2) Process criteria which are used to assess the effectiveness of internal quality management and standards of curriculum implementation and assessment as well as any other processes that are intended to lead to the achievement of the school's stated goals.
- (3) Output criteria that focus on the quality of assessment outcomes or results as well as other indicators of success.

15. Criteria for the accreditation of an independent school to offer a qualification on the General and Further Education and Training Sub-framework

The criteria for the accreditation of an independent school to offer a qualification on the General and Further Education and Training Sub-framework are as follows-

**(1) Criterion 1: Leadership, management and communication **

- (a) The school's leadership is instructive and provides strategic direction and governance oversight based on acceptable practices.
- (b) The school is sufficiently resourced and sustainable.
- (c) The management strategies, policies and processes are effective in facilitating the achievement of the school's stated objectives and national objectives, and in raising school performance.
- (d) The management leads, monitors and continuously improves the capacity of the school as well as the quality and standard of the implementation and delivery of the curriculum/programme.
- (e) School resource, financial and management records, as well as learner records are comprehensive, authentic and reliable.
- (f) The school leadership and management consult and communicate effectively with all stakeholders in respect of strategic and management related matters.

(2) Criterion 2: School ethos

The school gives expression to an ethos that promotes and is not in conflict with the values of the South African Constitution and displays values that reflect the specific character of the school, as articulated in the school's vision and mission statement, with specific attention to safety and discipline as required in the *South African Schools Act, 1996 (Act No. 84 of 1996)*.

(3) Criterion 3: Teaching and learning

- (a) The school is professionally staffed to support the qualifications it offers.
- (b) The school implements the curriculum/programme and assessment requirements at the required standard and in accordance with the policy requirements of the qualifications registered on the General and Further Education and Training Qualifications Sub-framework.
- (c) The school provides appropriate learner support.
- (d) The school manages and conducts internal continuous assessment of an acceptable standard and provides developmental feedback to learners.
- (e) Where appropriate, the school is registered as an examination centre that undertakes external assessment in compliance with the directives of the national policy that governs the qualification, policies and directives of Umalusi Council and the relevant assessment body.
- (f) An appropriate and developmental extra-curricular programme is implemented.

(4) Criterion 4: School Results

The quality of school performance is evaluated and used to inform continuous improvement in the quality of provision with specific reference to the quality of learner achievements and assessment outcomes, and stakeholder satisfaction levels.

CHAPTER 7

QUALITY ASSURANCE OF PRIVATE ASSESSMENT BODIES

16. Accreditation status

- (1) Private assessment bodies are required to obtain accreditation with Umalusi to assess a qualification on the General and Further Education and Training Sub-framework of Qualifications.
- (2) Accreditation is granted to a private assessment body if such assessment body-
 - (a) has the capacity to manage or coordinate national examinations and assessment of learner achievement in respect of qualifications it offers. Private assessment bodies must demonstrate the capacity to conduct, administer and manage national examinations and assessments of learner achievement in respect of qualifications they offer as stipulated in the Directives of Umalusi; and
 - (b) assesses a qualification on the General and Further Education and Training Sub-framework which includes all the processes involved in the setting and administration of external examinations and internal assessment for the full period of the qualification as required by the policies and regulations that govern such a qualification.
- (3) A private assessment body which fails to comply with the accreditation requirements set out in *sub-regulation (2)* will be

regarded as not accredited and may therefore not operate as an assessment body.

17. Accreditation process to be followed by the applicant

- (1) The accreditation of private assessment bodies is a process of evaluating a private assessment body to determine whether its capacity, systems, processes and products are of the appropriate quality to deliver valid, reliable, fair and credible assessments and examinations.
- (2) The accreditation process comprises the following procedures to be followed by private assessment bodies-
 - (a) submitting an application for accreditation to assess a qualification listed on the General and Further Education and Training Sub-framework which will only be processed if the applicant-
 - (i) complies with the following-
 - (aa) is a juristic person independent of any provision of education and training and is registered as a company in terms of the *Companies Act 2008 (Act No 71 of 2008)*;
 - (bb) is able to provide proof that its income is sufficient to sustain its assessment regime as based on criteria determined by Umalusi;;
 - (cc) has a stable financial position that will enable it to maintain operational continuity;
 - (dd) can provide proof that it has established financial surety or guarantee to ensure that it is able to meet its obligations to the learners

registered for its examinations and assessment services; and

(ee) has sufficient professional expertise in education and assessment in order to provide assessment services for the qualification it is seeking to offer; and

(ii) adheres to the following requirements-

(i) lodges an expression of intent to seek accreditation to assess a qualification registered on the General and Further Education and Training Sub-framework of Qualifications at least 18 months before the pilot examination is envisaged;

(ii) establishes the need for an assessment body to assess such qualification and motivating the need through a feasibility study;

(b) submitting a self-evaluation report and supporting evidence to Umalusi;

(c) undertaking a site verification conducted by Umalusi;

(d) conducting an exit examination pilot study;

(e) receiving provisional or no accreditation;

(f) applying for accreditation;

(g) conducting a full exit examination; and

(h) receiving accreditation or no accreditation.

18. Umalusi's role in the accreditation process

- (1) Umalusi must evaluate the applicant's capacity to conduct, administer and manage examinations. This will include evaluation of the policy framework, assessment systems and standards, the self-evaluation report, state of readiness and verification site visits.
- (2) Umalusi must determine the competence of the applicant in the development of assessment products and administration of an examination at the required standard, demonstrated through a pilot study.
- (3) Based on the outcome of Umalusi's evaluation as contemplated in *sub-regulations (1) and (2)*, Umalusi may award either provisional accreditation or no accreditation.
- (4) After provisional accreditation has been granted by Umalusi, the applicant must commence with immediate planning for a lead time of 12 months before the first formal examination is conducted.
- (5) Umalusi must conduct monitoring to ensure credible, fair and valid internal and external assessment of learner achievement at exit points.

19. Provisional accreditation

- (1) Private assessment bodies that have satisfactorily completed the pilot study may be granted provisional accreditation for a period of three years during which time the assessment body must meet all the requirements of accreditation.

- (2) Provisional accreditation of an assessment body may be extended by the Umalusi Council on reasonable grounds.
- (3) If the assessment body fails to meet all the requirements of accreditation as contemplated in *sub-paragraphs (1) and (2)*, it will be awarded a status of “no accreditation” and it may not continue to offer national examinations for qualifications registered on the General and Further Education and Training Qualifications Sub-framework.

20. Accreditation of private assessment bodies

- (1) Accreditation is granted to a private assessment body if it is compliant with the requirements for accreditation as set out in these regulations
- (2) Private assessment bodies will be monitored and reported on annually to ensure ongoing compliance with policies and regulations, improvement and maintenance of standards.
- (3) To ensure consistency in the national assessment system, Umalusi sets common criteria for the state and private assessment bodies.
- (4) An accredited private assessment body must perform the functions with regard to external assessment as set out in *section 18* of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. No. 58 of 2001)*.

21. Registration of examination centres

Public or accredited private assessment bodies may register examination centres on condition that they-

- (1) in the case of independent schools, comply with the registration requirements for independent schools as determined by the relevant Provincial Education Department and accreditation by Umalusi;
- (2) assess the National Senior Certificate examination;
- (3) in the case of independent schools, have met all the requirements of regulations pertaining to the conduct and administration and management of an examination in respect of a qualification as contemplated in *Regulations 26(A) and 27 of the Regulations pertaining to the conduct, administration and management of assessment for the National Senior Certificate, Government Notice No. R872 in Government Gazette No. 31337 of 29 August 2008*;
- (4) in the case of centres other than independent schools, are managed by the assessment body and have met all the requirements of regulations pertaining to the conduct and administration and management of an examination in respect of a qualification as contemplated in *Regulation 27 of the Regulations pertaining to the conduct, administration and management of assessment for the National Senior Certificate, Government Notice No. R872 in Government Gazette No. 31337 of 29 August 2008*
- (5) Private assessment bodies that fail to meet the requirements contemplated in *sub-regulations (1), (2), (3) and (4)* will not be permitted to register examination centres.

CHAPTER 8

CRITERIA FOR THE ACCREDITATION OF PRIVATE ASSESSMENT BODIES

22. Standard for compliance

- (1) The quality of national external examinations is critical in determining standards in public and private education and training. The quality assurance and monitoring of assessment processes of such examinations are central to upholding the standards embodied in national qualifications. These roles are undertaken by both the state and private assessment bodies.
- (2) Accreditation is granted to private assessment bodies where such organisations satisfy the requirements for accreditation as indicated in supporting regulations, policies and directives as established by the Council.
- (3) Should a private assessment body that has obtained accreditation in terms of the requirements set out in *sub-regulation (2)*, fails to adhere to the requirements, accreditation will be withdrawn, as contemplated in *Regulations 26 and 27*.

23. Criteria for the accreditation of private assessment bodies to assess a qualification on the General and Further Education and Training Sub-framework of Qualifications

The criteria for the accreditation of private assessment bodies to offer a qualification on the General and Further Education and Training Sub-framework are as follows-

- (1) Several broad criteria pertinent to the accreditation of assessment bodies are grouped into three focus areas:
 - (a) strategic leadership and management;
 - (b) assessment standards; and
 - (c) administration of assessment.

- (2) The set of criteria for the accreditation of a private assessment body is outlined as follows-

(a) Criterion 1: Leadership, planning and management

- (i) The assessment body's leadership is instructive and provides strategic direction and governance oversight based on acceptable practices.
- (ii) The strategic initiatives, interventions, policies and procedures of the assessment body promote fair, valid and reliable assessments.
- (iii) The assessment body is sustainable and financially viable.
- (iv) The assessment body demonstrates commitment to quality improvement in providing feedback annually to the institutions that are its examination centres.
- (v) The assessment body is sufficiently and professionally staffed.
- (vi) The leadership and management identify and manage the organisational risks effectively.

(b) Criterion 2: Assessment standards

- (i) The assessment body's assessment approach and systems are credible in that assessments are

administered against the policy requirements and standards of qualifications registered on the General and Further Education and Training Qualifications Framework and their intended curricula.

- (ii) The assessment body produces assessment products of an acceptable standard and oversees the quality of internal and external assessment of all its registered examination centres.
- (iii) Assessment standards and practices are benchmarked and quality assured.
- (iv) Standards of assessment are maintained and improved through appropriate and effective monitoring and moderating mechanisms.

(c) Criterion 3: Research and development

- (i) The work of the assessment body is informed by appropriate research and assessment approaches are innovative, benchmarked and fit for purpose.
- (ii) Research findings are used to improve assessment products, systems and approaches as well as to provide feedback to education institutions in order to drive the improvement of teaching, learning and internal assessment.
- (iii) The capacity of professional and administrative staff employed in the assessment process is developed.

(d) Criterion 4: The conduct and administration of examinations

- (i) The assessment body conducts credible external examinations in that it is effective and efficient in the management of all administrative and logistical processes associated with the conduct of examinations.
- (ii) Learners are registered for the examination at the commencement of the qualification (in the case of the National Senior Certificate, Grade 10) by the private assessment body.
- (iii) Security systems with a low tolerance for irregularities are implemented and irregularities are reported and dealt with as required in Umalusi policy.
- (iv) The assessment body meets all Umalusi's requirements in respect of the registration resulting and certification system and is able to submit learner datasets that meet Umalusi specifications.
- (v) The assessment body has efficient and reliable systems for the capture, storage and management of learner achievement data and is ethical in reporting and safeguarding the accuracy and security of learner results.
- (vi) The assessment body ensures that it has full ownership of its data from inception.
- (vii) All the requirements of regulations pertaining to the conduct, administration and management of an examination in respect of a qualification apply and are met.

- (viii) Delivery of the examination is monitored and evaluated with the purpose of supporting continuous improvement.

(e) Criterion 5: Resulting systems and processes

The assessment body-

- (i) encapsulates the reliable and accurate processing and issuing of results; and
- (ii) complies with policy to maintain the integrity of the system.

CHAPTER 9

WITHDRAWAL OF ACCREDITATION

24. Rationale

- (1) Private assessment bodies accredited in terms of the policy developed by the Council and approved by the Minister in terms of *section 17A2(a)* of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. No. 58 of 2001)*, and translated into regulations, must be monitored by the Council in terms of *section 25(1)* of the said *Act*, to ensure continued compliance with the regulations set out in these regulations.
- (2) Where a private assessment body is found to be non-compliant, Umalusi Council reserves the right to place the assessment body under close monitoring.
- (3) Umalusi may withdraw accreditation if the assessment body is found to be non-compliant with the requirements of these regulations.

25. Procedures to be followed in the event of non-compliance by private assessment bodies

- (1) In the event of non-compliance with these regulations as contemplated in *Regulation 26(2)*, Umalusi will-
 - (a) determine a reasonable period within which the private assessment body must comply with these regulations;
 - (b) evaluate at the expiry of the period the remedial steps taken by the private assessment body; and

- (c) based on the decision taken in terms of *Sub-regulation (1)(a)*, Umalusi may affirm or withdraw accreditation of the private assessment body.
 - (d) in withdrawing accreditation, serve notice of administrative action to withdraw the accreditation of the private assessment body concerned at an appropriate time so as to minimise implications for learners;
- (2) Once a decision to withdraw accreditation has been made and communicated, the private assessment body will not be permitted to register learners for the next examination cycle. The private assessment body must notify its clients of the decision and ensure that all past and present learner data and records are secured and transferred to Umalusi in the manner prescribed by Umalusi.

26. Procedures to be followed in the event of non-compliance by independent schools

- (1) In terms of *section 16(5)* of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. No. 58 of 2001)*, the Council must perform any function consistent with the said *Act* that the Minister may determine, and must therefore in the case of non-compliance with these regulations by an independent school-
- (a) notify the independent school in writing and set out the nature and extent of the failure; and
 - (b) determine a reasonable period within which the independent school must comply with the regulations set out in these regulations.

- (2) At the expiry period contemplated in *Sub-regulation (1)(b)*, the Council must-
 - (a) evaluate the steps taken by the independent school; and
 - (b) affirm or withdraw accreditation of the independent school.

- (3) Accreditation may be withdrawn if the independent school is found to be non-compliant with the requirements as stipulated in these regulations.

- (4) Withdrawal of accreditation of an independent school must be preceded by a notification of the Head of Department or Registrar concerned.

27. Appeals procedure

The withdrawal of accreditation status may be appealed through a formal appeals process established by Umalusi.

CHAPTER 10

FUNDING

28. Provision for funding by the Council

- (1) *Section 13(1)(c) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. No. 58 of 2001)*, provision is made for funds received by the Council in respect of fees charged for services.
- (2) In terms of the provisioning for funds as contemplated in *Sub-regulation (1)*, Umalusi may determine annual quality assurance fees for all its services including accreditation and related processes.

CHAPTER 11

TRANSITIONAL ARRANGEMENTS AND SHORT TITLE

29. Transitional arrangements

- (1) Both the regulations pertaining to-
 - (a) the quality assurance, accreditation and monitoring of private assessment bodies in terms of *sections 17A(2)(b) and 17A(2)(c) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*, and
 - (b) regulations pertaining to the quality assurance, accreditation and monitoring of private assessment bodies in accordance with *section 27 of the said Act*, will after promulgation in the *Government Gazette*, be implemented retroactively from 29 October 2012.

- (2) The provisions provided for in the policy document, *Policy and Criteria for the Quality Assurance, Accreditation and Monitoring of Independent Schools and Private Assessment Bodies*, promulgated as *Government Notice No 879 in Government Gazette No 35830 of 29 October 2012*, are reiterated in the *Regulations regarding the Criteria for the Quality Assurance, Accreditation and Monitoring of Independent Schools and Private Assessment Bodies*.

- (3) In view of the afore-mentioned sub-regulation, independent schools that are currently registered but that are not yet accredited, must apply for accreditation with Umalusi within the required period as stipulated in the regulations.

30. Short Title

These Regulations may be cited as the *Regulations regarding the Criteria for the Quality Assurance, Accreditation and Monitoring of Independent Schools and Private Assessment Bodies* and will be implemented retroactively from 29 October 2012 on the day of the promulgation thereof in the *Government Gazette*.