



Policy and criteria for recognising a professional body and registering a professional designation for the purposes of the National Qualifications Framework Act of 2008

Draft for public comment
1 September 2010

Covering note

The draft policy and criteria contained in this document have been developed by the Professional Body Reference Group between June and August 2010. Following further public consultations, the draft criteria will be presented to the South African Qualifications Authority for consideration, and if necessary, amendment. The recognition of professional bodies and registration of professional designations on the NQF will only commence once this process has been completed and a public announcement to this effect has been made.

This document should be referred to as a working paper developed by the Professional Body Reference Group entitled: "Policy and criteria for recognising a professional body and registering a professional designation for the purposes of the NQF Act of 2008".

Written comments should be sent to SAQA on the email address professionalbody@sqa.org.za or fax number (012) 431 5144 before close of business on 15 October 2010.

Purpose

1. These policy and criteria outline the manner in which SAQA recognises statutory and non-statutory professional bodies for the purposes of the National Qualifications Framework Act (Act 67 of 2008), as well as the manner in which professional designations from recognised professional bodies are registered on the NQF by SAQA.

Definitions

2. "NQF Act" means the National Qualifications Framework Act (Act 67 of 2008).

The following definitions follow from the NQF Act, the amended Skills Development Act (Act 97 of 1998, amended in 2008) and the Higher Education Laws Amendment Bill (July 2010):

3. "Occupational qualification" means a qualification associated with a trade, occupation or profession resulting from work-based learning and consisting of knowledge unit standards, practical unit standards and work experience unit standards.
4. "Professional body" means any body of expert practitioners in an occupational field, and includes an occupational body.
5. "Professional designation" means a title or status conferred by a professional body in recognition of a person's expertise and right to practice in an occupational field.
6. "Provider" means a body that offers any education programme or trade and occupational learning programme that leads to a qualification or part-qualification on the NQF.
7. "Qualification" means a registered national qualification.

Introduction and background

8. The South African NQF is a comprehensive system approved by the Minister of Higher Education and Training for the classification, registration, publication and articulation of quality-assured national qualifications. The NQF was established under the SAQA Act (Act 58 of 1995) and continues under the NQF Act (Act 67 of 2008) which came into effect on 1 June 2009.
9. The objectives of the NQF are to:
 - i. Create a single integrated national framework for learning achievements.
 - ii. Facilitate access to, and mobility and progression within, education, training and career paths.
 - iii. Enhance the quality of education and training.

- iv. Accelerate the redress of past unfair discrimination in education, training and employment opportunities.
 - v. Contribute to the full personal development of each learner and the social and economic development of the nation at large.
10. SAQA is charged with overseeing the further development and implementation of the NQF and understands it as a system of communication coordination, and collaboration across education, training, development and work. In advancing the NQF objectives, SAQA embraces diversity, environmental sustainability and social justice.
11. The NQF is developed as an integrated framework overseen by SAQA and made up of three coordinated integrated sub-frameworks, each overseen by a quality council:
- i. Higher Education Qualifications sub-framework overseen by the Council on Higher Education
 - ii. General and Further Education and Training Qualifications sub-framework overseen by Umalusi
 - iii. Occupational Qualifications sub-framework overseen by the Quality Council for Trades and Occupations
12. In terms of Sections 28, 29, 30 and 31 read with paragraphs 13(1)(i)(i), 13(1)(i)(ii) and 13(1)(l) of the NQF Act, and notwithstanding the provisions of any other Act, a statutory or non-statutory professional body shall:
- i. Co-operate with the relevant quality council(s) in respect of qualifications and quality assurance in its occupational field.
 - ii. Apply in the manner prescribed by SAQA to be recognised as a professional body in terms of the NQF Act.
 - iii. Apply in the manner prescribed by SAQA to register a professional designation on the NQF.

Objectives

13. The objectives of these policy and criteria are to:
- i. Advance the objectives of the NQF.
 - ii. Promote public understanding of, and trust in, professions through the establishment of a nationally regulated system for the recognition of professional bodies and for registration of professional designations.
 - iii. Encourage social responsibility and accountability within the professions relating to professional services communities and individuals.
 - iv. Promote pride in association for all professions, including traditional trades and occupations.
 - v. Promote the protection of the public by professional bodies from malpractice related to the fulfilment of the professional duties and responsibilities of professionals registered with them.

- vi. Encourage international best practice for all professions in South Africa, including continuing professional development.
- vii. Facilitate access to, and analysis of, data related to professions, including traditional trades and occupations for the purposes and use as prescribed by the NQF Act.
- viii. Support the development of a national career advice system.

Scope

14. These policy and criteria apply to all professional bodies in South Africa.

Policy for recognising a professional body

15. A body constituted to represent and/or regulate a recognised community of expert practitioners shall be recognised by SAQA as a professional body on fulfilment of the criteria for recognition as a professional body.
16. Proliferation of professional bodies within the same sector and/or field will be discouraged, but will be balanced with the recognition that healthy competition and freedom of association should not be impeded. In cases where more than one professional body for a specific sector applies for recognition by SAQA the following will be considered:
- i. No legal impediment to the operation of a second or subsequent body.
 - ii. Outcome of a broad consultation within the community of practice and the wider society.
 - iii. Size and at least one third representation of affiliated members in the community of practice.
 - iv. Distinctiveness of multiple bodies in the community of practice.
17. In administering the policy and criteria for the recognition of professional bodies SAQA shall:
- i. Publish for comment its intention to recognise a professional body in the government gazette for thirty (30) days to solicit any possible objections.
 - ii. Monitor recognised professional bodies for the purposes of the NQF Act.
 - iii. Reserve the right to charge professional bodies in instances where unnecessary and wasteful expenditure is incurred by SAQA as a result of delays and lack of compliance.
18. Professional bodies associated or affiliated with international awarding bodies must meet South African requirements as outlined in the policy and criteria for recognising a professional body and registering a professional designation for the purposes of the NQF Act, including the data requirements.

19. A body that meets the criteria for recognition as a professional body by SAQA:
 - i. Is recognised for an initial period of five (5) years, renewable for subsequent five (5) year periods.
 - ii. Must register its professional designations on the NQF in accordance with SAQA policy and criteria for registering a professional designation.
 - iii. Must provide SAQA with validated data compatible with the National Learners' Records Database relating to professional designations and the prerequisite associated information at least twice per year in terms of its own rules, legislation and/or international conventions.
20. SAQA may remove the recognition status from a professional body, if the body no longer complies with the SAQA policy and criteria for the recognition of a professional body or if the professional body ceases to exist.
21. If a professional body loses its recognition status its professional designations will be deregistered from the NQF. The records of the holders of the designation will reflect the deregistration date and no new records will be added against the designation.
22. A professional body that has its recognition status removed, or a body declined recognition as a professional body, has the right to appeal to SAQA within a period not exceeding sixty (60) working days.
23. SAQA will publish the removal of the recognition status of a professional body in the government gazette and will communicate this change in status to the specific community of practice and the wider society.

Criteria for recognising a professional body

24. A body applying to be recognised as a professional body by SAQA shall:
 - i. Protect the interest and the professional status of its members.
 - ii. Protect the public interest in relation to services provided by practitioners and the associated risks.
 - iii. Show evidence of inherent social responsibility and advancing the objectives of the NQF.
 - iv. Be a legally constituted entity with the necessary human and financial resources to undertake its functions, governed either by a statute, charter or a constitution and compliant with and adhere to good corporate governance practices.
 - v. Represent, and where applicable, also regulate, a recognised community of expert practitioners.
 - vi. Apply peer judgement in decision making.

- vii. Develop, award and revoke its professional designations in terms of its own rules, legislation and/or international conventions.
- viii. Monitor its professional designations in terms of its own rules, legislation and/or international conventions.
- ix. Manage the revocation of designations, as well as disciplinary matters, appeals and complaints in a transparent manner and in terms of its own rules, legislation and/or international conventions.
- x. Set criteria for, promote and monitor continuing professional development (CPD) for its members to meet the relevant professional designation requirements.
- xi. Show evidence of a fully functional information management system compatible with the National Learners' Records Database.
- xii. Monitor compliance with an agreed code of conduct and/or ethics, including criminal record screening where applicable.
- xiii. Co-operate with the relevant QCs in respect of qualifications and quality assurance in its occupational field.
- xiv. Not be accredited as a provider by a QC.
- xv. Be involved in the development of a body of specialised knowledge taking due cognisance of national and international benchmarks.
- xvi. Not be registered as a provider with the Department of Higher Education and Training.

Policy for registering a professional designation on the NQF

- 25. A professional designation shall be conferred by a professional body to an individual in the form of a title, status and/or registration number.
- 26. A professional designation indicates registration of the individual with a professional body, and where relevant, the right to practice in the particular field of expertise governed by the professional body. Retention of the status is dependent upon compliance with the stated requirements of the professional body concerned.
- 27. A professional designation must be registered separately from a qualification.
- 28. A professional designation can be revoked in terms of the rules, legislation and/or international conventions of the recognised professional body with which it is associated.
- 29. The same professional designations cannot be registered by more than one recognised professional body in South Africa.
- 30. Professional designations awarded through international awarding bodies shall meet South African requirements as outlined in the policy and criteria for recognising a professional body and registering a professional designation for the purposes of the NQF Act of 2008.

31. Verification queries related to professional designations are the exclusive responsibility of the relevant professional body.
32. SAQA will publish for comment its intention to register a professional designation in the government gazette for thirty (30) days to solicit any possible objections.
33. SAQA may deregister a professional designation if the professional body which submitted the designation for registration no longer complies with the SAQA policy and criteria for the recognition of a professional body, and/or the professional designation no longer complies with the SAQA policy and criteria for the registration of a professional designation.
34. A recognised professional body that has its professional designation(s) deregistered or declined for registration on the NQF has the right to appeal to SAQA within a period not exceeding sixty (60) working days.
35. Following the deregistration of a professional designation from the NQF the relevant professional body is required to communicate the deregistration, including the limitations on rights and privileges, to individuals in possession of the designation.

Criteria for registering a professional designation on the NQF

36. In order for a professional designation to be registered on the NQF it must:
 - i. Be submitted to SAQA by a recognised professional body in accordance with an application process determined by SAQA.
 - ii. Be developed, conferred and subject to being revoked in terms of the rules, legislation and/or international conventions applicable to the recognised professional body.
 - iii. Be monitored in terms of the rules, legislation and/or international conventions applicable to the recognised professional body.
 - iv. Be part of a progression pathway which may include an occupational pathway.
 - v. Be linked to a validated database of the names of individuals conferred the professional designation.
 - vi. Include, as an initial requirement, an underlying qualification(s), which may include an occupational qualification(s).
 - vii. Include as general requirements, experiential learning, recognition of prior learning and practical experience.
 - viii. Include as retention requirements continuing professional development (CPD) and adherence to a code of professional ethics/conduct.

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