

Information Booklet: Registration of Private Further Education and Training Colleges

Third Edition



education

Department:
Education
REPUBLIC OF SOUTH AFRICA

INFORMATION BOOKLET: REGISTRATION OF PRIVATE FURTHER EDUCATION AND TRAINING COLLEGES

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ABBREVIATIONS AND ACRONYMS

AET	Adult Education and Training
CHE	Council on Higher Education
CIPRO	Companies and Intellectual Property Registration Office
FET	Further Education and Training
GET	General Education and Training
HE	Higher Education
NQF	National Qualifications Framework
SAQA	South African Qualifications Authority
UMALUSI	General and Further Education and Training Quality Assurance Council

1. INTRODUCTION

1.1 PURPOSE

One of the responsibilities of the Registrar of Private Further Education and Training (FET) colleges is to inform the public about the processes and procedures of registration as a private FET college, as well as the registration status of private FET institutions. In order to fulfil this function, the Department of Education (DoE) developed this document called *Information Booklet: Registration of Private Further Education and Training Institutions*. This booklet consists of a number of responses that the Department has developed on the basis of questions frequently asked (FAQs) by private institutions, students, parents, employers, banks and the media.

1.2 THE LEGAL FRAMEWORK

The Department of Education is charged with the responsibility of implementing the legal framework regulating the provision of qualifications that are registered at NQF Levels 2 to 4 by private institutions. Constituting this legal framework are the following pieces of legislation:

- *Constitution of the Republic of South Africa, Act, 1996 (Act No. 108 of 1996);*
- *Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006) (hereafter referred to as “the Act”); and*
- *Regulations for the Registration of Private Further Education & Training Colleges, 2007 (hereafter referred to as “the Regulations”).*

In terms of the Constitution, anyone has the right to establish and maintain, at their own expense, independent educational institutions that:

- do not discriminate on the basis of race;
- are registered with the state; and
- maintain standards that are not inferior to standards at comparable public educational institutions.

The Act and the Regulations provide that no person other than a public further education and training college or an organ of state is allowed to offer FET qualifications unless such a person is registered or provisionally registered as a private FET college with the Department of Education. In terms of the Act, the Director-General is the Registrar responsible for the registration of private FET colleges. The requirement to register as a private FET college only applies to private institutions offering qualifications (i.e. certificates) that are registered at levels 2 to 4 of the NQF.

The registration dealt with in this booklet is limited to private institutions that offer FET qualifications. In order to understand the location of the FET sector in the NQF, it is important to read the following brief description of the NQF.

1.3 THE NATIONAL QUALIFICATIONS FRAMEWORK

Education and training in South Africa is provided in three bands of the NQF, namely, *General Education and Training* (GET), *Further Education and Training* (FET) and *Higher Education* (HE).

1.3.1 *General Education and Training*

The GET band includes education and training provided by primary and secondary schools from Grade R to 9, as well as *Adult Education and Training* from Levels 1 to 4. The registration of institutions operating in this band as independent or private schools and independent or private adult learning centres is performed by the Provincial Departments of Education.

1.3.2 *Further Education and Training*

The FET band refers to education and training provided by high schools from Grade 10 to 12. It also refers to vocational education and training programmes that lead to the award of qualifications that are registered at Levels 2 to 4 of the NQF. Independent or private schools offering Grades 10 to 12 must be registered with the Provincial Departments of Education, depending on the geographical location of the school. The registration of private FET institutions is the responsibility of the national Department of Education. In terms of *Government Notice* No. 537 published in the *Government Gazette* No. 27660 of 6 June 2005, the Minister of Education made a call to all existing private institutions that offer FET qualifications to lodge their applications for registration by 30 May 2006. This announcement marked the beginning of the process of registration of private FET institutions.

1.3.3 *Higher Education*

The Higher Education band refers to post-grade 12 or tertiary education provided by universities and universities of technology. Private institutions that offer or wish to offer university and university of technology equivalent qualifications that are registered at Levels 5 to 10 of the NQF must also be registered with the Department of Education. The process for registration of private higher education institutions is already in place in terms of the Higher Education Act, 1997 (Act No. 101 of 1997).

It is important for parents, students and the managements of private institutions to understand which band their institutions operate in/or intend to operate.

2. FREQUENTLY ASKED QUESTIONS

The frequently asked questions in this brochure are divided into the following five categories:

- (a) Questions from institutions;
- (b) Questions from students;
- (c) Questions from employers;
- (d) Questions from banks; and
- (e) Questions from the media.

Private institutions should read this booklet in conjunction with the *Guide for Completing the Application for Registration as a Private FET College (FPX-01)*. It is important to note that this information booklet is not meant to be exhaustive. It only attempts to provide responses to questions that are frequently posed to the Department. If a question has not been addressed herein, a person is at liberty to call or write to the Department of Education. The contact details have been provided on the back page of this booklet.

2.1 QUESTIONS FROM PRIVATE INSTITUTIONS

2.1.1 **What does registration as a private FET college mean?**

Registration as a private FET college means the legal authority or licence granted by the Director-General, as the Registrar of Private Further Education and Training Colleges, to a private college to offer qualifications that are registered at Levels 2, 3 or 4 of the NQF.

2.1.2 **Why does the Department of Education register private colleges?**

The aim of registering private FET colleges is to protect the students and the public. The Department hopes to achieve this aim by registering or licensing only private FET colleges:

- That offer qualifications that are registered on the NQF;
- That have the capacity, resources and expertise to offer quality education and training;
- That offer programmes that comply with the FET quality assurance requirements and criteria; and
- That adhere to ethical business practices.

By regulating private colleges that offer FET qualifications, government aims to ensure that, while it protects students and the public, it also creates an environment that protects legitimate private colleges.

2.1.3 **When did the registration of private FET institutions start?**

On 6 June 2005 in *Government Gazette* No. 27660 the Minister of Education called for submission of applications from private institutions that were in existence and were offering qualifications that were

registered at Level 2 to 4 of the NQF. The closing date for the submission of these applications was 30 May 2006. This date applied to private institutions that were offering FET qualifications as at 30 May 2006. It did not apply to new institutions that were starting up or existing companies that want to start offering FET qualifications. However, all new institutions must lodge their applications for registration 6 months before they start operating.

2.1.4 When does it become illegal for an institution to operate without registration with the Department?

According to the notice that was published by the Minister of Education in *Government Gazette* No 28911 of 1 June 2006, with effect from **1 January 2008**, no person, other than a public FET college or an organ of state, shall be allowed to offer FET qualifications unless such a person is registered or provisionally registered as a private FET college in terms of the Act. Any person who contravenes the Act is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding five years or to both fine and imprisonment.

Prior to December 2007, all private FET colleges were operating in terms of the transitional arrangement period which came to an end on 31 December 2007. As from 1 January 2008, all private FET institutions that had not lodged their applications for registration with the Department of Education by 31 December 2007 are operating illegally.

2.1.5 Who must register as a private FET college?

Only private education institutions offering or proposing to offer full qualifications that are registered at Levels 2 to 4 of the NQF must register with the Department of Education as private FET colleges.

2.1.6 Which private education institutions operating in the FET band are not required to register as private FET colleges?

Private education institutions that exclusively offer short courses, individual unit standards or individual school subjects are not required to register with the Department of Education. However, such institutions are required to ensure that they are accredited to offer such short skills programmes, courses or school subjects by relevant quality assurance bodies. They must further ensure that their advertising and marketing material indicate to the public that what they offer are not qualifications, but short skills programmes, courses or school subjects. Should such institutions later wish to offer full FET qualifications, only then will they be required to register with the Department of Education.

2.1.7 What does providing further education and training mean?

Providing further education and training is defined as taking responsibility for:

- Registration of students for qualifications that are registered at Levels 2, 3 or 4 of the NQF;
- Provision and delivery of the curriculum; and
- Assessment of students.

2.1.8 What role does the South African Qualifications Authority play in the process of registration of private FET colleges?

The *South African Qualification Authority* (SAQA) is responsible for the registration of qualifications on the NQF. Private colleges must verify with SAQA whether the qualifications they offer are registered on the NQF before they apply for registration as private FET colleges with the Department of Education. The contact details of SAQA are as follows:

Director
Standard Setting
South African Qualifications Authority
PostNet Suite 248
Private Bag X06
WATERKLOOF
0145

Tel: **012 431 5000**

Fax: **012 431 5039**

2.1.9 Where can I obtain an application form to register as a private FET college?

Application forms for registration as a private FET college can be obtained from the Department of Education. The contact details are as follows:

Director
Private FET Colleges
Department of Education
Private Bag X895
PRETORIA
0001

Call centre number: 012 312 5878

Fax: 012 323 8817

E-mail: RegistrarFET@doe.gov.za

Electronic versions of the application documents can also be accessed at the Department of Education's website at: www.education.gov.za/Department_of_Education_Branches/Further_Education_Training/Private_FET_Colleges/Related_Documents

2.1.10 What are the requirements for registration as a private FET college?

In order to be registered as a private FET college, an applicant must fulfil the following requirements:

- Financial sustainability;
- Accreditation by Umalusi; and
- Occupational health and safety requirements.

For the application to be considered, the applicant must submit proof that it is a company or it is in the process of registering as, or converting into, a company with the *Companies and Intellectual Property Registration Office* (CIPRO) at the Department of Trade and Industry. For further details on how to register a company, CIPRO can be contacted through their customer care line at **0861843384**. Alternatively, further details can be obtained on their website at: www.cipro.gov.za.

2.1.11 What is Umalusi?

Umalusi is the *General and Further Education and Training Quality Assurance (GENFETQA) Council* established in terms of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)* as a band Education and Training Quality Assurance (ETQA) body responsible for quality assurance in the FET band of the NQF. Its functions include, inter alia,

- Accreditation of providers;
- Monitoring the suitability and adequacy of standards and qualifications;
- Ensuring that providers adopt quality management systems for learner achievement;
- Assuring the quality of learner assessment at exit points;
- Issuing certificates of learner achievement; and
- Promoting quality improvement among providers.

For further details in this regard, Umalusi can be contacted at **012 349 1510**. Enquiries can be faxed to **012 349 1511**.

2.1.12 What does the term “accreditation” mean?

Accreditation is the certification, usually for a particular period of time, of a body or an institution as having the capacity to fulfil a particular function within the quality assurance system set up by SAQA. For more details on accreditation to offer FET qualifications, Umalusi can be contacted at the telephone number provided above.

2.1.13 What does “determination” mean in the context of registration of private FET colleges?

Determination refers to a process whereby the Registrar considers and evaluates the application for registration, annexures to the application, other supporting documentation, as well as any other evidence of fulfilment of requirements for registration including the advice of Umalusi on the accreditation status of the applicant and its qualifications. The Registrar concludes this process by arriving at a decision on whether to grant the applicant registration, provisional registration or to decline the application.

2.1.14 What is the distinction between registration and provisional registration?

Registration is granted to an applicant that meets all the requirements for registration, whereas provisional registration is granted to an applicant that does not fully meet the requirements, but the Registrar has reason to believe that such an applicant has the potential to meet the requirements within a specific period.

2.1.15 What are the consequences if a private institution does not register?

In terms of the Act, any person who offers or pretends to offer FET qualifications or purports to perform an act on behalf of an FET institution without registration with the Department of Education is guilty of an offence and is liable, on conviction, to a fine or imprisonment not exceeding five years or both such fine and imprisonment.

2.1.16 Can a private FET college display the same registration number at all its branches or sites of delivery?

Yes. A college can display the same registration number at all its approved sites or campuses. Should it need to add a new site or campus, it is required to submit an application for amendment.

2.1.17 Can a registered private higher education (HE) institution use the same registration number to offer FET qualifications?

No. A private institution offering both HE and FET qualifications needs to lodge separate applications for registration as a private FET college and as a private higher education institution. If registered, the college will be assigned two registration numbers. It is also important to note that the accreditation of private institutions offering HE qualifications is the responsibility of the *Council of Higher Education* (CHE) while accreditation of institutions offering FET qualifications is the responsibility of *Umalusi*.

2.1.18 Why are private colleges required to set up a financial surety?

Private colleges are required to set up a financial surety in order to ensure that, if the college cannot meet its obligations to its enrolled students due to bankruptcy or liquidation or unforeseen closure for whatever reason, the student can be re-imbursed what is legally due to them.

2.1.19 Are private colleges offering learnerships required to set up a financial surety?

Private colleges offering learnerships are not required to set up a financial surety if they do not collect money from private students. If in future they wish to register private students, they must set up a financial surety.

2.1.20 Can private education institutions that are in a start-up phase offer FET qualifications?

Private institutions that are in a start-up phase may not offer FET qualifications until they are registered in terms of the Act and the Regulations. Students may therefore not enrol for FET qualifications at these institutions until the college is registered.

2.1.21 Why are private colleges required to submit an annual report every year?

In order to maintain its registration, a private college must comply with any reasonable process arranged by the registrar after consultations with the private college for the purpose of monitoring compliance with the requirements of the Act and conditions of registration. A private college is required to submit the following documents as proof of compliance:

- **Audited annual financial statements**
In terms of Regulation 10(1) an applicant is requested to submit its audited annual financial statements every year to ensure that its income is sufficient to sustain the offering of its qualification(s) in an acceptable manner and has a stable financial position that will enable it to maintain operational continuity.
- **Financial surety**
In terms of Regulation 10(2) an applicant is required to set up surety or guarantee to ensure that it is able to meet its obligations to students for as long as it remains a registered private FET college.
- **Occupational health and safety report**
Occupational health and safety compliance audit reports for all sites of delivery must be submitted on an annual basis to ensure that an applicant complies with all the Regulations relating to the health and safety of persons on premises for educational purposes.
- **Original tax clearance certificate**
In order to enable the Department of Education to determine whether an applicant is an active or dormant company, an applicant is required to submit an original copy of its most recent *Income Tax Clearance Certificate (IT 50)* every year.
- **Notification about provisional registration status in the information distributed to students**
A private college must take reasonable steps to ensure that notices dealing with its provisional registration, the lapse or cancellation of its registration, is brought to the attention of students enrolled at private college without delay.

2.2 QUESTIONS FROM STUDENTS

2.2.1 What can students do in cases where a college offering FET qualifications operates without adequate staff and necessary equipment?

Students complaints and grievances shall be lodged and processed in accordance with the complaint and grievances procure of the private college.

If a student has a complaint against the private college at which he or she is enrolled, the student must lodge a complaint with the management of the private college.

The private college must provide the Registrar with the following documents in respect of each complaint:

- A copy of the letter of complaint;
- details of how the complaint was resolved; and
- details of further actions, if any, by the student or institution if the complaint is not resolved to the satisfaction of either of the two parties

The document mentioned above must be provided in respect of complaints relating to, but not limited to the following:

- quality of teaching and learning
- refusal to write examination
- certification
- closure of private college without informing students
- unfair business practices
- refunds; and
- fees

If a private college fails to resolve a complaint lodged by a student, the Registrar may, depending on the nature of the complaint and at his or her own discretion, on receipt of such complaint, refer the private college to Umalusi or to the Consumer Protector for investigation.

If the dispute cannot be resolved through Umalusi or the Consumer Protector, the student has the right to take the matter to court for adjudication.

2.2.2 How can students re-claim fees paid to a private FET college if the quality of educational services rendered is not as promised during enrolment or in the institution's brochure?

Students must take note that the re-claiming of fees may be subject to the terms of the contract entered into with the college. However, should students wish to claim back any money paid to the college for whatever reason, they are advised to contact the nearest Consumer Affairs Office of the Department of Trade and Industry to seek legal advice. The contact details of Consumer Affairs Provincial Offices are provided in the Table below:

Province	Telephone No	Fax No
Gauteng (Pretoria)	012 394 1551	012 394 2551
Gauteng (Johannesburg)	011 355 8000	011 355 8019
Limpopo	015 293 8300	015 291 1336
North West	018 387 7700	018 392 5660
Northern Cape	053 839 4000	053 831 3668
Mpumalanga	013 752 3761	013 752 2729
Free State	051 400 4852	051 400 9440/9
KwaZulu-Natal	031 310 5300	031 310 5416
Western Cape	0800 007 081	021 483 5872
Eastern Cape	045 808 4000	040 838 3981

2.2.3 Is a pre-ref number: (e.g.) 781T1 valid proof of registration as a private FET college?

No. The pre-ref number is not valid proof of registration as a private FET college. It is a reference number, which was issued to private institutions that took part in an audit conducted by the Department in 2001 to determine the size of the private FET sector. The pre-ref number was issued only to be quoted when the institution corresponded with the Department. It is not a registration number.

2.2.4 Is a number such as CK 2005/0000/23 recognised as the registration number issued by the Department of Education?

The CK number indicates that the institution is registered as a Close Corporation with the Department of Trade and Industry (CIPRO). It is not the registration number issued by the Department of Education.

2.2.5 Is registration in terms of the Correspondence Colleges Act of 1965 acceptable as proof of registration as a private FET college?

No. The *Correspondence Colleges Act of 1965* was repealed in 1998 when the FET Act was promulgated. Only private colleges registered in terms of the FET Colleges Act of 2006 are legitimately registered FET colleges.

2.2.6 What constitutes valid proof of registration with the Department of Education?

Only a certificate of registration or provisional registration signed by the Director-General of the Department of Education is valid proof of registration as a private FET college. The certificate of registration indicates the college's legal name, the registration number and approved qualifications.

2.2.7 How is the public protected from private institutions that offer FET qualifications without registration with the Department of Education?

In order to enable the public to make informed decisions when choosing a private college, the Department

published a *National Register of Registered Private FET Colleges* on the Department of Education's website in December 2007. Any member of the public can inspect it to determine which private colleges are registered to offer FET qualifications. Furthermore, the Department would like to advise students to ask themselves the following questions before binding themselves to an agreement with a private college:

- Does the college offer the FET qualification in which you are interested?
- Is the college provisionally registered?
- Can it provide a brochure with all its details, including qualifications offered?
- Does it operate in suitable and safe premises with adequate space, light and appropriate equipment?
- Can it provide full details of its teaching staff and their qualifications
- How does the college compare with other public colleges in terms of qualifications and services offered?
- Can it provide a sample copy of a learning contract?

If the answers to all the questions cited above are in the affirmative, you can consider signing a contract.

2.2.8 How can a student check the accreditation status of a private college offering FET qualifications?

The accreditation status can be checked by contacting *Umalusi* at **012 349 1510**. Enquiries can also be faxed to **012 349 1511**.

2.2.9 Are qualifications obtained from private colleges that are on extension valid?

Yes. Private colleges offering FET qualifications that have been granted authority by the Registrar are operating legally, from 1 January 2008 until December 2008. As a result qualifications offered by these private colleges are valid. The Department of Education could not finalise the processing of their applications during 2007 as a result of the following:

- Late submission of applicants
- Outstanding information not submitted for processing
- Outstanding accreditation

However certificates for such qualifications must be issued by the relevant quality assurance board, such as *Umalusi*, Sector Education and Training Authorities (SETAs) and statutory professional council such as South African Nursing Council, etc.

2.2.10 What can a student do if a private college offers qualifications for which it is not registered?

Because this constitutes a criminal offence, the student must report the matter to the South African Police Services.

2.2.11 What can a student do if a certificate is not issued after completion of a qualification?

Students who experience problems relating to a certificate not issued after completion of a qualification at any private college that offers FET qualifications, should lodge a complaint in writing with the Department of Education. If a private college fails to resolve a complaint lodged by a student, the Department may, depending on the nature of the complaint and at its own discretion, on receipt of such complaint, refer the private college to *Umalusi* or to the Consumer Protector for investigation.

2.2.12 Can a private college issue its own certificate?

No. All certificates for the NQF-registered qualifications should be issued by the relevant quality assurance board, eg. *Umalusi*, SETAs, or professional council established in terms of national statutes.

2.3 QUESTIONS FROM EMPLOYERS

2.3.1 How can an employer determine the validity of the employees qualifications obtained from a private FET college?

The employer can determine the validity of an employee's certificate by contacting the Department of Education on **012 312 5878**. The fax number is **012 323 8817**. The details of the registration status of private FET colleges are also available on the Department's website. The address is **www.education.gov.za**.

2.4 QUESTIONS FROM BANKS

2.4.1 How can a bank determine the registration status of private FET colleges for study loan approval?

The bank can determine the validity of a college's registration status by contacting the Department of Education on **012 312 5878**. The fax number is **012 323 8817**. The details of the registration status of private FET colleges are also available on the Department's website. The address is **www.education.gov.za**.

2.5 QUESTIONS FROM THE MEDIA

2.5.1 How can media journalists obtain information on the registration of private FET colleges?

Journalists must contact the Directorate: Communication at **012 312 5538**. The fax number is **012 323 5989**. The details of the registration status of private FET colleges are also available on the Department's website. The address is **www.education.gov.za**.

2.6 QUESTIONS FROM THE SOUTH AFRICAN POLICE SERVICE

2.6.1 How can the South African Police Service determine the registration status of private FET colleges for investigation purposes?

The South African Police Service can determine the validity of a college's registration status by contacting the Department of Education on **012 312 5878**. The fax number is **012 323 8817**. The details of the registration status of private FET colleges are also available on the Department's website. The address is **www.education.gov.za**.



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