

WHAT IS NEW IN THE 2017 DRAFT LEARNING PROGRAMME REGULATIONS

Description of the main changes to the **2007 Learnership Regulations** as proposed in the
29 March 2017 Draft SETA Workplace Based Learning Programme Agreement Regulations

By Suzanne Hattingh

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INTRODUCTION

This document describes the main areas in the Draft SETA Workplace Based Learning Programme Agreement Regulations (Government Gazette No. 40730 of 29 March 2017) that differ from the Learnership Regulations published in the Government Gazette, No. 30010 on 29th June 2007. The text in this document are taken from these two Regulations. The document indicates important differences between these two Regulations, without commenting on the desirability or feasibility of the proposed changes, except in some cases where comments are provided in italics.

The purpose of this document is to raise awareness of the proposed changes, to encourage stakeholders to critically consider their implications – and to contribute to submissions to the Department on the draft Regulations.

Main changes: many programmes subject to the Regulations

The Regulations covers other types of workplace-based learning programmes in addition to learnerships covered in the 2007 Regulations, i.e. Apprenticeships, Candidacy, Internships for the 'N' Diploma, and 3 categories of Student Internships (Categories A, B & C).

"Student Internship Category C means a period of workplace-based learning undertaken as part of the requirement for the Occupational Qualifications of the QCTO."

Comments: There are inconsistencies in the Regulations as they mainly relate to occupational qualifications registered in accordance with the QCTO model, i.e. knowledge, practical skills and work experience modules, without sufficient provision for learning programmes leading to other types of qualifications that don't follow the QCTO model, such as those in the Higher Education Qualifications Framework.

The naming and description of the different types of programmes is likely to cause confusion as the descriptions are not accurate. Many other programmes will now require formal Agreements as previously applicable to learnerships and apprenticeships, placing an additional burden on the delivery of workplace-based learning programmes. This is likely to discourage employers from providing workplace experience opportunities to learners who urgently need this experience to complete their qualifications. During the review of these draft Regulations it will be important to balance the need (??) for increased regulation with the unintended consequences of learners being denied work experience opportunities. The purpose of the Regulations must be considered against the benefits and disadvantages, particularly for the learners and employers.

The Employment Skills Development Agencies (ESDAs) are removed in the 2017 Regulations.

Comment: This is not a loss as they were generally not adding value.

DEFINITIONS IN THE 2017 REGULATIONS

(From Chapter 1: Definitions and application)

- Workplace-based Learning Programme is an educational approach **with** a quality assured curriculum through which a person internalises knowledge, gains insights and acquires skills and competencies through exposure to a workplace to achieve specific outcomes for employability.
- Workplace-based Skills Programme is an educational approach **without** a quality assured curriculum through which a person internalises knowledge, gains insights and acquires skills

and competencies through exposure to a workplace to achieve specific outcomes for employability.

(From Annexure A: Definitions)

- "Apprenticeship" means a period of workplace-based learning culminating in an occupational qualification.
 - "Candidacy" means a period of workplace-based learning undertaken by a graduate as part of the requirement for registration as a professional in the required professional designation as stipulated by a professional body.
 - "Internship for the "N" Diploma" means a period of workplace-based learning undertaken as part of the requirement for the "N" Diploma.
 - "Learnership" means a period of workplace-based learning culminating in an occupational qualification or part qualification.
- Note: the 2007 Regulations defined a learnership "as a learning programme which:*
- *consists of a structured learning component;*
 - *includes practical work experience of a specified nature and duration;*
 - *would lead to a qualification registered by SAQA and related to an occupation ..."*
- "Student Internship: Category A" means a period of workplace-based learning undertaken as part of the requirement for the Diploma, National Diploma, Higher Certificate or Advanced Certificate as a vocational qualification stipulated in the HEQSF.
 - "Student Internship: Category B" means a period of workplace-based learning undertaken as part of the requirement for a professional qualification.
 - "Student Internship Category C means a period of workplace-based learning undertaken as part of the requirement for the Occupational Qualifications of the QCTO.

(From Definitions in Annexure B: Workplace-based Skills Programmes)

For purposes of workplace-based skills programme agreements only:

- "graduate internship" means a period of workplace-based learning for the purposes allowing a person who has completed a post-school qualification to gain workplace experience or exposure to enhance competence and/or employability. This may include academic staff with existing qualifications that need industrial exposure or experience.
- "student internship" means a period of workplace-based learning for a person who is enrolled at an education and training institution for a SAQA registered qualification and may include vacation work.
- "other" means a period of learning related to workplace-based competencies and/or transfer of skills as determined and confirmed by a SETA and may include Continuous Professional Development courses.

CHAPTER 3: REGISTRATION OF AGREEMENTS

Conditional placement of learners

New in 2017:

(1) When a learner has signed an agreement the employer must forthwith conditionally place the learner on the relevant workplace-based learning programme or workplace-based skills programme pending a SETA's decision to register or not to register the agreement.

(4) If ... a SETA declines to register the agreement the employer must forthwith terminate the learner's conditional placement ...

Comment: This clearly has negative implications for employer and learner, so it might not be feasible. It will discourage employers from entering such agreements.

Requirements for registration

New in 2017:

7. A SETA may register an agreement if:

- (c) the employer falls within the scope of the SETA as established or re-established by the Minister in terms of section. 9 of the Act;
- (f) the provider is accredited by the QCTO or professional body for the relevant curriculum components associated with the learning programme

Additional requirements for a group of employers

New in 2017:

8. A SETA may register a workplace-based learning programme agreement to which a group of employers is party only if -

- (c) all employers who are party to the agreement are collectively approved by the QCTO for the structured work experience component;

Additional requirements for a group of providers

New in 2017:

9. A SETA may register a workplace-based learning programme agreement to which a group of providers is party only if -

- (b) every provider who is a party to the agreement is accredited for a component of the curriculum associated with the learning programme; and ...

the lead provider -

- (i) has entered into a binding agreement with the accredited provider parties to provide the relevant curriculum components.

Registration decision by the SETA

New in 2017:

10.(1) If within 14 working days of receiving an agreement a SETA is satisfied that the relevant requirements in regulations 7-9 have been complied with it must –

- (a) register the agreement, record the date of registration and generate a number for the agreement;
- (d) determine whether the employer is eligible for a grant in terms of the prevailing SETA Grant Regulations

CHAPTER 5: DISPUTES

Comment: This section is now a chapter in the Regulations, no longer part of the Agreement as in the 2007 Regulations.

ANNEXURE A: Workplace-Based Learning Programme Agreement

2.1 Rights of the learner

New in 2017:

2.1.5 have access to final external summative assessments as specified in the assessment specification;

2.1.6 if successful, be awarded a certificate of competence, by the relevant body;

Sections in 2007 replaced:

2.1.5 receive a written statement of results within 21 working days of the final assessment required in this learnership agreement;

2.1.6 if successful, be awarded a certificate of achievement for the qualification associated with the learnership within 45 working days of the learner's final assessment;

2.4 Duties of the employer

Removed from 2007:

2.4.6 conduct on-the-job assessment for the specified workplace experience activities, or cause it to be conducted

2.5 Rights of the provider

Comment: 'Provider' is defined as "skills development provider", which in the Skills Development Amendment Act of 2008 is defined as: "a provider of an occupational learning". The intention of the 2008 Act was to distinguish these providers of occupational qualifications falling under the QCTO from other education and training providers.

New in 2017:

The provider has the right to access the learner's work experience records

Text in 2007 replaced:

The training provider has the right to access the learner's portfolio of evidence and workplace learning related assessments.

2.6 Duties of the provider

New in 2017:

2.6.1 provide the knowledge and practical skills components specified in the workplace-based learning programme

Section in 2007 replaced:

2.6.1 provide the structured learning specified in the learnership

New in 2017:

2.6.4 conduct internal assessments for the knowledge and practical skills components specified in the workplace-based learning programme; and

2.6.5 issue statements of results.

Sections in 2007 replaced:

2.6.4 conduct off-the-job assessments for the structured learning component specified in the learnership, or cause it to be conducted;

2.6.5 ensure that the assessment against the outcomes of the qualification associated with the learnership is conducted at the end of the learnership; and

2.6.6 issue a written statement of results in respect of the learner's final assessment for the qualification associated with the learnership within 21 working days of the assessment, to the learner, the SETA and the ETQA accredited for the qualification.

ANNEXURE A: PART C: Details of the Learning Programme and the parties to the agreement

New in 2017:

If the learner is an unmarried person under 18 years then the learner's parent or guardian must be a party to this agreement and must complete Section 2. The parent or guardian ceases to be a party to this agreement once the learner turns 18.

Sections in 2007 replaced:

If the learner is a minor then the learner's parent or guardian must be a party to this Agreement and must complete section 3. The parent or guardian ceases to be a party to this Agreement once the learner ceases to be a minor.

Sections in 2007 replaced:

If the employer and the accredited training provider are the same entity, the employer must complete sections 4 and 5.

A copy of the learning programme outline and implementation plan must be attached.

Note: There is no mention of a plan for implementation of the learning programme in the 2017 Regulations. This is unfortunate, as it was a positive requirement in the 2007 Regulations, even though most SETAs and employers ignored this requirement.

Details on the Learning Programme/Learnership

Comments: No provision is made for providing details of the Learning Programme, as in the 2007 Regulations: i.e. Name of the Learnership /Registration number / Commencement & Termination dates / Occupation on the OFO. Some details are required in section 6 of Part C of the Annexure A.

1. Learner details

Removed from in 2017:

2.16 If you were unemployed before concluding this Agreement, state for how long.

2.17 If you are employed, when did you start work with your employer?

Removed from 2007:

2.12 Highest level qualification of the learner (*although it is required in the Regulations in Annexure B: Workplace-Based Skills Programme*)

2.13 What is the title of your highest qualification?

3. Employer details

Added in 2017

3.3 Employer workplace approval number

3.4 Approving SETA

3.5 Approval date

4. Provider details

Added in 2017

4.6 Accrediting Council

4.7 Accreditation number

4.8 Accreditation review date

5. Contract of employment

New in 2017:

5.1 Is the learner's contract of employment specific to the period of the agreement?

If yes, attach a copy of the contract of employment.

5.2 Does the learner have a copy of the contract of employment?

Replaced 2007:

7.1 Are the learner's terms of employment determined by a document of general application (for example, sectoral determination, bargaining council agreement, collective agreement):

7.2 Attach a copy of a document reflecting the learner's conditions of employment (for example: contract of employment, written particulars of employment).

6. Workplace-based Learning Programme Selection

New in 2017: Section for selecting from listed programme types:

- Apprenticeship
- Candidacy
- Internship for the "N" Diploma
- Learnership
- Student Internship: Category A
- Student Internship: Category B

New in 2017: A table makes provision for the following information:

- SETA responsible for the agreement
- Qualification or part qualification title associated with the agreement if applicable
- Curriculum registration number associated with the agreement
- QCTO appointed Assessment Quality Partner (APQ) associated with the workplace-based agreement
- Agreement start date (date SETA registers the agreement)
- Agreement end date (subject to number of credits of qualification or part qualification or duration of curriculum)
- Designation registered with SAQA if applicable

SETA Official Use Only

New in 2017: SETAs are required to record:

- Workplace-based learning Programme Agreement Number
- Conditional placement date
- Registration date of the agreement
- Signature, name and designation of SETA official approved by the CEO to register Workplace-based learning Programme Agreements

ANNEXURE B: Workplace-Based Skills Programmes (Agreement)

Comment: This is a new section as skills programmes were not covered in the 2007 Regulations. This Annexure only applies to the following programmes defined under Definitions on page 3 of this document.

(From Definitions in Annexure B: Workplace-based Skills Programmes)

For purposes of workplace-based skills programme agreements only:

- "graduate internship"

- "student internship"
- "other".

The rest of the substance of this Agreement is similar to the information required in Annexure A: Workplace-based Learning Programme Agreement.

ANNEXURE C: Application to register a learnership

Comment: This only makes provision for registering learnerships, not for other types of workplace-based learning programmes. This is probably because the form from the 2007 Regulations was used without adapting it to the proposed 2017 changes.

5. Learnership outline in the case of unit standards based qualification

Comment: The 2017 Regulations use the same template as in the 2007 Regulations, even keeping the reference to Fundamental, Core and Elective unit standards, even though the rest of the Draft Regulations refer to the Knowledge, Practical Skill and Work Experience modules of occupational qualifications. The only change is the addition to Entry level requirements for the learnership: "It is also assumed that learners working towards this qualification hold a FETC or equivalent". (See table below)

6. Learnership outline in the case of non-unit standards based qualification

Comment: The template in the 2017 Regulations is exactly the same as the one used as in the 2007 Regulations. (See table below)

5. Learnership outline in the case of unit standards based qualifications

Occupation name					Occupation number			
Learnership title					Credit value of this learnership			
Qualification title					Qualification registration number			
Qualification expiry date			NQF registration level			Credit value of qualification		
ETQA accreditation for qualification								
Purpose of the learnership								
Entry level requirements for the learnership								
It is also assumed that learners working towards this qualification hold a FETC or equivalent								
Unit Standard Title	US number	NQF Level	Credit value	Specific Outcomes for each Unit Standard	Percentage of learning at:		Specified Practical Workplace Experience Activities	Notional Hours
					Training Provider	Work Place		
Fundamental Unit Standards								
Core Unit Standards								
Elective Unit Standards								

6. Learnership outline in the case of non-unit standards based qualifications

Occupation name				Occupation number		
Learnership title				Credit value of this learnership		
Qualification title				Qualification registration number		
Qualification expiry date		NQF registration level		Credit value of qualification		
ETQA accreditation for qualification						
Purpose of the learnership						
Entry level requirements for the learnership						
Exit level outcomes	Specific theoretical learning outcomes	Notional Learning Hours	Percentage of learning at:		Specified Practical Workplace Experience Activities	Notional Learning Hours
			Training Provider	Work Place		
Year 1						
		TOTAL				
Year 2						
		TOTAL				
Year 3						
		TOTAL				

Suzanne Hattingh is the author of ***Roadmap to Learnerships*** (e-book with practical guidelines and templates for successful learnership implementation) 083 357 6464, suzanne@lpi-hrd.co.za; www.learningroadmap.co.za