

APPEALS POLICY

DOCUMENT REF:	COO/QA-APP/01
VERSION NO:	01/2025
POLICY OWNER:	QA DEPARTMENT
REVIEWED DATE:	02 SEPTEMBER 2025
ORIGINAL EFFECTIVE DATE	01 SEPTEMBER 2020
LAST REVISION DATE:	SEPTEMBER 2025
NEXT REVISION DATE:	SEPTEMBER 2030
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DATE OF APPROVAL	09/12/2025
EFFECTIVE DATE	09-12-2025

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1. INTRODUCTION

- 1.1 The Quality Council for Trades Occupations (QCTO) has in terms of Section 26I (2) of the Skills Development Act No. 97 of 1998 (SDA) and the Council's delegation policy, delegated the Quality Partner (QP) functions to the Public Service Sector Education and Training Authority (PSETA).
- 1.2 The delegation was conferred to the PSETA as of 27 September 2012, and it is limited to the Public Service sector. The delegated functions are as follows:
 - i. Accredit Skills Development Providers (SDPs) for the occupational qualifications or part qualifications listed in the schedule in terms of criteria determined by the QCTO;
 - ii. Monitor the provision by providers of Learning Programmes leading to qualifications or part qualifications in order to ensure that the criteria for accreditation are being complied with;
 - iii. Evaluate learner assessment and the facilitation of moderation of learner assessment by providers;
 - iv. Register assessors and moderators to undertake assessments and moderation for specified qualifications or part qualifications in terms of criteria determined by the QCTO;
 - v. Certify qualified learners in accordance with the policy determined by the Minister in terms of section 26F of the SDA;
 - vi. Maintain a comprehensive learner information management system;
 - vii. Upload learner data to the National Learner Records Database (NLRD) according to the NLRD load specifications; and
 - viii. Perform such other functions consistent with the National Qualifications Framework (NQF) Act and the SDA as the QCTO may from time to time allocate to the SETA in writing.
- 1.3 The delegation expires once the qualifications delegated to the PSETA are reviewed and replaced by qualifications developed and registered on the Occupational Qualifications Sub-Framework (OQSF) or until the qualifications reach their registration end date and teach-out periods, or when the qualifications are withdrawn by the QCTO.
- 1.4 The delegation is subject to the following terms and conditions:
 - i. The QCTO may review the quality management policies and procedures of the PSETA and examine the activities of the Quality Partner (QP) department;
 - ii. The PSETA must ensure the integrity of quality assurance by exercising its delegated functions separately and independently from any provision of education and training; and

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iii. The performance by the SETA of its delegated functions must advance the objectives of the NQF as contemplated in section 5 of the NQF Act.

2. PURPOSE AND OBJECTIVES

The purpose of this Policy is to:

- 2.1. Establish a clear policy framework on how disputes between stakeholders and the PSETA will be addressed, and
- 2.2. Guide all stakeholders on the appeals processes relating to the PSETA QA and QCTO.

3. ABBREVIATIONS

Abbreviation	Description
AA	Accounting Authority
CEO	Chief Executive Officer
COO	Chief Operating Officer
EISA	External Integrated Summative Assessment
ETD	Education, Training and Development
MOU	Memorandum of Understanding
NQF	National Qualifications Framework
NLRD	National Learner Records Database
OQSF	Occupational Qualifications Sub-Framework
PSETA	Public Service Sector Education and Training Authority
QP	Quality Partner
QCTO	Quality Council for Trades and Occupations
QMS	Quality Management System
SAQA	South African Qualifications Authority
SDP	Skills Development Provider

4. DEFINITIONS

Term	Description
Accreditation	The certification, usually for a particular period, of a person, a body or an institution having the capacity to fulfil a particular function in the quality assurance system.

Term	Description
Accreditation Decision Committee	The committee appointed by the CEO to adjudicate the recommendations to grant accreditation
Assessment	The process of collecting evidence of learners' work to measure and make judgements about the competence or non-competence of specified NQF registered occupational qualifications and part qualifications.
Assessor	Means a person registered by the QAP for the purposes of conducting an external assessment for occupational qualifications.
Code of Conduct	Refers to a set of conventional principles and expectations that are considered binding to organisation/s that are accredited by PSETA.
External Integrated Summative Assessment	Means a single national assessment leading to the awarding of an Occupational Certificate, which ensures that the assessment of occupational qualifications and part qualifications is standardised, consistent and credible.
Extension of scope	Means the addition of qualification(s) and/or part qualifications following the Learning Programme approval processes by an accredited/programme approval Skills Development Provider to the current scope of accreditation as defined above.
External Moderation	Means the process through which internal assessment is monitored to ensure that it meets required standards and through which adjustments to marks are made where required to compensate for any differences in standards that are encountered.
Learner	An individual participating in a training programme with the purpose of achieving a qualification or part qualification.
Moderator	Means a person who has achieved competence against the moderator standard and is registered with ETDP SETA as a qualified moderator. The PSETA constituent moderator is the latter who is registered to moderate against the PSETA part or full qualifications in line with the PSETA assessment policy
Occupational qualification	A qualification associated with a trade, occupation or profession developed and quality assured under the auspices of the QCTO and consisting of knowledge/theory and applications (practical skills/work

Term	Description
	experience/simulated work experience) components and an external integrated summative assessment.
Organisation	Refers to legally established entities which may include, but are not limited to, national and provincial government departments and agencies, institutions/organisations, companies, centres, collaborative partnerships, or consultancies established in line with relevant statutory body requirements and currently in good standing.
Part qualification	Means an assessed unit of learning that is registered on the NQF as a part qualification.
Primary focus	Means that activity or objective within the sector upon which an organisation or body concentrates its efforts.
Quality Partners	Means a body delegated by the QCTO responsible for monitoring and auditing achievements in terms of national standards or qualifications, and to which specific functions relating to the monitoring and auditing of national standards or qualifications have been assigned in terms of section 5(1) (b) (i) of the SAQA Act.
Quality Management System	Means the combination of policy, processes and procedures used to ensure that the degree of excellence specified is achieved.
Registered Qualifications	Means qualifications registered on the NQF.
Scope of Accreditation	Means the list of qualification(s) and/or part qualification(s) for which a body is accredited for a defined purpose.
Scope of Registration	Means the list of registered unit standards and/or qualifications for which an assessor or moderator is registered with the SETA as an assessor or moderator.
Skills Development Provider	Means a body that delivers learning programmes which culminate in specified NQF standards or qualifications and manages the assessment thereof.
Skills Programme	Means an occupation-based, short learning programme that focuses on specific work-related skills, incorporating at least one unit standard/module.

5. SCOPE OF APPLICATION

This Policy applies to SDPs, Facilitators, Assessors, Moderators accredited by PSETA and/or QCTO to deliver qualifications under the PSETA scope, learners and PSETA staff for disputes relating to the following areas:

- 5.1. Accreditation recommendation of providers
- 5.2. Registration of assessors and/or moderators.
- 5.3. Evaluation of accreditation applications
- 5.4. Learning and facilitation
- 5.5. Assessment and Moderation of learner results
- 5.6. Monitoring of providers
- 5.7. Monitoring of employers
- 5.8. Certification of learners; and
- 5.9. Use of the PSETA logo.

6. LEGISLATIVE AND REGULATORY PRESCRIPTS

- 6.1. Skills Development Act, No. 97 of 1998, as amended
- 6.2. South African Qualifications Authority Act
- 6.3. National Qualifications Framework Act, No. 67 of 2008
- 6.4. The National Archives and Records Service of South Africa Act (Act No. 43 of 1996, as amended)
- 6.5. OQSF Policy
- 6.6. QCTO-related policies
- 6.7. Protection of Personal Information Act, No 4 of 2013
- 6.8. PSETA Records Management Policy
- 6.9. PSETA Accreditation Policy
- 6.10. PSETA Recognition of Prior Learning Policy
- 6.11. PSETA Management of Assessment Policy
- 6.12. PSETA Certification Policy
- 6.13. PSETA Monitoring Policy
- 6.14. PSETA External Moderation Policy
- 6.15. PSETA E-Learning Policy
- 6.16. PSETA POPI Policy
- 6.17. Service Level Agreement between QCTO and PSETA

The highlighted legislation is not meant to be an exhaustive list.

7. POLICY PROVISIONS AND CONTENT

- 7.1. The PSETA QA shall provide a platform for assessors, moderators, verifiers, SDPs, learners and stakeholders to lodge appeals against decisions made regarding approvals, non-approvals, withdrawals and deregistrations, in accordance with relevant PSETA and QCTO policies developed for this purpose.
- 7.2. The PSETA will ensure that its appeals guidelines documents are applicable, and processes are accessible to all organisations and other stakeholders intending to lodge an appeal.
- 7.3. The affected stakeholders will be afforded a fair hearing when lodging appeals.
- 7.4. The PSETA QA shall provide reasons for decisions made.

8. ROLES AND RESPONSIBILITIES

- 8.1. The Accounting Authority (AA) approves this Policy to be implemented and exercises its fiduciary duties under the provisions of the Policy and Delegations of Authority.
- 8.2. The Chief Executive Officer (CEO), assisted by the Chief Operations Officer (COO), is accountable for establishing and maintaining systems to manage the Appeals process.
- 8.3. The QA Manager is accountable for the implementation and management of this Policy.
- 8.4. The QA staff are responsible for implementation, monitoring and adherence to this Policy by stakeholders.
- 8.5. The appellant who wishes to appeal against a decision taken by the PSETA QA must be within the framework of this Policy.

9. TYPES OF APPEALS

- 9.1. **ACCREDITATION:** A provider may access the PSETA appeals procedure should there be dissatisfaction with any of the following circumstances during accreditation:
 - a. Accreditation recommendation by PSETA to the QCTO
 - b. Evaluation team members' conduct
 - c. Evidence requirements

9.1.2 Accreditation of an SDP may be suspended by the PSETA based on monitoring visits where visits were conducted, and findings were raised, and an investigation was conducted and found non-compliance or misconduct, which provides reasonable grounds for such withdrawal. All decisions relating to the intent to suspend or de-accredit providers must be approved by the PSETA CEO, subject to the recommendation of the QA Manager and COO.

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9.2. **ASSESSOR AND MODERATOR REGISTRATION:** An assessor and/or moderator may access the PSETA appeals procedure should there be dissatisfaction with any of the following circumstances:

- 9.2.1. Withholding of registration as an assessor and/or moderator
- 9.2.2. De-registration of an assessor and/or moderator; and
- 9.2.3. Non-renewal of assessor and/or moderator registration.

9.3. **MONITORING:** A provider may access the PSETA appeals procedure should there be dissatisfaction with any of the following circumstances relating to quality programme evaluation:

- 9.3.1. Monitoring decision;
- 9.3.2. Monitoring process;
- 9.3.3. Monitoring team members' conduct; and
- 9.3.4. Evidence requirements.

9.4. **CERTIFICATION:** A provider or learner may access the PSETA appeals procedure should there be dissatisfaction with any of the following circumstances relating to the certification:

- 9.4.1. External moderation outcome
- 9.4.2. Withholding of learner certification
- 9.4.3. De-registration of a learner by the SDP.

9.5. **PROVISION OF LEARNING BY ACCREDITED SDPS:** An employer, SDP, assessor or learner may access the PSETA appeals procedure should there be dissatisfaction with any of the following circumstances relating to the quality of provision:

- 9.5.1. Sub-standard learning provision; and
- 9.5.2. Sub-standard assessment practices.

9.6. **PSETA LOGO USAGE:** A PSETA stakeholder may appeal against a decision to refuse permission for the use of the PSETA Logo for marketing purposes by an accredited SDP. The requirements for SDPs to use the PSETA logo are outlined in the PSETA Accreditation Policy.

10. HANDLING DISPUTES AND APPEALS

- 10.1. All parties must endeavor to negotiate in good faith with a view to settling the dispute amicably.
- 10.2. Any appellant with denied applications or registrations may appeal against the PSETA QP decision by submitting a written appeal to the QA Manager within seven (7) working days of receipt of the application or registration outcome.
- 10.3. The PSETA QA Manager shall table the appeal with the PSETA COO for review.
- 10.4. If a dispute is still not resolved to the satisfaction of the appellant, he/she may submit a request for a review to the PSETA CEO.
- 10.5. If the appeal is still not resolved, the dispute may be referred to the QCTO by the appellant.

11. RECORDS MANAGEMENT

- 11.1 The accredited SDPs are required to maintain records in a manner that will ensure that long-term evidential records are retained in accordance with the National Archives of South Africa Act.
- 11.2 The records kept or to be kept must be of value in terms of general SDP business operations, governance, decision-making and accountability.
- 11.3 The records can be kept on or off-site, and access to them must be controlled, and where possible, a responsible person must be identified.
- 11.4 The documents must be maintained in both soft and hard copies.
- 11.5 A clear and unambiguous disposal arrangement must be documented and followed when any archived documents are to be disposed of.
- 11.6 SDPs are to retain documents for a minimum of five (5) years, after which they can be destroyed. The records of the documents destroyed must be kept.
- 11.7 Some or part of the documents may need to be maintained for life. Such documents can be kept beyond the five (5) year period.
- 11.8 The PSETA will monitor the archiving system of each SDP during site visits.
- 11.9 PSETA will maintain and manage all records in line with the PSETA Records Management Policy.

12. PROTECTION OF PERSONAL INFORMATION

The PSETA will ensure that personal information of learners, SDPs and employers shall be handled with care and in a secure manner in line with the PSETA POPI Policy.

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13. NON-COMPLIANCE

- 13.1. Non-compliance with this Policy or any applicable regulatory requirements through any deliberate or negligent act or omission, including allowing any staff, either expressly or impliedly, not to comply with this Policy or any applicable regulatory requirements, will be considered serious and be dealt with in terms of PSETA's disciplinary policies and procedures.
- 13.2. Non-compliance with this Policy or any applicable regulatory requirements through any deliberate or negligent act or omission by SDPs, Assessors, Moderators or learners will be considered serious and dealt with in terms of the contractual agreement between PSETA and the party and/or the relevant code of conduct.

14. POLICY IMPLEMENTATION

This Policy comes into effect on the date of signature, and the relevant owner shall ensure that it is communicated to staff using various modes, not limited to email, intranet, workshops, etc. However, this shall not have any bearing on the effective date for implementation.

15. MONITORING, REVIEW AND UPDATING OF THE POLICY

This Policy shall be monitored by the Policy Owner to ensure consistent implementation and compliance with all relevant legislative and regulatory requirements. This Policy has to be reviewed every 5 years (60 months) in line with the PSETA Policy Development Framework, and the outcome of such a process may either require the author to maintain the status quo or update/amend it.

16. APPROVAL OF THE POLICY

The Policy shall be approved by the AA and signed by the Chairperson after the Resolution taken. The approval dates and signatures shall appear on the cover page of the document.

