DISCRETIONARY GRANTS POLICY

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1. INTRODUCTION

1.1. The Public Service Sector Education and Training Authority (PSETA) is established in accordance with the Skills Development Act, No 97 of 1998 as amended (herein referred to as SDA) and derives its mandate from the same Act.

1.2. It is classified as a Schedule 3A public entity in terms of the Public Finance Management Act, 1999 as amended (herein referred to as PFMA).

1.3. In accordance with the SDA, the Minister of Higher Education in 2012 issued the Sector Education and Training Authorities (SETAs) Grant Regulations Regarding Monies Received by a SETA and Related Matters to regulate the manner in which Discretionary Grants are to be allocated.

1.4. Regulation 6 (4) of the SETAs Grant Regulations issued in 2012, read in conjunction with the Guidelines on the Implementation of the Grant Regulations, mandates SETA Accounting Authorities to annually review and approve a Discretionary Grant Policy specifying how the discretionary grant funds will be allocated to meet sector needs as set out in the Sector Skills Plan (SSP).

1.5. The Grant Regulations also empower the SETA to develop and approve a Funding Framework that sets out the limits for each of the interventions, whilst Regulation 7 empowers the Accounting Authority to approve the SETA criteria for grants.

1.6. This policy is developed to guide the allocation of grants to stakeholders for programmes targeted at developing the sector and building the capabilities of the public service sector in terms of scarce, critical skills and hard-to-fill vacancies which fall under the PSETA mandate.

2. PURPOSE AND OBJECTIVES

The objective of this policy is to:

2.1. Provide a clear framework that will be applied to the PSETA Discretionary Grant funding mechanisms to enable the allocation and disbursement of grants that would best support the Public Service sector skills needs with the view of addressing the National Skills Development Plan goals and outcomes, and embraces the principles of transparency, openness, access, and fairness.

2.2. Set out a mechanism for PSETA stakeholders to access discretionary grants; and

2.3. Set out the mechanisms by which PSETA will deliver PIVOTAL and Non-PIVOTAL programmes through Public Education and Training Institutions in terms of Regulation 6(6).

3. ABBREVIATIONS

ABBREVIATION	DESCRIPTION
AA	Accounting Authority
APP	Annual Performance Plan
BAC	Bid Adjudication Committee
CEO	Chief Executive Officer
COO	Chief Operating Officer
DOA	Delegations of Authority
DG	Discretionary Grants
DGEC	Discretionary Grant Evaluation Committee
DHET	Department of Higher Education and Training
FINCOM	Finance Committee
HEI	Higher Education Institution
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NQF	National Qualifications Framework
NSDP	National Skills Development Plan
PIVOTAL	Professional, Vocational, Technical and Academic Learning
POPI	Protection of Personal Information
PSETA	Public Service Sector Education and Training Authority
PSETA MIS	PSETA Management Information System
SCM	Supply Chain Management
SDA	Skills Development Act of 1998, as amended
SDP	Skills Development Provider
SETA	Sector Education and Training Authority
SLA	Service Level Agreement
SOP	Standard Operating Procedure
SSP	Sector Skills Plan
TVET	Technical, Vocational Education and Training
WSP	Workplace Skills Plan

4. DEFINITIONS

TERM	DESCRIPTION
Accounting Authority	The Board of PSETA as contemplated in section 11 of the Skills Development Act and designated in terms of Section 49 of the PFMA,1999
Approval	The adoption and signing of the document
Contractual Obligation	An agreement with specific terms (written) and a third party whereby the third party undertakes to perform something in relation to a discretionary project for which a seta will be obliged to make payment against the discretionary grant.
Data subject	Means the person to whom personal information relates.
Delegation of Authority	In writing, delegation of the powers entrusted or delegated to the Accounting Authority in terms of this Act, to an official/ structure in that public entity
Discretionary grant	The money allocated within the SETA to be spent on discretionary grants and projects contemplated in Regulation 3 (2) (c) to (9) as read with Regulation 6
Discretionary grant window	The specified period within which applications and/or requests for discretionary grant funding are invited
Finance Committee	A Committee of the PSETA AA established in terms of its Constitution
Governance Structure	A Committee of the PSETA AA established in terms of its Constitution or a Management Committee established in terms of the Internal Governance Framework
Grant Regulations	Sector Education and Training Authorities (SETAS) Grant Regulations published under Government Notice R990 in Government Gazette 35940 of 3 December 2012, as amended.
Hard to fill vacancy	A vacancy that an employer was unable to fill within 12 months due to its scarcity or other justifiable reasons and could not find a suitable candidate.
Learning programme	An intervention which includes a structured work experience component, such as learnership or apprenticeship or skills programme and any other as prescribed in the Skills Development Act 1998 as amended

TERM	DESCRIPTION
Levy-paying employer	An employer who is compelled to pay skills development levies in terms of section 3(1) of the Skills Development Levies Act, 1999.
Memorandum of Agreement (MoA)	A binding agreement between PSETA and another organisation entered for the purpose of implementing learning programmes
Memorandum of Understanding	Non-binding agreement between two or more parties outlining the terms and details of relationship that is being established including each parties' requirements and responsibilities
Non-PIVOTAL programmes	Learning programmes which do not lead to qualifications or part qualifications on the National Qualification Framework
Offer of contract	A written letter purporting a contractual agreement to a third party with the intention to agree and sign the written agreement between the PSETA and the third other party
Personal Information	Means information relating to an identifiable, living, natural person, where it is applicable, an identifiable, existing juristic person, including but not limited to: a. Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person. b. Information relating to the education or the medical, financial, criminal or employment history of the person. c. Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person.
PIVOTAL	Refers to Professional, Vocational, Technical and Academic learning programmes that result in qualifications or part qualifications on the National Qualifications Framework
Policy	Formal or mandatory set of ideas or plans that is issued as a basis decision making aimed at achieving a particular outcome
Partner	An organisation or institution that has been identified in terms of the PSETA SSP which may partner with PSETA to deliver skills

TERM	DESCRIPTION
	development interventions which contribute towards the achievement of PSETA's legislative mandate
Service Level Agreement	An agreement entered between the PSETA and the Executive Authority to agree on the targets required by the SETA in performing its statutory functions, meeting the National Skills Development Plan (NSDP) principles, outcomes and indicators in implementing its Strategic Plan (SP) and Annual Performance Plan (APP).
Special Projects	Special projects refer to the interventions that the PSETA may pursue to address transformational and developmental imperatives and/or interventions of national priority. These include but are not limited to rural development programmes; youth development programmes; disability targeted programmes and sector awareness/advocacy programmes of national priority.
Standard Operating Procedure	A document that provides a detailed outline of the process flow for the purposes of implementing an approved policy

5. SCOPE OF APPLICATION

5.1. The policy is applicable to:

5.1.1. All PSETA Staff and members of Governance Structures.

5.1.2. PSETA stakeholders within the Public Service Sector, which are national and provincial government departments, legislatures, public entities and trade unions falling within the scope of PSETA.

5.1.3. Higher Education institutions (HEIs) and Technical Vocational Education and Training (TVET) Colleges.

5.1.4. Non-levy paying entities, Non-Profit Organisations, Community-Based Organisations, and Small, Micro and Medium Enterprises; and

5.1.5. Accredited skills development providers (SDPs) offering training relevant to the Public Service sector.

6. APPLICABLE LAWS, REGULATIONS AND POLICIES

No	DESCRIPTION
1	Constitution of the Republic of South Africa, Act 108 of 1996 as amended
2	Public Finance Management Act 1 of 1999 as amended
3	Skills Development Act 97 of 1998 as amended
4	Skills Development Levies Act 9 of 1999
5	South African Qualifications Authority Act 67 of 2008,
6	Sector Education and Training Grant Regulations of 2012 as amended
7	Supply Chain Management Guidelines and Practice Notes for Accounting Officers and Authorities issued by the National Treasury
8	General Conditions of Contracts Guidelines issued by the National Treasury
9	Guidelines on the Implementation of SETA Grant Regulations issued by DHET
10	National Skills Development Plan
11	PSETA Sector Skills Plan
12	Protection of Personal Information Act
13	All applicable Internal Policies of the PSETA

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

7. POLICY PROVISIONS AND CONTENT

7.1 FUNDING PRINCIPLES

In allocating grants, the PSETA undertakes to:

7.1.1 Allocate grants in the manner that is prescribed in Regulation 6 of the SETA Grant Regulations regarding monies received by a SETA and related matters issued by the DHET. In allocating discretionary grants, PSETA commits to embrace the principles of transparency, openness, access, and fairness, in line with Regulation 6(8).

7.1.2 Award funding to applicants whose proposals demonstrate value for money and where their contribution shall be geared towards meeting the needs of the sector in line with Regulation 6(9)(iv).

7.1.3 Promote National Qualifications Framework (NQF) registered and quality assured learning programmes that address priority skills required as set out in the SSP.

7.1.4 Implement the interventions contained in the SSP, which takes account of national priority areas articulated in the NSDP, National Development Plan and other key macro policy frameworks.

7.1.5 Work closely with Education and Training Institutions that support the implementation of projects with the objective of increasing public sector capacity for improved service delivery and building of a developmental state.

7.1.6 Monitor the use of allocated funds to various interventions and evaluate the impact made towards the achievement of its strategic goals and objectives.

7.1.7 Prepare and distribute to stakeholders a schedule setting out criteria and guidelines for the submission of applications for such grant funding.

7.1.8 Prepare and approve the Funding Framework that sets the funding limits for each of the identified interventions which form part of the PIVOTAL programmes of the SSP.

7.2 ELIGIBILITY FOR ACCESSING DISCRETIONARY GRANTS

7.2.1 In order to access Discretionary Grant funding for PIVOTAL programmes, applicants, in the case of an employer, must have submitted their Workplace Skills Plan (WSP) to the relevant SETA within the stipulated time frames. Such WSP shall meet all the minimum requirements as prescribed in the Guidelines for the Implementation of Grant Regulations.

7.2.2 Applications from employers who are exempted in terms of the SDA from submitting WSPs shall be considered. However, the applicants must meet all other criteria that are set out in the Discretionary Grant advertisement and specifications.

7.2.3 PSETA does not fund learners directly. All applications must be done through an accredited SDP and/or National Departments, Provincial Departments, Public Entities and Legislatures, HEIs and TVETs.

7.3 EXCLUSIONS

7.3.1 The SETA shall not consider applications from applicants who:

a) Do not have an approved WSP for the applicable financial year or have not complied with the submission requirements of the workplace skills plan as required by the line function SETA unless such applicant is

exempted in terms of Regulation 6 (15) of the Sector Education and Training Authorities (SETAs) Grant Regulations.

b) Are insolvent or being wound up, are undergoing business rescue proceedings, have entered an arrangement with creditors, have suspended business activities.

c) Have not fulfilled their contractual obligations with respect to PSETA previously funded projects.

d) Do not have valid accreditation with the relevant Quality Assurance body, where relevant.

7.3.2 PSETA shall not provide grant funding for:

a) Existing operating expenses, e.g., salaries of current employees who will undergo training.

b) Set-up costs e.g., start-up costs.

c) Capital expenditure e.g., building costs, equipment such as computers etc.

7.4 DISCRETIONARY GRANT ALLOCATIONS

7.4.1 PERCENTAGE ALLOCATION OF FUNDS TO PROGRAMMES

Discretionary Grant allocations may be apportioned as follows:

a) At least 80% of Discretionary Grant funding must be allocated to PIVOTAL programmes.

b) A maximum of 20% of the Discretionary Grant will be allocated to programmes other than PIVOTAL programmes to develop the sector in accordance with the priorities in the SSP.

c) A maximum of 7.5% of the entire Discretionary Grant budget may be allocated for administration or project management costs for each funded project.

7.4.2 CATEGORY OF PROGRAMMES TO BE CONSIDERED FOR FUNDING

7.4.2.1 PIVOTAL PROGRAMMES

(a) PSETA will analyse the data from the PIVOTAL training plans of the sector and compile the list for the entire sector in line with the SSP Framework.

(b) PSETA will also consider needs that arise from the resolutions taken at the sector level and driven by Government.

(c) PIVOTAL programmes shall include the following

(i) Learnerships registered on the National Qualifications Framework.

(ii) Apprenticeships and artisan qualifications.

(iii) Part qualification skills programmes, made up of a combination of unit standards that fall within a qualification, to increase the skills level of employed and unemployed learners.

(iv) Registered occupational qualifications and part-qualifications.

(v) Internships.

(vi) Work-Integrated learning for TVETs and Universities of Technology.

(vii) Bursaries to support employed staff within the sector.

(viii) Bursaries to support unemployed learners who are studying full-time in recognised HEIs and TVET colleges.

(ix) Special Projects and

(x) District Development Model, Support for Small and Medium Enterprises, SONA TVET Student Placement Target, Presidential Youth Employment Initiatives (PYEI), Just Energy Transition (JET) Skills and Fourth Industrial Revolution (4IR) Skills.

7.4.2.2. NON-PIVOTAL

A maximum of 20% of Discretionary Grants may be allocated to programmes other than PIVOTAL programmes to develop the sector in accordance with the priorities of the Government. This allocation includes funding for projects such as:

a) Qualification and curriculum development.

b) Learning materials; and

c) Research.

7.4.3. CONSIDERATIONS IN AWARDING DISCRETIONARY GRANT

7.4.3.1 When allocating grants, PSETA may consider all qualifying applications as defined in the approved specification. Subject to the availability of funds, grant allocations may be made to qualifying applicants and, where

appropriate, allocated proportionately according to the scores achieved during the evaluation process.

7.4.3.2 Notwithstanding clause 7.4.3.1 above, the qualification of an application does not automatically guarantee the allocation of funding. Where the total value of qualifying applications exceeds the available budget, PSETA reserves the right to fund only those applications that achieve the highest evaluation scores or that best meet the strategic priorities and requirements of the funding programme, whilst considering the practical implementation of the programme.

7.4.3.3 Where a learning intervention comprises multiple fields of study or interconnected components, consideration must be given to the learning intervention as a whole when making recommendations for award. This is to ensure the viability and effective implementation of the programme, avoid capacity constraints, and promote the achievement of the intended learning outcomes.

7.4.4.4 Notwithstanding 7.4.3.1 above, in allocating grants, PSETA shall consider the performance of applicants from previous grant allocations. Past performance will be determined based on previous monitoring by PSETA and at its own discretion.

7.5 FUNDING DELIVERY MODELS AND APPROACH

The PSETA may allocate grants by using various approaches and/or models that are outlined below:

7.5.1. SOLICITING OF PROPOSALS USING PUBLIC CALL OR INVITATION

a) The PSETA may at any time issue a public call (referred to as DG Call) by placing adverts either on the website or national media, inviting stakeholders to submit funding proposals for PIVOTAL and Non-PIVOTAL programmes that will address the needs identified in the SSP.

b) PSETA may also issue an invitation to specific stakeholder groupings such as TVET Colleges, HEIs and Legislatures, etc. via email, online application through the PSETA portal and the website to apply for Discretionary Grant Funding for programmes identified for the specific

financial year, e.g., Artisan Development, Work Integrated Learning, Bursaries, or any other programme identified for the specific invitation.

c) Clear terms of reference or specifications for each PIVOTAL and Non-PIVOTAL programme to be funded shall be developed in line with the approved criteria and guidelines as well as the funding framework setting out the programmes to be funded and all the requirements to be met.

d) PSETA may direct that applicants submit Discretionary Grant proposals through an online platform, electronic means and/or physical (manual) means.

7.5.2. PARTNERSHIP FUNDING MODEL

a) PSETA shall use the partnership approach as outlined in the approved Partnership Guidelines to fund programmes that are either delivered through public training institutions, provincial and state academies and/or key government departments/entities that champion certain competencies within the national and provincial spheres of Government, as indicated in the SSP, for the purpose of aligning the demand and supply of skills.

b) PSETA shall enter a partnership arrangement with such identified partners in the form of a Memorandum of Understanding as a way of formalising the partnership that will enable them to submit proposals at any given time, provided the requests address specific needs that are contained in the SSP.

c) PSETA may, at its discretion, invite proposals from partner/s or accept unsolicited proposals from partner/s who approach PSETA in areas that contribute towards the fulfilment of its strategic goals and objectives. Such proposals must be aligned to the PSETA Service Level Agreement (SLA) and SSP or respond to the needs of the Economic Reconstruction and Recovery Plan (ERRP), the Presidential Youth Employment Intervention (PYEI) and other government issues of national priority.

7.5.3. SUPPLY CHAIN MANAGEMENT MODEL

a) The PSETA may at any given time advertise bids in line with the SCM Policy and the National Treasury Regulations, Instructions and Practice Notes.

b) In such cases the advertised bids shall be in line with the approved criteria and guidelines setting out the programmes to be funded as well as all the requirements to be met.

7.6 EVALUATION OF PROPOSALS

7.6.1 PROPOSALS RECEIVED THROUGH A PUBLIC CALL OR INVITATION

7.6.1. All Discretionary Grant proposals received shall be evaluated by the Discretionary Grant Evaluation Committee (DGEC) in terms of the Policy.

7.6.2. A Committee shall be appointed by the CEO for the duration of the financial year.

7.6.3. The DGEC members may be selected from the approved pool of committee members to evaluate a specific learning intervention.

7.6.4. In order to ensure that DGEC meetings take place as scheduled, a total of more than three (3) members shall be appointed of which any three (3), including the chairperson, shall form a quorum. If the DG process has been used to solicit proposals, the Secretariat shall be provided by the Core Business Division.

7.6.5. The CEO shall approve the DGEC Terms of Reference that clearly outline the roles and responsibilities of members and members shall adhere to them at all times.

7.6.6. The DGEC may recommend the allocation of funds based on the criteria as defined in the specification and section 7.4.3 of this Policy.

7.6.7. The DGEC may not recommend an allocation per qualification that is above what an applicant has applied for.

7.6.8. In cases where the funds are not sufficient for allocation to all qualifying applicants, the DGEC may recommend the highest scoring applicant.

7.6.2 PROPOSALS RECEIVED THROUGH THE PARTNERSHIP FUNDING MODEL

7.6.7. Where PSETA invites applications from more than one Partner, clear terms of reference or specifications for each PIVOTAL and Non-PIVOTAL programme to be funded shall be developed in line with the approved DG criteria and guidelines as well as the funding framework setting out the programmes to be funded as well as all the requirements to be met.

7.6.8. Where PSETA invites Partners to apply for funding designated for specific learning interventions, PSETA shall set the criteria for evaluation and shall evaluate such applications through the appointed Discretionary Grant Evaluation Committee for alignment to the SSP, if they meet the PSETA strategic objectives and whether the programme applied for is within the scope of PSETA. The applications shall then be subjected to the BAC and other internal governance structures for further recommendation in line with the PSETA Delegations of Authority.

7.6.9. Where only one Partner is invited or a Partner approaches PSETA for a specific project such proposals shall be checked for alignment with the approved DG criteria and guidelines and submitted to the Accounting Authority or its delegated official to approve the proposal.

7.7 ADJUDICATION OF DISCRETIONARY GRANTS APPLICATIONS

7.7.1. The Bid Adjudication Committee (BAC), as appointed by the CEO, shall adjudicate the recommendations of the DGEC.

7.7.2. Members of the BAC shall be at the level of Manager and above.

7.7.3. The BAC makes recommendations to the CEO or the AA (via the Finance Committee (FinCom)).

7.7.4. The BAC shall consider the recommendations of the DGEC, accept or reject them. In case the BAC rejects the recommendations of the DGEC, this must be referred back to the DGEC and allow the members to review and resubmit. If the BAC is still not satisfied with the recommendation, it may make a different recommendation to the CEO or the AA via FINCOM.

7.8 APPROVAL OF DISCRETIONARY GRANTS

7.8.1. All DG proposals or applications shall be approved by the CEO or the AA in line with the PSETA Delegations of Authority.

7.8.2. The CEO or the AA (through its delegated Committee) shall interrogate the BAC reports and each of the recommended proposals presented before it to ensure that all the compliance requirements have been adhered to.

7.8.3. The CEO or AA may accept, reject and amend the recommendations for the allocation of discretionary grants.

7.9 CONTRACTING FOR DISCRETIONARY GRANTS

7.9.1. Upon approval by the CEO or AA, the PSETA shall issue an Offer of Contract Letter to the successful applicant which will stipulate the requirements to be fulfilled for the purpose of contracting.

7.9.2. A memorandum of agreement (MoA) which is signed by the PSETA CEO shall be sent to the awarded stakeholder for concurrence and shall come into effect on the date at which the stakeholder signs the MoA.

7.9.3. In the case of non-responsiveness or non-acceptance of the award or cancellation of the MoA, PSETA may allocate to the next qualifying applicant. This is only applicable to the allocation through the public call or invitation.

8. PROCEDURAL GUIDELINES FOR THE MANAGEMENT OF THE DG ALLOCATIONS, MANAGEMENT, MONITORING & EVALUATION AND REPORTING BY PSETA

This Policy shall be implemented through the detailed Standard Operating Procedures that are revised and approved by the CEO from time to time.

9. LAWFUL PROCESSING OF PERSONAL INFORMATION

The PSETA will ensure that all personal information received from applicants during the Discretionary Grant application process shall be handled with care and in a secure manner in line with the PSETA POPI Policy.

10. NON-COMPLIANCE

10.1. 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.

10.2. Non-compliance with this Policy or any applicable regulatory requirements through any deliberate or negligent act or omission by PSETA external stakeholders, will be considered serious and be dealt with in terms of the contractual agreement between PSETA and the party.

11. APPEALS

11.1. Stakeholders may appeal against a PSETA discretionary grant decision where they believe that such a decision was not made in accordance with this Policy, the applicable Grant Regulations or the published funding criteria.

11.2. All appeals must be submitted in writing within 14 (fourteen) working days of the official communication of the decision and must clearly state the grounds of appeal, supported by relevant documentation or evidence.

11.3. Upon receipt of an appeal, PSETA shall provide the appellant with written reasons for the discretionary grant decision.

11.4. Appeals shall be considered by the Accounting Authority or its delegated structure, which will assess the matter based on compliance with prescribed processes, the application of criteria, and the merits of the information submitted.

11.5. The decision of the Accounting Authority on any appeal shall be final and binding, and no further correspondence will be entered into once the final decision has been communicated.

12. 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.

13. MONITORING, REVIEW AND UPDATING OF THE POLICY

This Policy has to be reviewed and the outcome of such process may either require the author to maintain the status quo or update/amend it.

14. 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.