REGULATION OF PRIVATE COLLEGES IN SOUTH AFRICA

BY

MAMPHOKHU PETRONELLA KHULUVHE

Research report submitted in partial fulfilment of the requirements for the degree
Master's of Education (MEd)

DECLARATION

I declare that this Research Report titled *Regulation of Private Colleges in South Africa* is my own original work. All the sources I have used throughout the report or referred to have been documented and recognized in the references section of this report. The report is being submitted for the Degree of Master of Education at the University of Witwatersrand, Johannesburg. This research report has not been submitted before for any other degree or examination in any other university.

_____ _____

MAMPHOKHU PETRONELLA KHULUVHE Date

ACKNOWLEDGEMENTS

Dear God, thank you for your wisdom, mercy and provision throughout this journey. You keep on doing great things in my life. I take this opportunity to thank my supervisor, Professor Stephanie Allais, for the critical and constructive comments she has provided until the very end. There is no quitting with Matseleng. To my partner Shavhani and my son Tshedza, you remain the greatest blessing in my life. Thank you so much for loving me enough and granting me time to work on this study, the time that we could have used to create great memories together. To my mother Mphiwa “Matloko”, you are my source of inspiration and I live to make you proud.

I would also like to thank all the participants for their time and the way in which they participated in the individual interviews, and most importantly for being so kind and patience with me. Ke a leboga.

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

ACRONYMS

APPETD	Association of Private Providers of Education, Training and Development
CET ACT	Continuing Education and Training Act
CHE	Council on Higher Education
CIPRO	Companies and Intellectual Property Registration Office
DBE	Department of Basic Education
DOE	Department of Education
DHET	Department of Higher Education and Training
DOL	Department of Labour
ETQA	Education Training Quality Assurance
FET	Further Education and Training
GFETQSF	General and Further Education and Training Qualifications Sub-Framework
GENFETQA	General and Further Education and Training Quality Assurance Act
HEI	Higher Education Institution
HEQF	Higher Education Qualifications Framework
HEQSF	Higher Education Qualifications Sub-Framework
NATED	National Accredited Technical Education Diploma
NCV	National Certificate Vocational
NDP	National Development Plan
NQF	National Qualifications Framework
NSC	National Senior Certificate
OQSF	Occupational Qualifications Sub-Framework
OECD	Organisation for Economic Co-operation and Development
PFMA	Public Finance Management Act
PSET	Post-School Education and Training
QCTO	Quality Council for Trades and Occupations
SETA	Sector Education Training Authority
SAQA	South African Qualifications Authority
SDGs	Sustainable Development Goals
TVET	Technical and Vocational Education and Training

ABSTRACT

This empirical study focuses on the regulation of private colleges in South Africa. The study aims to answer the research question: *What policies and legislation govern private colleges and how do actors within the private Post-School Education and Training System experience them?* This study found that there is a lack of policy coherence within the education and training system within which private colleges operate. A key factor causing confusion, contradiction, and inefficiency is the existence of three quality councils with three different set of rules that, at times, contradict each other. This seems to be causing frustration for private colleges, even where they do, at times, value aspects of the quality assurance framework. I argue that the regulatory framework is punitive and counter-productive to the sustainability of the private college sector. The sector is not prioritized and there is insufficient attention paid to strengthening this sector which may create room for private colleges to self-regulate and operate without registration and accreditation in order to avoid dealing with the complexities of the regulatory framework.

CHAPTER ONE: INTRODUCTION

The focus of this thesis is on the private colleges offering technical and vocational qualifications. According to Umalusi (2008, p. 2), the private college sector in South Africa have not been subjected to thorough research. Baumgardt (2013, p. 1) elaborates, "state policy and the research underpinning policy have tended to focus on public provision as a priority", and to some extent, on private higher education institutions. Therefore, the focus of this study is to examine the challenges and barriers presented by the policy and regulatory framework that govern the private college sector and explore how various actors operating in the private college environment perceive them.

In this chapter, I introduce the study, explain the problem that the study aims to address, explain the purpose of the study and provide an overview of the research report as a whole. I start with a brief overview of the socio-economic environment in which private colleges operate and introduce the significant role played by private colleges as part of the post-school education and training system.

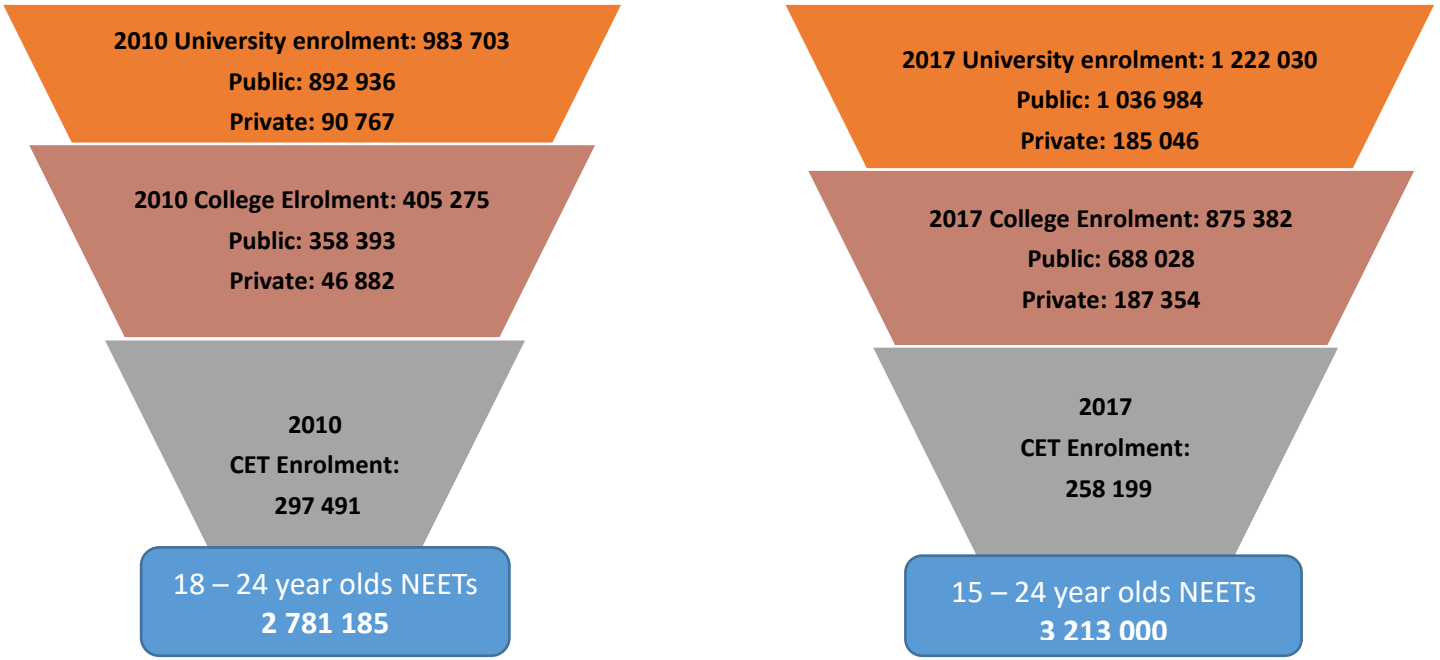
1.1 OVERVIEW OF THE SOCIO-ECONOMIC ENVIRONMENT IN WHICH PRIVATE COLLEGES OPERATE

South Africa remains somewhat behind the global average in access to post-school education and training with only 13.9% of South Africans who are 20 years and older having some post-school education in 2017, while 43.6% had Grade 12, and 13.7% were regarded as functionally illiterate (Statistics South Africa, 2017). This presents the social backdrop against which the college sector has to determine its priorities. Figure 1 below shows that although access to Post-School Education and Training (PSET) institutions has increased significantly since the demise of apartheid, the demand for access remains unmet. Figure 1 shows that the PSET system has made significant progress in expanding access to post-school opportunities although provision has always been in the shape of an inverted pyramid since 2010, with higher numbers of enrolments in universities than at the intermediate levels. The inverted triangle shows that the PSET system is not producing sufficient intermediate skills.

The total number of student enrolment in public and private universities in 2017 was 1 222 030. This was due to enrolment increases in public universities from 892 936 in 2010 to more than 1 million in 2017, and private universities from 90 767 in 2010 to 185 046 in 2017. Private universities doubled their student enrolment and increased by 103.9% or 94 279 for the period under review. Between 2010 and 2017, headcount enrolments in colleges more than doubled from 405 275 in 2010 to 875 382 in 2017, with private college enrolment increasing from 46 882 in 2010 to 187 354 in 2017. It should be noted, however, that registration of private college institutions with the Department of Higher Education and Training (DHET) has been extended to include the registration of former private Adult Education and Training (AET) centers as private colleges.

AET centers refers to all public and private centers initially registered to offer all learning and training programmes for adults on level 1 as registered on the national qualifications framework contemplated in the National Qualifications Framework Act, 2008 (Act No. 67 of 2008). In terms of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006) (CET Act), Public AET centers have been renamed Community Education and Training (CET) colleges, while private AET centers have been renamed private colleges. Enrolments in CET colleges, however, experienced a decline from 297 491 enrolments in 2010 to 258 199 in 2017.

Figure 1: The Shape of the PSET System



Source: Statistics SA: Quarterly Labour Force Survey Q1, 2017 and DHET: Statistics on Post-School Education and Training (Calculations by Author)

Figure 1 above highlights two major weaknesses in the PSET system, namely, the small proportion of students enrolled at colleges providing technical and vocational education and training programmes to learners who completed at least Grade 9 at school level, against students attending universities and the number of youth who are not in employment, education and training. The post-2009 slowdown in the economy has brought allocation and efficiency issues to the center of budget debates in our country, which constrains significant expansion of the PSET system.

Currently, the public colleges are chronically under-funded in relation to current enrolment growth targets, and this has made it very difficult to meet policy goals as outlined in the National Development Plan (NDP) and the latest White Paper on PSET (Fees Commission, 2017). Although student enrolment in public colleges has more than doubled since 2010 as reflected in figure 1, the growth of the public college spending has not kept pace and there is a widening shortfall in available resources relative to those needed to attain targets of the White Paper (Department of Higher Education and Training, 2018b).

There is a significant likelihood that enrolment targets for public colleges will have to be revised downwards. By implication, it will be beyond the capacity of the public colleges to meet the rapidly expanding demand for vocational education and training on its own, under the current government budget constraints. This creates a fertile ground for the growth in the number of private colleges. The expansion of private colleges could, if affordable to an adequate number of students, contribute towards meeting the demand for post-school education for the majority of students in the country. Currently, private PSET institutions which includes private universities and private colleges, comprise 16% of total PSET student enrolment in the country. More specifically, private colleges comprise 21% of total college student enrolment in South Africa.

Every year, the DHET requests registered private colleges to provide disaggregated data for students and staff as an attempt to monitor the performance of this sector and to know its shape and size. This information is provided through the completion of an annual survey. In 2017, the total number of programme enrolment in private colleges was 187 354, which represent a 10.9% (18 443) increase compared with 2017 (168 911). The analysis also showed private college enrolment disaggregated by the following qualification categories: NC(V), report 191, occupational qualifications, AET levels 1-4, Grades 10-12 and Report 550/ NSC. In 2017, the results showed that the highest number of enrolment was for Report 191 followed by Report 550/NSC qualifications. Report 191 had the highest proportion of student enrolment in private colleges in 2017 (41.7% or 78 056), followed by Report 550/ NSC qualification (34.9% or 65 414) and occupational qualifications (21.7% or 40 577), while NC(V) had the lowest proportion (1.8% or 3 307).

A further disaggregation of enrolments was based specifically on the following occupational qualifications: agriculture and nature conservation; business, commerce and Management studies; communication studies and language; culture and arts; education, training and development; health sciences and social services; human and social studies; law, military science and security; manufacturing, engineering and technology; physical planning and construction; physical, mathematical, computer and life sciences; and services. Occupational qualifications enrolment accounted for 21.7% of total enrolments in private colleges as mentioned above.

A breakdown of the occupational qualifications showed that in 2017, 42.3% or 17 150 enrolled in the fields of business, commerce and management studies while fewer students enrolled for Culture and Arts (0.6% or 259) and communication studies and language (0.7% or 270). This shows that the majority of students in private colleges enroll in the fields of business, commerce and management studies. It should be borne in mind that while the results of the survey provide some useful figures, they do not provide a reliable indication of the size of the system. Such an account would have to be based on sufficiently reliable, consistent, complete and verified data from all private colleges that are registered and have completed the survey as issued by the DHET. This indicates that more has to be done to understand the private college sector better. It is within this context that I chose to analyze the regulation and policies in relation to private colleges in South Africa.

1.2 PROBLEM STATEMENT

As an official of the Department of Higher Education and Training, I am entrusted with the responsibility to monitor the performance of the post-school education and training, including the private colleges. In carrying out my responsibilities, I have noted two important weaknesses in the system that sparked my interest. Firstly, I noticed that the college sector has not developed on a clear path as the university sector has. The technical and vocational structure of the institutions has shifted over time. The colleges changed several times from the former technical colleges to FET colleges and now to TVET colleges all within 12 to 15 years. Until 1984, the colleges offered T and S courses which were then allocated to the newly established Technikons. In 1987, some colleges offered the NIC and NSC courses and the

Nated courses in engineering. Later on, all colleges started offering NIC and NSC for business and general studies. Additionally, the college sector has had a number of different governance models, for example, prior to 1994 they were a national competence under 17 different racially segregated and geo-politically separated departments. Post 1994, they became provincial competence as part of provincial education departments. In the 2014/15 financial year, they became a national competence again under DHET. In 2007, the NCV was launched but many colleges continued to offer Nated, NIC and NSC courses, and some offered the SETA qualifications as well. Currently, there is insufficient policy direction about which qualifications they should offer and the occupational qualifications are becoming important. Thus, unclear qualification types create an underdeveloped college sector. In addition, attempts to improve the image of this sector and to ensure that those emerging from colleges are provided with the skills they need to be productive, flexible, innovative and able to earn sustainable livelihoods in a fast-changing economy continue to this day. The sector continues to face major policy and governance changes under the democratic government.

Secondly, I noted that we do not know enough about private provision. Government hopes that private provision can contribute to increasing access to post-school education and training and that the sector must be regulated to ensure comparable standard to public provision as indicated in the legislation (Department of Higher Education and Training, 2013). However, not enough is known about how the regulation is working and how it is being experienced within the private college sector. In South Africa, both public and private colleges have to adhere to the same rules and standards. These colleges often offer the same courses and follow the same curriculums, and the courses offered must be accredited and the qualifications must be in line with South African Qualifications Authority requirements.

In 2002, the transformed college sector in South Africa was established in terms of the Further Education and Training Act, 1998 (Act No. 98 of 1998) (FET Act). The aim of the Act was, amongst other things, to rename and declare all colleges as Further Education and Training (FET) colleges, and to give effect to the merging of 152 former public technical colleges into 50 public FET colleges in pursuance of efficiency and improved access to intermediate level skilling opportunities (Department of Education, 1998b). The 1998 FET Act was later replaced

by the FET Colleges Act, 2006 (Act No. 16 of 2006), to transfer public FET colleges' functions from the provincial competence to the national DHET.

Subsequently, changes to policies and regulations have also resulted in name changes within and of the sector. The FET Act, No. 16 of 2006 is now referred to as the Continuing Education and Training Act, 2006 (Act No. 16 of 2006) (CET Act). In terms of the CET Act, public FET colleges have been renamed Technical and Vocational Education and Training (TVET) colleges while private FET colleges have been renamed private colleges (Department of Higher Education and Training, 2006). Whereas FET colleges included both public and private colleges previously, only public colleges are now TVET colleges and private colleges are simply referred to as private colleges.

As similar as public TVET colleges and private colleges may be, there is always one defining difference between them. Public TVET colleges do not have to register with the government. They are *deemed* to be registered for a number of reasons. Firstly, the government funds them. Secondly, they are governed by the Public Finance Management Act, Act No.1 of 1999 (PFMA), an Act that provide for an institutional and regulatory framework for management of public funds, the strengthening of accountability, oversight, management and control of public funds in all public institutions (National Treasury, 1999). The public TVET colleges' renaming is in line with the interventions aimed at providing public TVET colleges with an identity befitting their new form and mandate and in aligning them to international trends of technical and vocational education and training colleges. There is also an added advantage that South Africans will be able to identify public colleges easily, and thus making it easier to avoid illegal fly-by-night colleges that sometimes masquerade as public institutions.

Private colleges, on the other hand, are independent of administrative issues that might arise from being funded or run by the government. They are funded by a group or individual and not by the government. Private colleges have to be registered with the government in line with the CET Act. The registration process serves as a framework to protect the public from illegal and irregular activities, and financial irregularities. The regulatory framework by virtue of registration is imposed on private colleges because they may be viewed as more risky than public colleges. They are regulated through the requirements of registration as a PFMA type

of framework for good governance and financial management, and to mainly ensure that their qualification offerings are comparable to the quality required of comparable public institutions.

The regulatory context of private colleges in South Africa has hardly been subjected to research. Most of the research that has been conducted is mainly about private universities and not about the private college sector. There is a dearth of research to determine the impact and challenges of the regulatory context on private colleges, and how actors within the private college sector experience these regulations. The private college sector is quite dynamic and changes rapidly and there are continuous changes in the policy, regulation and the environment within which the private colleges operates. This requires continuous research into how the regulatory framework can better support, strengthen and expand the college sector and turn them into attractive institutions of choice.

1.3 RESEARCH QUESTION

This empirical study examines the policies and regulation governing private colleges in South Africa. The role played by various actors in the development and reform of the policies and regulatory framework, as well as the key regulation requirements applicable to private colleges and the roles played by these colleges as stated in the regulation will be explored. The central research question posed in this study is *what policies and legislation govern private colleges and how do actors within the private PSET system experience them?* This question is explored in relation to the following sub-questions:

- How do the broad policy frameworks of the post-apartheid government provide for private colleges?
- How did legislation of private colleges evolve from 1998 to 2018?
- How do different actors within the private college sector understand the legislative framework governing private colleges?
- How do different actors within the private college sector understand quality assurance and accreditation?

1.4 THE PURPOSE OF THE STUDY

The particular focus of the study is on the regulation of private colleges, previously known as private further education and training colleges. The study aims to critically examine the challenges and barriers of the policies, regulatory framework and practices governing the private colleges. Through a close examination of these policies and the regulatory framework, the study seeks to explore their impact. The study will also focus on the perceptions and experiences of various actors within the PSET regulatory context in South Africa. The research will identify challenges associated with existing policies and regulation, and try to understand how private colleges manage the regulation requirements in their respective institutions.

1.5 CHAPTER OUTLINE

This thesis is divided into six chapters:

- Chapter One introduces the study, describes its purpose and provides the socio-economic context within which private colleges operates.
- Chapter Two provide a focused literature review of some of the key research literature that pertains to the regulation of private colleges, and present an interpretive summary of a set of conditions at international level that shape the terrain of education policy.
- Chapter Three present an overview of the qualitative research design and methodology.
- Chapter Four offers an analysis of the research findings emanating from the document analysis of the regulations underpinning the private colleges' environment.
- Chapter Five provides the results, analysis and discussion of the results from the semi-structured interviews.
- Chapter Six provide a summary of the research results and conclusion.

CHAPTER TWO: LITERATURE REVIEW

In this chapter I review some of the key research literature that pertains to the regulation of private colleges. I will start by discussing the quality assurance system in South Africa, as the main set of regulatory mechanisms for private colleges. I explain the complexity of the policy environment, and demonstrate that in places there are contradictions, overlapping jurisdictions and conflicting requirements. Referring to a major government evaluation, I also show that providers find it cumbersome.

The emergence of quality assurance in South Africa is part of a global trend towards greater regulation of provision. In this chapter, I examined the comparability, similarity and differences between the South African NQF and the AQF as national qualifications frameworks, and I will also compare the South African NQF as a national qualifications framework to the SADCQF and EQF as regional qualifications frameworks to see if they allow for articulation between qualifications across countries and facilitate mobility of students and workers across countries. I will also discuss the global environment and argue that globalization has reshaped the terrain of education policy, and to a growth in private provision as well as a new set of regulatory arrangements for managing this private provision. The South African quality assurance can be understood in this context.

2.1 QUALITY ASSURANCE LANDSCAPE IN SOUTH AFRICA

This section provides an overview of how quality assurance takes place in South Africa, explaining that the system is complex and somewhat contradictory, and secondly, the accreditation processes can be costly and time-consuming.

In South Africa, the NQF is intended to create a standardized and seamless qualifications ladder across the entire formal education and vocational training landscape from entry-level qualifications to PhDs (Kraak, 2012). The South African NQF was established in 1996 to create a single integrated national framework for learning achievements, facilitate access to, mobility and progression within education, training and career paths, enhance the quality of education and training, and accelerate the redress of past unfair discrimination in education, training and employment opportunities (Department of Higher Education and Training, 2013).

The overarching vision stated in the objectives of the South African NQF is ultimately to contribute to the full personal development of each student and the social and economic development of the national at large. The South African NQF aimed to open access to the system for those previously excluded, to register qualifications on the NQF, to establish clear articulation routes for students from schooling into vocational and higher education and from TVET colleges into higher education, and to implement Recognition of Prior Learning (RPL) as one of the key redress and transformation mechanisms in the education and training system. The South African Qualifications Authority (SAQA) is the body with overall responsibility for the implementation of the NQF.

The South African NQF is comprised of three sub-frameworks for the General and Further Education and Training, contemplated in the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001); Trade and Occupations, contemplated in the Skills Development Act, 1998 (Act No. 99 of 1998); and Higher Education, contemplated in the Higher Education Act, 1997 (Act No. 101 of 1997). These sub-frameworks define the respective scope of the work for the three Quality Councils, namely, Umalusi, Quality Council for Trades and Occupations (QCTO) and Council of Higher Education (CHE) (South African Qualifications Authority, 2000). Each quality council is responsible for establishing policy governing the quality assurance of qualifications, provision, and learner achievement within its respective framework to promote the quality in respect to teaching and learning in both public and private PSET institutions (The Presidency, 2008, pp. 16–18). All three quality councils are required to collaborate with the SAQA and the other quality councils in order to develop, register and publish qualifications.

The system on paper has not been perfectly implemented until now because there is as yet little integration across different types and sites of provision. It is still difficult for students to move between colleges and universities, between different universities, between schools and post-school institutions, and between educational provision and the world of work (Department of Higher Education and Training, 2012, p. 14).

The South African NQF is organised as a series of levels of learning achievement, arranged in ascending order from one to ten. All qualifications and part qualifications offered in South Africa are supposed to be registered on the NQF. Some qualifications are registered with subject curricula attached, some consist of unit standards, and others fit into a system of qualification types (Department of Higher Education and Training, 2012). In terms of the NQF Act, the CHE is the quality council assigned with the responsibility for the development and management of the Higher Education Qualifications Sub-Framework (HEQSF). This sub-framework covers qualifications registered at NQF levels 5 to 10 offered in private and public universities. Umalusi is the quality assurance body for level 1 to 4 of the NQF (Umalusi, 2014, p. 8). Umalusi is responsible for quality assuring vocational education offered at NC (V) level 2 to level 4 in both public and private colleges. Qualifications and part-qualifications for trades and occupation registered at NQF Levels 1 to 4 are developed and managed by the QCTO (Umalusi, 2014, p. 9). Thus, Umalusi quality assures learning programmes that are separate from learning associated directly with workplace education and training as well as from that offered in universities. Table 1 below presents the NQF in terms of its 10 levels.

As reflected in Table 1, the college sector, including private colleges have an uneasy location, with some qualifications, namely, elementary, intermediate and national certificates at levels 2 and 3, 4, and some at level 5. So, they do not fit easily into the qualifications sub-frameworks. This means that private colleges straddle the line between different types of education. Private colleges offering level 5 qualifications will have to be quality assured by at least two quality councils. Whilst the NQF levels were designed to allow for articulation from different education and training sectors, allow each sector to develop its qualifications and respect differences between different sectors, this has not fully succeeded (Department of Higher Education and Training, 2018c).

Table 1: South African NQF Sub-Frameworks and Qualifications Types

NQF Level	General and Further Education and Training Qualifications Sub-Framework	Higher Education Qualifications Sub-Framework	Occupational Qualifications Sub-Framework
NQF level 1	General Certificate		Occupational Certificate
NQF level 2	Elementary Certificate		Occupational Certificate
NQF level 3	Intermediate Certificate		Occupational Certificate
NQF level 4	National Certificate		Occupational Certificate
NQF level 5		Higher Certificate	Occupational Certificate
NQF level 6		Diploma Advanced certificate	Occupational Certificate
NQF level 7		Bachelor's Degree Advanced Diploma	Occupational Certificate
NQF level 8		Bachelor Honours Degree Postgraduate Diploma Bachelor's Degree	Occupational Certificate
NQF level 9		Master's Degree Master's Degree (Professional)	*
NQF level 10		Doctoral Degree Doctoral Degree (Professional)	*

Source: Author's own table adopted from SAQA: National Qualification Framework

Notes: * Where there is and occupational qualification needed at levels 9 and 10, the developers should contact SAQA and quality councils to motivate.

The system has created a proliferation of qualifications and unit standards, but there has been no corresponding proliferation of learning or of educational provision (Allais, 2012). Strong occupational qualifications which enable the training, assessment and certification of artisans are still in the process of being developed, and there is great confusion about the differences between apprenticeship, learnerships and Nated courses, some of which have been reintroduced after being phased out by the Department of Labour. In terms of the Skills Development Act (Act No. 97 of 1998), an apprenticeship is a learnership in respect of a listed trade, and includes a trade-test in respect of that trade; a learnership is a learning programme that leads to an occupational qualification or part qualification, and includes an apprenticeship and cadetship; and a Nated course is a nationally assessed and certificated occupationally-directed programmes aimed at students intending to pursue a technical/vocational learning pathway outside of the schooling system, and are offered from N1 to N6, with the latter culminating in the National N Diploma upon completion of the compulsory work place experience component.

Some new learnerships and other new qualifications have gained credibility with employers, but often, unless a person was qualified under the old pre-1994 apprenticeship system, employers feel uncertain of the competence of a qualified artisan (Department of Higher Education and Training, 2012). All of this has put the QCTO, established to oversee the design, development and quality assurance of qualifications required for the practice of trades and occupations, in a difficult position as it had to either develop a completely new set of qualifications or work with the qualifications which had been developed through the standards generating bodies of SAQA. In the main, the system has struggled to find ways of developing appropriate qualifications, and the current models are expensive and complex (Department of Higher Education and Training, 2018a).

In 2017, the Department of Planning, Monitoring and Evaluation (DPME) and the Department of Higher Education and Training (DHET) jointly commissioned DNA Economics, Mzabalazo and Social Surveys Africa to conduct an implementation evaluation of the National Qualifications (NQF) Act. The purpose of the evaluation was to provide an independent and objective examination of the implementation of the NQF Act relative to its goals and objectives, including its associated policies and regulations. The evaluation also aimed to

identify the successes and challenges in the implementation of the Act and offer recommendations regarding improvements to the implementation of Act in the future. As part of the evaluation, DNA Economic et al. (2017) conducted more than 100 semi-structured interviews and focus-group with policymakers, NQF bodies, education and training institutions, subject matter experts and other stakeholders. In addition, telephonic survey of 122 professional bodies and, education and training institutions including private colleges were conducted. The findings of this evaluation shows that the regulatory environment that was introduced with the best possible intentions – to protect learners from unscrupulous providers – has in some instances made it difficult for dedicated private providers to offer educational programmes (DNA Economics et al., 2017). At the same time, the system has not provided much information about educational quality.

Some argue that the representation of occupational qualifications on the NQF is not user-friendly to the public, because occupational qualifications are distinguishable only by their NQF Levels, and not by terminology that the public can easily recognise (Department of Higher Education and Training, 2018c). Unlike Higher education qualifications, which have qualifications that have terms for each NQF level, such as a diploma, undergraduate degree, Master's Degree and Doctoral Degree, occupational qualifications are all called certificates. While in principle occupational certificates can go up to level 10 on the NQF, many higher education qualifications, particularly at a post-graduate level, are occupational, directly preparing learners for work in specific occupations. This distinction is therefore confusing.

Additionally, the literature shows that there is confusion and disagreement around the definitions and nomenclature in the system. The terms vocational, occupational, and technical are sometimes used interchangeably, and sometimes used to designate systemic differences (DNA Economics et al., 2017). There is also confusion with regards to the skills development providers and how they fit into the PSET landscape. These skills development providers come in various different forms ranging from parastatal organisations, operating within the auspices of national, provincial, and local government, to non-government organizations, private entities and private individuals. They are currently required to register with the DHET as private colleges, however, not all skills development providers will be able to register as private colleges and very few will be able to register as private universities as

there exists no comparable institutions that they can fit under (Department of Higher Education and Training, 2016).

The latest White Paper highlights the complexity with respect to the manner in which accreditation functions are implemented within the PSET system (Department of Higher Education and Training, 2013). The NQF Act makes it obligatory for all PSET institutions to submit their programmes for accreditation. Accreditation is a form of regulation that ensures that a programme meets the minimum acceptable criteria. It is intended to safeguard learners from poor-quality qualifications and maintain the public credibility of post-school education and training (South African Qualifications Authority, 2000). This means that quality councils are mandated to accredit private colleges to provide learning programmes leading to the achievement of qualifications and standards registered on the NQF.

The analysis from the evaluation conducted by DNA Economic et al. (2017) shows that the accreditation requirements are onerous with inconsistent and duplication application of the criteria. The report further found that accompanying this is a system of bureaucracy and a tick-the-box approach applied by quality councils when evaluating the private colleges' accreditation applications and the ongoing monitoring of quality assurance. Additionally, the main points that came through the evaluation study conducted by DNA Economics et al. (2017) was the average time taken for students to receive their certificates which appears to be too long and the high cost associated with the accreditation processes were also highlighted as a challenge (DNA Economics et al., 2017) .

The survey conducted as part of the evaluation of the National Qualifications (NQF) Act (DNA Economics et al., 2017) also provided responses on the average time taken for students to receive their certificates for different qualifications from both public TVET colleges and private colleges. The data shows that certification delays are particularly significant for the NC(V), with the vast majority suggesting that certification takes more than a year. Delays in certification has created significant challenges for students as it complicates their ability to enter subsequent qualification courses or employment (DNA Economics et al., 2017). Allegations of exam leakages were raised by a number of respondents within the N1-N3 qualifications in the college sector.

Soon after the establishment of the QCTO, a decision was taken to delegate the majority of its qualification development and quality assurance functions. SETAs traditionally fulfilled the role of Education and Training Quality Assurance organisations, and they continued to play that role with regards to the occupationally-directed programmes, sometimes referred to as historically registered or legacy qualifications, developed under the auspices of the SAQA Act (Baumgardt, 2013). With regards to trades and occupations, the majority of programmes currently being offered are still based on historically registered qualifications, referring to qualifications not registered as occupational certificates (DNA Economics et al., 2017). Findings from the interviews with skills development providers suggest a relatively positive view of the quality assurance systems being operated by the SETAs in their delegated role as Quality Assurance Partners. It appears that the QCTO at first did not see the quality assurance of legacy qualifications as its responsibility, so initially SETAs and professional bodies simply continued with these functions, though eventually these functions were formally delegated and through the creation of the delegated role of Quality Assurance Partners. These legacy qualifications will eventually expire or will be replaced by new occupational qualifications that are aligned to the Occupational Qualifications Sub-Framework.

While the efficiency of quality assurance processes is still reported to vary widely between SETAs, results from the interviews conducted as part of the evaluation study by DNA Economics et al. suggest that the systems are generally well understood and reasonably effective in improving quality. The results of the study shows that the time taken to obtain accreditation from the QCTO or SETAs appears to be shorter than under Umalusi (DNA Economics et al., 2017). These results could suggest that the SETA quality assurance system has reached a certain level of maturity in terms of alignment.

The evaluation study conducted by DNA Economics et al. also identified a number of challenges that cut across all the NQF bodies. The first concern is with regard to the lack of feedback from NQF bodies on the time taken to complete processes such as accreditation of programmes (DNA Economics et al., 2017). Secondly, the evidence available as contained in the policies, processes, criteria and guidelines published by the three quality councils, all point to the use of extensive checklists that require a lot of work by those being quality assured and a lot of evidence to be collected. Thirdly, the quality assurance model that is in place in all

three quality councils requires a lot of resources and puts a large proportion of available resources into quality assurance, and limited resources into rectifying poor performance and doing follow ups where a need has been clearly established. For example a well-resourced private college can find itself engaged for several weeks with Umalusi and/or QCTO searching for and making available data required for accreditation whereas a college that has 100% failure in various programmes attracts hardly any direct attention (DNA Economics et al., 2017). Therefore, the study concluded that private colleges view the processes more as compliance processes than targeted efforts to achieve improved quality.

The NQF Act makes SAQA responsible for two regulatory functions, namely, the registration of qualifications and part qualifications. In South Africa, a registered qualification is one that has been quality-assured by a quality council and reviewed by SAQA to ensure that it meets the criteria for registration. In various countries, a key justification for structures like the NQF is that they are designed to establish equivalence as an aid to credit recognition and learner progression (South African Qualifications Authority, 2000). Placing individual qualifications on levels on a framework was part of an attempt to create and demonstrate equivalence between qualifications in different areas. However, this notion of equivalence is difficult to put into practice, and there is little evidence that the NQF has in fact facilitated judgements about equivalence (Allais, 2011). Literature shows that in some instances attempts to create equivalence between different qualifications have added complexity to the regulatory system, as well as leading to undesirable consequences (Department of Higher Education and Training, 2012). One such consequence is that it has discouraged horizontal progression. Learners feel that they are not progressing by learning a new skill or knowledge area, unless they are moving up the NQF ladder. Thus, the assertion that different types of education and training are equivalent may in some instances have misled learners into believing they are more qualified and competent than they actually are. For example, learners who complete an occupational qualification that is officially registered at level 4 on the NQF believe they have the equivalent of a National Senior Certificate (NSC), and in some cases have requested that they be awarded the NSC.

Research conducted for the development of the latest White Paper suggests that many one-year qualifications have been developed, as well as qualifications with exit points after each year, even when this is strongly counter to the training needs of a specific sectoral occupation (Department of Higher Education and Training, 2012). For example, most trainee artisans are generally unable to achieve any recognised level of competence in twelve months, and yet in many instances occupational qualifications have been developed at each of the lower levels of the NQF. Coupled with funding systems which were incentivised to give funding to greater numbers of learners, this has led to a situation where many learners have been obtaining qualifications that in fact do not qualify them to access particular jobs.

In conclusion, the analysis above clearly indicates that colleges are subjected to a large number of policy initiatives that are not necessarily coordinated, and often do not provide sufficient information on resourcing requirements, roles and responsibilities, how policy success will be measured or the consequences of not achieving policy goals. It is therefore concluded that private colleges operate in a regulatory landscape that is multi-layered and complex, engendering a host of different approaches and quality assurance concerns.

Quality assurance has grown in complexity in South Africa and there are many teething problems as discussed above. The recent introduction and growth of quality assurance is not just a South African phenomenon. In the next section I discuss the international approach to quality assurance and show that qualifications frameworks are becoming a reality globally and that institutions in the future will be facing a situation of multiple accreditation coming from various origins.

2.2 AUSTRALIA AS AN INTERNATIONAL EXAMPLE TO THE QUALITY ASSURANCE ARRANGEMENTS UNDERPINNING THE QUALIFICATIONS FRAMEWORK

Qualifications frameworks are rapidly emerging around the world, and the development of NQFs has been a prominent feature of policy and structural developments within national education and training systems since the late 1980s. In 2014, there were more than 150 countries involved in the development and implementation of qualifications frameworks (European Union, 2016). Internationally, qualifications frameworks are an important feature of quality assurance because they allow for articulation between qualifications across

countries and facilitate mobility of students and workers across countries. The process through which countries have established NQFs, the manner in which they were introduced, and the extent to which they have been and continue to be regulated, have been as varied as the countries themselves (Allais, Raffe, Strathdee, Wheelahan, & Young, 2009).

International comparability of qualifications is important in many countries, and is articulated through the objectives and policies of countries' qualifications frameworks. According to DNA Economic et al. (2017), qualifications frameworks form part of a country or region's overall quality assurance framework and can improve stakeholder confidence and trust in education systems. One of the objectives for putting in place qualifications frameworks is to facilitate recognition of qualifications to support mobility of learners and workers, both within and between countries (South African National Alignment Committee (NAC), 2018). The literature on the Australian NQFs is analysed briefly below to document the technical and conceptual characteristics of the Australian Qualifications Framework (AQF) in its operational contexts, and systematically identify key elements of comparability, similarities and differences to that of the South African NQF.

The AQF is described as the national policy for regulated qualifications in the Australian education and training system, and encompasses higher education, vocational education and training, and schools (Allais et al., 2009). It was developed at the request of the Ministerial Council on Education, Employment, Training and Youth Affairs and was established via a Charter in 1994, although phased in over five years. An advisory board was established as the custodian of the AQF, on behalf of the ministers. The Charter was revised in 2000 and an AQF Advisory Council was established in 2008. The council had authority delegated to it by the relevant ministers, and is comprised of experts from the various relevant sectors (DNA Economics et al., 2017). In 2014, the Advisory Council was disbanded and the management of the AQF came under the national Department of Education and Training, in consultation with the Department of Industry and Science (European Union, 2016). Thus, the Australian Government Department of Education and Training is the responsible body for governance of the AQF, in conjunction with state and territory governments and the education sector, with a clear mandate to develop and maintain the AQF. This is different in the case of South Africa as SAQA is responsible for monitoring and maintaining the AQF.

The underlying principle for the comparability of the AQF and the South African NQF is that the processes and outcomes are transparent, relevant and enables the levels within each framework to be easily compared. Both the AQF and the South African NQF are the national policies for regulated and quality assured qualifications across all education and training sectors. They both have 10 levels as shown in Table 2 below and the levels on both the AQF and NQF are defined by descriptors in terms of learning outcomes. These learning outcomes broadly reflect what is acquired when a learner completes a qualification type that is situated on or referenced to the framework. To illustrate the correspondence between AQF levels and NQF levels, examples of qualifications are used as illustrated in table 2 below:

Table 2: Correspondence between the South African NQF levels and AQF levels

Level	South African NQF	AQF
		Senior Secondary Certificate of education
1	• General Certificate • Occupational Certificate level 1	Certificate I
2	• Elementary Certificate • Occupational Certificate level 2	Certificate II
3	• Intermediate Certificate • Occupational Certificate level 3	Certificate III
4	• National Senior Certificate • Occupational Certificate level 4	Certificate IV
5	• Higher Certificate • Occupational Certificate level 5	Diploma
6	• Diploma • Advanced certificate • Occupational Certificate level 6	Associate Degree Advanced Diploma
7	• Bachelor's Degree • Advanced Diploma • Occupational Certificate level 7	Bachelor Degree
8	• Bachelor Honours Degree • Postgraduate Diploma • Bachelor's Degree • Occupational Certificate level 8	Bachelor Honours Degree Graduate Certificate Graduate Diploma
9	• Master's Degree • Master's Degree (Professional)	Master's Degree
10	• Doctoral Degree • Doctoral Degree (Professional)	Doctoral degree

Source: Author's own table

There are conceptual and functional differences between the AQF and the NQF that need to be considered in determining the comparability of the levels of the two frameworks. Qualifications might include learning outcomes related to different levels. Different dimensions or categories of learning outcomes may be emphasised in qualifications placed at the same level. Therefore, qualifications allocated to the same level are not necessarily similar, but can be considered as comparable in terms of level of learning outcomes achieved. It does not mean that the qualifications are equivalent or interchangeable.

The textual comparison revealed in table 2 above shows that there are many linguistic similarities between the South African NQF and the AQF in terms of level descriptors but also some differences. It was found that the levels of the South African NQF compared well to the levels of the AQF. There was a high level of correlation identified for South African NQF and the AQF levels 1-4 as well as levels 9 and 10. However, there were some circumstances where South African NQF levels were compared to more than one AQF level. For example, South African NQF level 8 was comparable to both AQF levels 7 and 8.

2.3 THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY QUALIFICATIONS FRAMEWORK AND THE EUROPEAN QUALIFICATIONS FRAMEWORK AS REGIONAL EXAMPLES TO THE QUALITY ASSURANCE ARRANGEMENTS UNDERPINNING THE QUALIFICATIONS FRAMEWORK

On a regional level, free trade agreements, enhancing the mobility of learners and workers and support to global business have all provided the impetus for enhanced cross-border recognition of qualifications. Here regional qualifications frameworks are increasingly playing a role. Examples include the Southern African Development Community Qualifications Framework (SADCQF) and the European Qualifications Framework (EQF). These frameworks are developed as meta-frameworks that provide a neutral reference point for the relevant countries. The objective of this meta-frameworks is to create a common reference framework which should serve as a translation device between different qualifications systems and their levels, whether for general and higher education or for vocational education and training (South African National Alignment Committee (NAC), 2018). Both the SADCQF and the EQF calls on member states particularly to link their national qualification frameworks to the SADCQF and the EQF.

In 2011, the SADC Ministers responsible for education and training approved the Southern African Development Community Qualifications Framework (SADCQF). The SADCQF is a comprehensive Regional Qualifications Framework (RQF) for schooling, technical and vocational education and training, and higher education. Its purpose is to enable easier movement of learners and workers across the SADC region and internationally. It is a 10-level Regional Qualifications Framework underpinned by learning outcomes and quality assurance principles that will provide a regional benchmark for qualifications and quality assurance mechanisms in SADC.

The vision is that, in the SADC region, all new qualification certificates, diplomas and other documents issued by competent authorities will show the relevant SADCQF level (South African National Alignment Committee (NAC), 2018). Alignment will enable recognition of achievement at a regional level. The resulting transparency and information about the qualifications and quality assurance of aligned Member States will further assist in embedding mutual trust among SADC Members. Regional alignment will also enable institutions and individuals to make comparisons of their learning and competence levels, and will reduce unnecessary duplication of learning and effort when moving through SADC for study or work purposes. According to the NAC (2018), The South African NQF levels are one level higher than the SADCQF for all the levels from Level 1 to Level 7, however, the degree of difference in cognitive challenge in the two frameworks narrows as the learner progresses from Level 1 to Level 7. This results in the SANQF Level 7 falling between SADCQF Level 7 and SADCQF Level 8.

The European Qualifications Framework is one of the core European instruments for supporting mobility and lifelong learning and has been the main catalyst in the development of NQFs for lifelong learning in Europe. It has eight levels and does not contain qualifications. The eight EQF levels are described using learning outcomes in terms of knowledge, skills and competence. The EQF has been designed to act as a reference for different qualifications systems and frameworks in Europe. It takes into account the diversity of national systems and facilitates the translation and comparison of qualifications between countries. This regional framework enables qualifications systems with their implicit levels or/and national and sectoral qualifications frameworks in which qualifications are classified to relate to each

other. Qualifications are not directly allocated to EQF levels, as they are only linked to EQF levels via the referencing of national qualifications levels to the EQF levels. By acting as a translation device, the EQF aids in the understanding of qualifications allocated to national levels across the different countries and education systems in Europe (European Union, 2016). To date, 28 European countries have referenced their national qualifications levels to the EQF. These countries were Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Former Yugoslav Republic of Macedonia, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, Slovenia, Sweden, Switzerland and the United Kingdom (European Union, 2016).

The comparison of the South African NQF to the EQF shows that there is a high level of correlation identified for levels 1-4, and South African NQF levels 9 and 10 also compared well to EQF levels 7 and 8. However, the EQF level 5 compares to both the South African NQF level 5 and 6, while the EQF level 6 compares to both South African NQF level 7 and 8.

The development of NQFs in Europe reflects the Bologna process and the agreement to implement qualifications frameworks in the European higher education area (Harman, 1998). All countries involved in EQF implementation are participating in the Bologna process. The Bologna Process is a process of cooperation and reform in the field of higher education bringing together 48 countries (National Commission for Further and Higher Education, 2014). It established and seeks to consolidate the European Higher Education Area with comparable and compatible systems of higher education in order to facilitate mobility, increase employability, allow equitable student access and progression and strengthen Europe's attractiveness and competiveness worldwide (European Union, 2016). This process encourages cooperation in higher education quality assurance, with a view to developing comparable criteria and methodologies.

To conclude, this section examined the comparability, similarity and differences between the South African NQF and the AQF. In addition, I looked at the comparability, similarity and differences between the South African NQF as a national qualifications framework and the SADCQF and EQF as regional qualifications frameworks. Although there are differences

between the South African NQF to that of the other three qualifications frameworks analysed in this section, there is evidence of compelling similarities between the South African NQF to the AQF, SADCQF and EQF. This suggests that a comparison of the South African NQF to the AQF, SADCQF and EQF provides the grounds for improved mobility of learners and workers between South Africans and Australia, and improved articulation and mobility of South Africans across the SADC region and across the EU member states.

2.4 GLOBALIZATION AND POST-SCHOOL EDUCATION INTERNATIONALLY

In this section I present the literature in relation to globalization and its impact on post-school education and training provision. I start by briefly defining globalization and then show that the demand for post-school education is growing, and private provision is a major component of that growth. Government are responding in different ways, and in many cases their regulations do not deal adequately with international markets.

The term globalization can appear as a buzzword subject to different interpretations. Consulting the huge literature that has been written, it is hard to find a unified definition for it. Fischer (2003, p. 2) defines globalization as the ongoing process of greater interdependence among countries and their citizens. Similarly, Romer (2010, p. 3) emphasizes "Globalization is driven by the gains from reuse of ideas". Romer (2010, p. 3) further argues that the flows of ideas are the part of globalization that matters for poverty reduction and catch-up growth. This point is illustrated further by Deaton (2004, pp. 83–84) who argues that the "health and life expectancy of the vast majority of mankind, whether they live in rich or poor countries, depends on ideas, techniques, and therapies developed elsewhere, so that it is the spread of knowledge that is the fundamental determinant of population health". In this sense, education policies take center stage because of their impact on individuals and societies' capacity to adapt to the changes and to take advantage of the opportunities brought about by globalization.

However, the forces and tensions understood by the umbrella concept of globalization constitute a dramatically different environment for PSET institutions and policy makers to operate in. The changes to which post-school education and training is increasingly exposed to all over the world are complex, varied, and contradictory at times. There are two key trends that define the social environment in which PSET system has to operate within the overall force of globalization. Firstly, the rise of the network society driven by technological innovation and the increasing strategic importance of information. Secondly, the growing mobility of people, capital and knowledge made possible by the new transport facilities and an increasingly integrated world community provoked by the will among the hopeless to escape poverty. Globalization also means that institutions and countries no longer can give their own answers to all these challenges, but that they also have become interdependent in their policy-making processes. The next section looks at the role played by international organizations in education policy development.

2.5 THE ROLE OF SUPRANATIONAL ORGANIZATIONS IN THE DEVELOPMENT OF EDUCATION POLICY

Traditionally, policy has been produced within the authority of the country. However, over the last two decades globalization has witnessed some challenges to such country bound policy making in education (Rizvi & Lingard, 2010). Globalization has resulted in the strengthened influence in policy terms of international organizations such as the United Nations (UN), the World Bank, and Organization for Economic Co-operation and Development (OECD). The decisions of these institutions to varying degrees today shape and constrain the policy options for any particular country. Their role and mission vary between the different service sectors of countries. Regarding education, these organizations develops multilateral agreements and policies in education for the whole world, promoting educational discourses about human capital and economic development. Mundy (2005) states that there is a great need for multilateral institutions to help the world cope with the new global context.

Dakopoulou (2009) points out that the policy goals of these organizations are achieved in two ways. The first one is powers of persuasion and the second one is conditionalities attached to loans. With regard to education, multilateral organizations have played a large role by offering educational programs and being the largest aid provider for reforming education in most

developing countries. For example, the World Bank has set its own desired policy goals and countries must implement its policies and programs so they can get financial assistance (Jones & Coleman, 2005). According to Bonal (2002), the conditionality associated with the aid of the World Bank has put it as one of the top subjects of globalizing education, by being in charge of formulating and delivering a hegemonic model of educational development.

The discourse of globalization and the role played by supranational organizations underscored the growth of private education provision. During the 1990s the World Bank-led reforms of African TVET called for greater responsiveness to the market. Part of this was a growing encouragement of the opening up of a private provider market (Bennell et al., 1999). Thus private provision was considered to be much more efficient than its public counterpart. As opposed to the uncoordinated and inefficient supply of skills under state provision, the Bank's view was that the governments in Africa that formally disallowed or discouraged private education before the 1990s should shift their position, especially those more in need of international donor funds. In Kenya, for instance, the higher education sector saw the rapid development of private provision and this move enabled them to draw on international sources of funding. In Zimbabwe, the further education and training sector saw a rapid expansion of private provision in the 1990s (Bennell et al., 1999). There has also been a considerable growth in flows of privately funded students out of Africa at both TVET and higher education and training levels (Akoojee, 2007). This latter phenomenon is being actively developed by OECD providers, who are increasingly under pressure to generate incomes to sustain themselves in context of reducing incomes from the national fiscus.

2.6 THE IMPACT OF GLOBALIZATION ON PSET

The impact of the various trends and challenges related to globalization on PSET institutions and policies is profound, but also diverse, depending on the specific location in the global arena. Three trends that are of concern to this research are an increase in the demand for PSET internationally and the emerging borderless post-school education market. In the developed world, the knowledge society asks for more highly qualified knowledge workers. Economic development, modernization and demographic pressure fuel the demand for PSET. However, these are limited by the inability of the poor to finance the cost of PSET. Public

institutions or government do not have enough resources to deal with this massification of demand in many countries, leaving an unmet demand in the upper and middle classes of many countries.

In other parts of the world, credentialism is still on the rise, sometimes leading to a kind of paper chase, fueled by the expectation that degrees and diplomas are the gateway to economic prosperity and social security by promising a job in the public sector (Van Damme, 2001a). New communication technologies and the Internet provide new opportunities for a more flexible delivery of PSET, thereby creating a new demand in some countries and meeting demand in others where traditional institutions are incapable to do so (CVCP/HEFCE, 2000). All together, these developments underpin the prediction that PSET will become one of the booming markets in the years to come. This expansion and massification will not be matched by a proportional rise in public expenditure, leading to an increase in private and commercial provision.

An additional visible element of globalization is the emerging borderless post-school education and training market. The huge increase in the worldwide demand in post-school education, the budgetary and capacity problems of many countries to meet this demand, and the opportunities created by new communication technologies shape an environment in which private education providers, mostly for-profit providers successfully can expand post-school education provision. Most PSET institutions from North America, Europe and Australia take initiatives to reach out their post-school education provision to this international PSET market, by active recruitment of international, fee-paying students to the home institution, by establishing branch campuses or franchising and twinning agreements with local institutions or via distance education and e-learning and other transnational activities (CVCP/HEFCE, 2000).

The international demand for post-school education and training has also invited new providers from outside the PSET system to enter the scene. The business of borderless education comprises various forms and developments, among which also combinations are possible, such as new for-profit private colleges, government colleges, media companies delivering educational programmes, professional associations becoming directly active in

post-school education, and companies with high training needs establishing their own training facilities (CVCP/HEFCE, 2000). Many of these new providers extensively use the internet as delivery channel. In some cases they develop into real cyber PSET institutions with a very limited physical presence. In some niches, such as information technology and business administration studies, their substantial growth poses a direct threat to the market position of existing public PSET institutions (Vlasceanu & Wilson, 2000). Their presence is substantial due to insufficient public supply and the growth of demand in middle classes willing to pay for post-school education and training. Van Damme (2001b) has argued that "although there are also less reputable private PSET institutions, to some extent, their development even enriches the PSET system, awakes innovation also in public PSET institutions and challenges productively the academic tradition". Thus, important issues of access and equity on the one hand and quality on the other are raised by the global rise of private PSET institutions.

2.7 THE NATIONAL REGULATORY AND POLICY FRAMEWORKS IN THE CONTEXT OF GLOBALIZATION

Globalization affects the national regulatory and policy frameworks in which private colleges are embedded. Most modern PSET institutions are product of national developments and policies, and are fully integrated in national education systems. In an increasingly international environment, marked by a globalized and liberalized marketplace, globalizing professions, mobility of skilled labour, and international competition between PSET institutions, and between PSET institutions and other institutions and companies, the national character of policy frameworks creates more and more tensions (Van Damme, 2001b). Institutions already acknowledge this and are developing partnerships, consortia and networks to strengthen their position in the global arena. Mobility programmes, such as Erasmus and schemes such as the European credit transfer system have tried to stimulate internationalization in post-school education and training with full respect to the various national policy frameworks (Vlasceanu & Wilson, 2000). Thus, globalization in PSET education does not necessarily imply international standardization and uniformity, but asks for policies balancing the global and the local.

Countries have responded in different ways. In countries like Greece and Israel, there is an almost total refusal to include private providers in the national PSET system or to recognise

their diplomas and degrees. On the contrary, countries like Malaysia recognise the incapacity to meet the increasing demand by their public providers and welcome private providers (Van Damme, 2001a).

The distinction between public and private, which has been perceived as essential in PSET policy for such a long time, becomes very blurred in the age of globalisation (Duczmal, 2006). According to Pachuashvili (2009, p. 27), funding, governance, ownership and mission are the four differentiating dimensions used to distinguish public and private PSET institutions. Public PSET institutions are established, funded and managed by the government while private PSET institutions receive no subsidies or grants from government "even though low-cost providers address the needs of the poor who cannot access public universities"(Fees Commission, 2017, p. 102). According to Shankar (2016, pg. 1) the private PSET system is characterized by a profit-motive, and private colleges and universities often step in "when the government has limited resources to provide universal access to education". Most private PSET institutions are self-funded, relying heavily on tuition and fees. Therefore, they often need to deal with trade-offs between providing good instructional quality and ensuring return on investment. This consequence has triggered governments' concern about the quality and efficiency of private PSET institutions in many developing countries and resulted in tightening the regulations governing the private PSET institutions (Asian Development Bank, 2012, p. 1).

Above I have demonstrated the rising importance of quality assurance systems and regulatory frameworks for education and training, at least in part driven by rising private provision. This has led—as is particularly clear in the South African case—to a complex policy environment. I therefore briefly considered literature on policy coherence in the next section.

2.8 POLICY COHERENCE

The global context has changed since the year 2015 when the 2030 Agenda for Sustainable Development including its Sustainable Development Goals (SDGs) and 169 associated targets were adopted by the world leaders at a historic United Nations Summit. The 17 SDGs and 169 associated targets, which form the core of the 2030 Agenda, are an indivisible set of global priorities that incorporate economic, social and environmental aspects, and recognize their

inter-linkages in achieving sustainable development (OECD, 2016). The Sustainable Development Goal 17 which seeks to strengthen the means of implementation and revitalize the global partnership for sustainable development includes institutional and policy coherence as an integral part of the means of implementation. It also includes a cross-cutting target 17.4 that aims to enhance policy coherence for sustainable development which apply to the whole SDG framework. In achieving this target, the OECD asserts that governments will have to ensure that their policies in all public domains are consistent with, and do not undermine the achievement of sustainable development goals (OECD, 2016).

In the previous section on globalization, the literature showed that the world is facing unprecedented and inter-related challenges with implications for all countries. These include new population dynamics, modernization, growing inequalities, climate change, and unsustainable production and consumption patterns. Technological advancement, amongst others, make the global economy to be increasingly interconnected, meaning that global shocks can reverberate quickly, and externalities such as macroeconomic instability, social and economic inequality, and conflicts can have wide-ranging spillover effects (OECD, 2016). These complex challenges as well as the emergence of new actors are changing the landscape in which countries operate. They are bringing to light new dimensions that call for more integrated approaches to policy making breaking out of policy silos, strengthened coordination mechanisms, and long-term perspective to cope with them. The OECD (2016) argues that the multi-sectoral and cross-cutting nature of sustainable development as well as the need to achieve a better balance between its diverse dimensions calls for policy coherence and integration.

In 2016, the OECD published the report titled *Better Policies for Sustainable Development 2016: A New Framework for Policy Coherence*. The report introduces the framework for policy coherence for sustainable development, and suggests options for monitoring and tracking progress for SDG Target 17.14. The purpose of the framework for policy coherence for Sustainable Development is to support governments and various actors in their efforts to design, promote, implement and assess coherent and mutually supporting policies to contribute to sustainable development. It aims therefore to help adapt and strengthen current policy coherence efforts to support the implementation of the SDGs. It is also

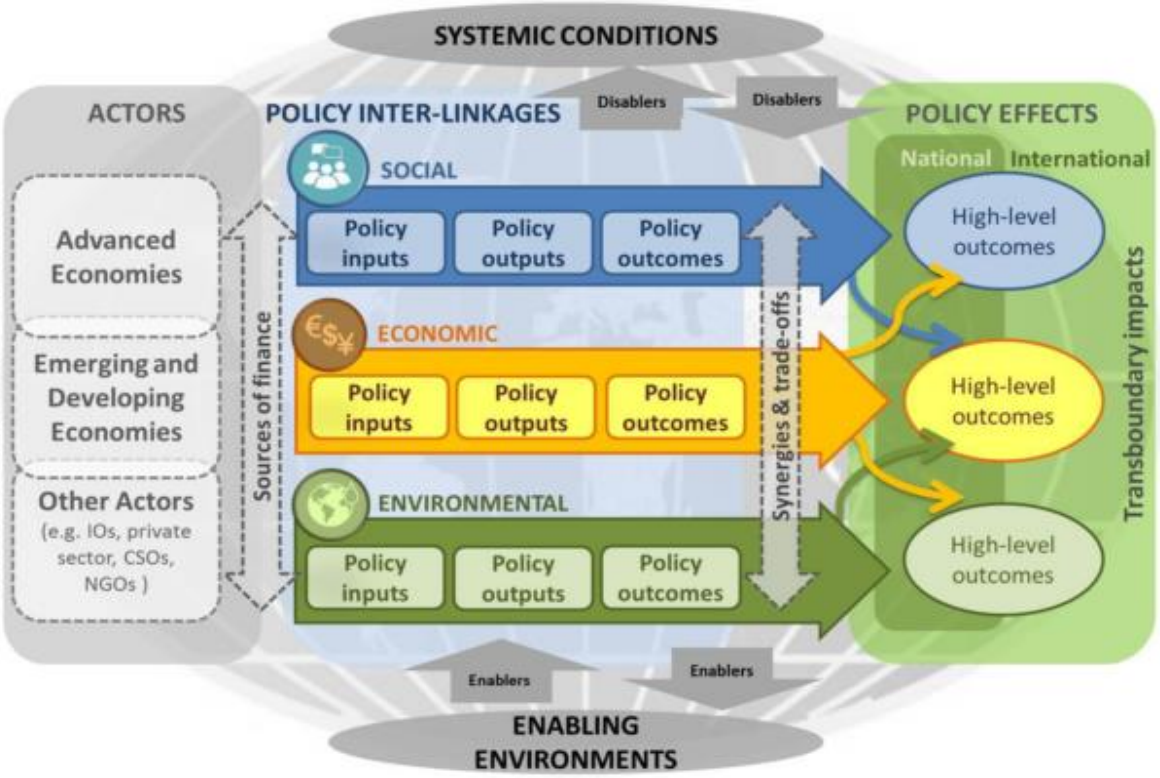
intended to facilitate constructive dialogue between policy-makers and key actors – from different parts of the government, community, business and labour, among others – to enhance synergies and reduce conflicts between interacting policy domains (OECD, 2016).

The OECD (2016, p. 83) defines policy coherence for sustainable development as an "approach and policy tool to integrate the economic, social, environmental and governance dimensions of sustainable development at all stages of domestic and international policy making". It aims to increase governments' capacities to achieve the following objectives:

- Foster synergies across economic, social and environmental policy areas.
- Identify tradeoffs and reconcile domestic policy objectives with internationally agreed objectives.
- Address the spillovers of domestic policies.

The framework recognizes the need to foster synergies across economic, social and environmental policy areas and identify trade-offs in order to address negative spillovers between policies in different sectors and at different levels (The Commonwealth, 2018). It also implies managing potential conflicts among diverse policy objectives in pursuing sustainable development goals. The focus of the framework is to help increase capacity of policy-makers to balance and reconcile divergent objectives, and provide a tool for informed decision-making. The OECD (2016) argues that policy makers need information and analysis to know what their realistic options are, what inconsistencies might result from their decisions, how the cost of those inconsistencies can be mitigated, and how they can explain the trade-offs they have had to make. Figure 2 below depict the analytical framework for policy coherence for sustainable development. It encompasses the fundamental elements that need to be borne in mind when analyzing and assessing policy coherence for sustainable development.

Figure 2: Analytical Framework for Policy Coherence for Sustainable Development



Source: OECD, Better Policies for Sustainable Development 2016: A New Framework for Policy Coherence.

Figure 2 shows the following key elements to be considered by policy-makers, key actors and stakeholders when designing policies:

Actors

According to the OECD, the implementation of the SDGs requires breaking out of policy silos and greater involvement of key actors and stakeholders (The Commonwealth, 2018). This could mean that when designing coherent polices, policy-makers needs to determine key actors who have to be involved and influenced. The diversity, roles and responsibilities of different actors need to be taken into account. In developing a practical framework for policy coherence for sustainable development, the OECD (2016) suggests that actors includes governments at all levels, parliamentarians, civil society, business and industry, philanthropists, international organizations, bi-lateral and multi-lateral agencies, among others, that are involved and/or influence policy-making and implementation.

Policy inter-linkages

OECD (2016) defines policy inter-linkages as channels through which policies influence each other's performance and objectives. Policy inter-linkages addresses the interactions between economic, social and environmental policies. It assesses whether the economic, social and environmental policy synergies and trade-offs considered, how the planned policy outputs contribute to achieve sustainable development goals, and whether governmental organizations are moving from sectoral perspectives towards a more integrated and issues-oriented agenda.

Sources of finance

When designing coherent policies, the OECD (2016) argues that policy-makers needs to assess the complementarities among sources of finance. They need to ascertain that all the potential sources for finance (public, private, domestic, international) been identified, avoid fragmentation of international, regional, and national funding instruments, and have in place the framework conditions to ensure contributions from private sources.

Systemic conditions

The OECD (2016) considers the system conditions as the disablers that can hamper the sustainable development outcomes at the global, national, local and regional levels. These are the set of social, political, economical, environmental and institutional conditions at the national and international levels that affect sustainable development and have a significant influence in policy performance and outcomes.

Enabling environments

In developing a practical framework for policy coherence for sustainable development, the OECD (2016) considers enabling environments as the enablers that can contribute to the sustainable development outcomes at the global, national, local and regional levels. The enablers are a set of necessary and interrelated conditions in the political, legal, economic, and social domains that can influence positively the policy outcomes.

Policy outcomes

Policy effects are the economic, social, and environmental impacts resulting from the implementation of policies (OECD, 2016). Policy outcomes will allow policy makers to assess whether policies produce unintended effects, positive or negative, that could affect the well-being of people, the groups that would be affected and how, how can the unintended negative effects can be mitigated, and whether the potential direct or indirect long-term effects on well-being of future generations been identified.

Policy inputs

Policy inputs are institutional factors such as resources, including knowledge, expertise and capital assets that feed into the policy making process.

Policy outputs

Policy outputs are goods or services provided by governments to their citizens.

Policy outcomes

Policy outcomes are intended changes in society that governments seek to generate through laws, policies or official directives.

Based on the definition provided above and on the analytical framework introduced in this section, the OECD (2016) identified five complementary levels of coherence that need to be addressed in the implementation of the SDGs. The argument presented by the OECD (2016) is that governments as well as key actors, will have to prioritize and focus on those levels of coherence that require greatest attention for ensuring progress. These five levels emphasize vertical coherence across multiple levels of governance (from local to global), and horizontal coherence across sectors and between diverse sources of finance. Vertical policy coherence relates to alignment between global, international, national and sub-national policies (The Commonwealth, 2018). At each of these multiple levels, there is also a need for horizontal coherence across different policy goals, sectors and actors. Horizontal policy coherence requires breaking out of sectoral silos and adopting integrated approaches to consider more systematically complex inter-linkages, trans-boundary and intergenerational impacts, and trade-offs at different policy levels. As the SDGs overlap and targets interact, policy coherence

is fundamental to ensure that progress achieved in one goal (e.g. water) contributes to progress in other goals (e.g. food security or health). The five complementary levels of coherence are described as follows;

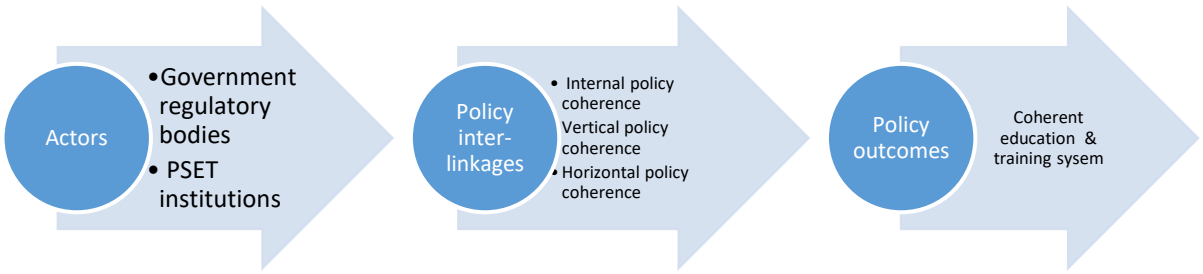
1. Vertical coherence between the SDGs and national policies including at the local level determines that consistent actions across multiple levels of governance at the local, regional, national and international level will be fundamental for a successful implementation of the SDGs.
2. Horizontal coherence between the 2030 Agenda for Sustainable Development and other international agendas recognizes that the SDGs cannot be achieved without complementary actions at the global level and without supportive international normative frameworks and regimes. These international frameworks are critical for creating international enabling environments through a fair and well-functioning global trading system, a more transparent global tax system, stable financial systems, equitable access to knowledge, innovation and technology, responsible investment, effective climate action, amongst others.
3. Horizontal coherence between economic, social and environmental policies identifies that the 2030 Agenda needs to be implemented in a way that synergies can be realized across the environmental, social and economic dimensions of sustainable development. There is a need for inter-ministerial committees at the highest level to understand key policy linkages, to map out plans with long-term horizons, and to link national budgets and national statistic systems.
4. Horizontal coherence between diverse sources of finance (public, private, international and domestic) ascertains that one of the main challenges in achieving the SDGs will be to increase and mobilize private investments, and a PCSD approach can help countries reduce inefficient legal and policy barriers in order to enhance synergies between the provision of ODA and private financial sources.
5. Horizontal coherence between actions of multiple actors (governments, international organizations, civil society and the private sector) establishes that multi-stakeholder partnerships, including public-private partnerships can help mobilize resources, collective action and means for creating the necessary enabling environments to achieve the SDGs.

Above, I have demonstrated that the framework for policy coherence provide guidance for governments and various actors on improving policy and institutional coherence as well as integrated approaches to policy-making for the pursuit of sustainable development goals. In the next section, I present my framework for analysis adapted from the OECD framework for policy coherence that I will use to analyse the findings for this study.

2.9 MY FRAMEWORK FOR ANALYSIS

In light of the depth and breadth of the South African education policy framework, I adapted the OECD framework, as it seemed to provide a useful way to think about policy in relation to the regulation of private provision. I have opted to adapt the OECD framework and added the three levels of policy coherence to aid in the assessment of the South African regulatory framework governing private colleges. Figure 2 below presents my framework for analysis that I have developed to assess coherent and mutually supporting policies in the context of the regulation of private colleges.

Figure 3: The Framework Developed for Policy Coherence within the PSET System



Source: Author's own table adopted from OECD: The framework for policy coherence for sustainable development

A complex system such as the PSET system needs a coherent policy framework to direct and guide its development. The framework presented in Figure 2 encompasses the categories that I will consider when analysing policy coherence for PSET system. In terms of the key categories of the framework depicted in Figure 3 above, in my study, actors refers to government regulatory bodies and PSET institutions that are involved and influence policy-making and implementation. The government regulatory that I considered for this study includes the Department of Higher Education and Training, SAQA, Umalusi, QCTO and Council for Higher Education, while the PSET institutions considered are the private colleges.

In the context of my study, policy inter-linkages are channels through which policies by the government regulatory bodies influence each other's performance and objectives in the context of regulating private provision. Internal policy coherence corresponds to whether various actors share a common understanding of the purpose of the regulation of private provision and how these fit with their interests and objectives. It also assesses whether the concepts of quality assurance are well understood by the private colleges and across levels of the government.

In respect to regulation of private provision, vertical policy coherence assesses the extent to which the different policies set by SAQA and the quality councils are aligned with the broader and higher-level policy framework of the PSET system. For example, vertical policy coherence would link the Constitution and/or the latest White Paper to the NQF Act. On the other hand, horizontal policy coherence evaluates how different policies set by SAQA and the three quality councils are coordinated and aligned to each other for ease of implementation by private colleges. In terms of my framework for analysis, a coherent education and training system is the desired policy outcome resulting from the implementation of policies and regulations. It is the ultimate result against which progress for the implementation of policies and regulations is measured.

In this chapter, I discussed the literature review of some of the key research literature that pertains to the regulation of private colleges, and presented an interpretive summary of a set of conditions at international level that shape the terrain of education policy. Three key findings emerged from this chapter, firstly, that the system is complex and contradictory,

secondly, the accreditation processes are costly and time-consuming, and lastly, internationally, the demand for post-school education is growing and private provision is a major component of that growth. Government are responding in different ways, and in many cases their regulations do not deal adequately with international markets. As part of the discussion in this chapter, I presented the OECD framework for policy coherence for Sustainable Development. I then adopted the OECD framework to develop my framework of analysis as it provide a useful way to think about policy in relation to the regulation of private provision. My framework of analysis that will be used to organize the findings and frame the discussions in Chapter Four and Chapter Five. In the next chapter, I present my research methodology and the research design adopted in this study.

CHAPTER THREE: RESEARCH DESIGN AND METHODOLOGY

This chapter outlines the research methodology employed for this study. It describes the research design, methods, instruments and processes undertaken to collect and analyze the data. It also provides an overview of the ethical considerations of the study.

3.1 RESEARCH DESIGN AND METHODOLOGY

In relation to this study, a qualitative rather than a quantitative research approach was considered to answer the main research question: *What policy and legislation govern private colleges and how do actors within the private PSET system experience them?* A qualitative explanatory enquiry allowed me to listen to the voices of various actors' experiences and perceptions in relation to the regulatory framework governing the private colleges. My aim was to understand the complex nature of the regulatory framework from the participant's point of view (Leedy & Ormrod, 2008, p. 94), and capture the lived experience of the participants by being part of the research and gaining insight in the human phenomena (Gray, 2004, pp. 1–4).

3.2 DATA COLLECTION INSTRUMENTS

Research on the effects of the regulatory framework on private colleges can amount to a very detailed exercise as one seeks to gain a better understanding of the challenges experienced by various actors within the system. The private colleges have been studied relatively rarely and reliable data about the sector is very scarce. Therefore, I used document analysis and individual interviews to respond to the research questions.

3.2.1 Document analysis

The starting point of the document analysis was to review the current legislative environment and policy framework within which private colleges exist and operate. A comprehensive analysis was undertaken of the policies, legislation and regulations that influence this sector. I considered the following four legislative documents, four education policies and one major government report that mentions private colleges as part of this study:

Legislative documents

- The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
- National Qualification Framework Act, 2008 (Act No. 67 of 2008) (NQF Act)
- The Skills Development Act, 1998 (Act No. 99 of 1998) (SD Act)
- The Continuing Education and Training Act, 2006 (Act No. 16 of 2006) (CET Act)

Education policies

- The Education White Paper 4 A Programme for the Transformation of Further Education and Training
- The National Plan for Further education and Training Colleges in South Africa
- The National Development Plan
- The 2013 White Paper for Post-School Education and Training

Major government report

- The report of the Commission of Inquiry into Higher Education and Training

The objective of the document analysis was to trace the development and evolution of the policy and regulatory frameworks governing private colleges in South Africa, from its origin to the publication of the current White Paper on Post-School Education and Training published in 2013. A key aspect of the document analysis was to examine the role played by various actors in the development and reform of the policy and regulatory frameworks, as well as to determine the key regulation requirements, challenges associated with the requirements, and the alleged role played by private colleges as stated in the regulations. As such, document analysis was used to respond to the following two research sub-questions:

- How do the broad policy frameworks of the post-apartheid government provide for private colleges?
- How did legislation of private colleges evolve from 1998 to 2018?

3.2.2 Individual interviews

Interviews were used as the data collection instruments in this study as they "yield a great deal of useful information" (Leedy & Ormrod, 2008, p. 146). The individual interviews entailed an in-depth and intensive interviewing process, which took into account the interviewees' exploration of perspectives, experiences, expectations and concerns related to the topic. The purpose of the interviews was to obtain the perspectives and views of a cross-section of actors who are given responsibilities within the regulations, and those who are not directly given responsibilities but fundamental to the implementation and successes of the regulatory framework.

The interviews with actors were conducted utilizing a semi-structured interview in that there were structured questions, but I also allowed the respondents to express their views, thoughts, experiences and any other issues relating to the research topic or questions. The reason for this type of collection instrument is that it identifies how people think more openly.

Before commencement of the individual interviews, I obtained permission from the participants by means of a letter, as suggested by Creswell (2007, p. 125). With written permission from all the participants, interviews were recorded with the use of audiotapes and then transcribed verbatim for data analysis. In formulating the questions for the interviews, questions were made clear and concise leaving no room for uncertainty, misconceptions and bias responses. The interviews lasted for about 30 minutes to 1 hour, depending on the respondents.

Due to the cross-section of actors, it was evident that not all actors were prepared to comment on all of the structured questions. Through the interviews, I was, however, able to gain a broad cross-section of views on all of the key questions pertinent to respond to the research question, as well as a broad range of additional general comments. The interviews have been analyzed to identify the key concepts and perspectives from the actors.

The insights from these interviews have been utilised in formulation of the analysis in Chapter Five, and responded to the following research sub-questions:

- How do different actors within the private college sector understand the legislative framework governing private colleges?
- How do different actors within the private college sector understand quality assurance and accreditation?

3.3 SAMPLING

Purposive sampling was used to select two groups of actors from various institutions operating within and dealing with the regulation of private provision. The first group consisted of, private colleges and the second group was made of government regulatory bodies from various institutions. For the private college group, I used the list obtained from the Private College Directorate within the DHET in selecting the private colleges to form part of the study. The list of colleges received from the Private College Directorate was divided into two groups, namely, colleges that are fully compliance with the regulations and colleges that only comply partially with the regulations. I used the list to select two colleges that are complying exceptionally well with the regulations, and the three colleges that comply partially with the regulations. The reason was for me to begin to understand some of the key challenges that are experienced by the colleges and are a hindrance to comply with the regulations. I interviewed one senior respondent from each college. The senior respondents interviewed were responsible for the quality management and accreditation processes in these colleges. One interview was conducted at the DHET premises, one interview was done telephonically, one interview was conducted at the college's premises and the other two respondents completed the interview schedule and sent their responses via email.

Overview of private colleges is provided as follows:

Private College 1

Private College 1 is a registered company that began their operations as an education and training institution in 2009. Their main campus is in Pretoria, and over the years, the college has expanded and opened two more campuses, namely, the Johannesburg campus in 2014 and the Durban campus in 2016. Private College 1 is a multi-discipline institution offering

primary and high school education, as well as post-matric falling in the TVET band of the NQF. The bulk of their qualifications are NATED programmes, namely, engineering studies and management/business studies. Their engineering programmes include civil, electrical and mechanical engineering N2 - N6, while their management programmes are from N4-N6

Private College 2

Private College 2 started operating in 2009, with one campus in Centurion. They have now grown into three campuses situated in Centurion, Durban and Cape Town. Their main objective is to produce professional chefs for the hospitality and catering industry. Their courses range from 6 months to 3 years. They offer internships for graduates to get industry experience, and they are in partnership with about 200 and 300 restaurants. Some of the top restaurants includes Fox craft and Rueben's restaurant in Cape Town, and Michael Angelo restaurant in Durban.

Private College 3

Private College 3 was established in 2006 as a private provider. The Institution offers Nated programmes in both engineering and business studies.. The Institution is registered with DHET and accredited by Umalusi for N1 to N3 programmes, and QCTO for N4 to N6 programmes.

Private College 4

Private College 4 was established in 1997. The college has now grown into a large institution, with seven branches in Johannesburg, Pretoria, Pietersburg, Bloemfontein and Vereeniging. All centers are fully-fledged learning institutions, catering for all various learning programmes in both Information Technology Systems and Business Studies.

Private College 5

College 5 is a holding company that manages many things on behalf of what they refer to as a brand. In their basket of institutions, they have institutions accredited by QCTO, UMALUSI, and CHE. They have a broad spectrum of institutional types in the group. Two of their colleges specialize in the media and creative fields, one college focusing on engineering and management studies, one college offering a full bouquet of courses, and three colleges

specializing in distance learning. They focus more on school leavers and a small component are those students who are doing a second degree and occasional students registering just for one or two courses of their interest.

For government regulatory bodies' group the target was senior officials who are given responsibilities within the regulations, and those who are not directly given responsibilities but are fundamental to the implementation and successes of the regulatory framework. Thus, the respondents considered for the study either had policy and regulations as part of their key deliverables, or were involved directly in a component linked to, or influencing the regulatory frameworks governing private colleges in South Africa. I interviewed five of the respondents at the DHET premises, two interview was conducted at Umalusi premises, two interviews were held at the SAQA's offices and the other last respondents was interviewed at the Rhodes University where we both where attending a conference.

Overview of government regulatory bodies

The DHET is responsible for the provisioning of education and training through post-school education and training institutions, is also responsible for the NQF that overarches the entire education and training system in the country, and has oversight over a significant number of entities and components that support the delivery of education and training in numerous ways. As discussed in Chapter Two, these entities are the SETAs, SAQA, and the three quality councils. It was therefore appropriate that I interview five senior managers, considered as key policy makers in the space, to ascertain their views on the regulations of the private colleges in the country. I interviewed the following senior managers from DHET:

- Acting Deputy Director General: Community Education and Training
- Chief Director: Policy Management and System Planning
- Chief Director: Education, Training, Development and Assessment
- Director: NQF, Articulation and RPL
- Director: Private Colleges

SAQA was established through the SAQA ACT passed in 1995, but SAQA was established in 1996. It has been in existence for over 20 years. Initially, SAQA was mandated to design and implement the NQF and the goal was to integrate education and training. Given our legacy of so many different education departments, the goal was to establish one national system for education and training in the country (Department of Higher Education and Training, 2018c). Currently, SAQA is mandated to oversee the implementation of the NQF, it registers qualifications, recognize professional bodies, and verify authenticity of qualification offered in South Africa and registered on the NQF. The following two senior officials from SAQA were interviewed separately:

- Deputy Chief Executive Officer
- Director: Recognition and Registration

In terms of the NQF Act, quality councils are responsible for establishing policy governing the quality assurance of qualifications, provision, and learner achievement within its respective framework to promote the quality in respect to teaching and learning in both public and private colleges. In this study, the Chief Executive Officer of QCTO was interviewed, and the following two senior officials from Umalusi were jointly interviewed:

- Deputy Chief Executive Officer
- Director: Recognition and Registration

In selecting the official from the regulatory bodies to form part of the study, I considered those that are given responsibilities within the regulation, and those who are not directly given responsibilities but fundamental to the implementation and successes of the regulatory framework. Their designation and their line function also indicate that they deal with the regulatory framework on a regular basis.

Table 2 below shows the profile of the respondents in relation to the rationale for inclusion and the allocated reference name for use in the study.

Table 3: Interview Sample

Organization	Rationale for inclusion	Reference name
Five Private Colleges (accredited and registered)	Responsible for complying with the quality assurance processes and implementing the regulations in the college	College Respondent 1 to 5
DHET	Responsible for management and oversight over the PSET system	DHET Respondent 1 to 5
SAQA	Responsible for overseeing registration of qualifications	SAQA Respondent 1 and 2
Umalusi & QCTO	Responsible for the recommendation of private colleges to DHET for registration, the design of qualifications and the quality assurance of provision of programmes and training	Quality Council Respondent 1 for QCTO and Quality Council Respondent 2 and 3 are for Umalusi

Source: Author's own table

In total, I interviewed fifteen respondents, including government and private colleges. They were cooperative and had a clear understanding of the regulatory framework as it pertains to private colleges. Twelve interviews were face-to-face, one was conducted telephonically and two completed the interview schedule in their own spare time and sent back to me via email.

3.4 DATA ANALYSIS

In order for data analysis to be insightful, the researcher must be familiar with the data. I carried out the data collection and translated the audio-recorded data into written words myself. The field notes were expanded by me after the interview as a form of verification. Terre Blanche & Kelly (2004) suggest that transcripts be checked for reliability and this requires the researcher to listen to the audio recordings for the second or third time while reading the transcribed material.

I continuously read the transcripts for the following reasons:

- to form an idea of the general responses by focussing on the major opinions and attitudes of the respondents;
- to identify specific facts linked to the original objective of the study; and
- to remove any responses coerced from the participants by the researcher or from sections poorly transcribed.

As discussed above, In light of the depth and breadth of the South African education policy framework, I adapted the OECD framework to organize my data. The OECD framework provided a useful way for me to think about policy in relation to the regulation of private provision. The framework support governments and various actors in their efforts to design, promote, implement and assess coherent and mutually supporting policies. I found this framework very useful because it reflected on how governments will have to ensure that their policies in all public domains are consistent with, and do not undermine the achievement of the targets and goals. The framework allows for constructive dialogue between policy-makers and key actors from different parts of the government, community, business and labour to enhance synergies and reduce conflicts between interacting policy domains. The framework encompasses the elements that need to be borne in mind when analysing policy coherence for PSET system, in the case of my study, in relation to the regulation of private provision. My analysis in respect to the regulation of private colleges fitted neatly into the elements mention in Figure 2 of Section 2.3 above.

3.5 TRUSTWORTHINESS

In conducting qualitative research, the researcher must make sure that the data collected is accurate and comprehensive to ensure the trustworthiness of the findings and make the study worth reading. Two critical element of trustworthiness of the qualitative research study are validity and reliability. Validity determines whether the research truly measures what it is intended to measure (Joppe, 2000, p. 1). Two types of validity are distinguished, internal and external. To maintain internal validity is important so that the information gathered is accurate and matches reality (Merriam 1988; Miles & Huberman 1984). It relates to how well a study is conducted in terms of its structure. To ensure internal validity, I chose the respondents in a manner in which they are representative of the population that I aimed to

study. In addition, I considered the main research question and its sub-questions, the purpose of the study and the theoretical perspective of the study as key validity element for the research. During the data collection process, I made use of the semi-structured and open-ended questions to enable interviewees to form multiple viewpoints in line with the topic at hand.

External validity refers to limitations with respect to the generalisability of findings from the study. The intent of qualitative research is not to generalise findings, but to form a unique interpretation of events (Merriam, 2009). While conducting semi-structured interviews, I examined whether the same patterns or events are replicated in different settings. In addition, I kept a detailed protocol for data collection so that the interview process might be replicated in another setting, as suggested by Yin (2003). To this end, interview schedules/protocols appear in the Appendix.

3.6 ETHICAL CONSIDERATIONS

Before conducting the interviews, I disclosed to all participants that the information gathered is strictly for academic research purposes and that their participation is completely voluntary. The following ethical issues in research as provided by Leedy & Ormrod (2008, p. 101) were adhered to as part of this study:

Informed consent

I got permission of the Wits School of Education before proceeding with the research. The submission of the proposal as well as the ethics clearance was aimed at getting the official permission to proceed with the research. In addition, I obtained informed consent from all the participants to participate in the study. The following factors that may influence their decision to participate were communicated to all participants:

- a letter inviting them to participate in the research study;
- disclosure of all information of the nature of the study, what participation will involve as well as the duration of the study;
- being given additional information upon their request;

- the option to withdraw from the study at any given time without any negative consequences; and
- being informed that the research is free from prejudice (Cohen, Manon, Morrison, & Morrison, 2007).

Anonymity and confidentiality

Participants were informed about their right to privacy and that they will not be advantaged, disadvantaged or reimbursement in any way for participating. I informed the participants that their real names will not be used at any point of the information collection process or in the final writing up of the data. I further informed the informants that the completed transcripts and field notes will be treated as highly confidential materials, and only I as the researcher and my supervisor will have access to the raw data. I indicated that the data collected will be stored in a safe place.

Deception and privacy

Throughout the research process, I undertook to avoid deception and privacy by ensuring that all the participants are informed of the purpose and procedures regarding the research study. Participants were informed that their identity and personal details will be kept strictly confidential and pseudonyms will be given to ensure anonymity (Leedy & Ormrod, 2008, p. 102). Participant's details are kept strictly confidential and anonymous and in no way will their names and identity be mentioned at any point within the study, the research report or any other academic writings.

3.7 LIMITATION OF THE STUDY

As an employee of the Department of Higher Education and Training, I was aware that the respondents might feel limited in terms of how frank they could be with me. They might withhold useful information fearing that the information provided might be used against them or their organisations. For example, I was aware that private colleges may not be honest with me and they might not want to be critical. Alternatively, participants may choose to provide information that reflect positively on the work that they do. In order to put them at ease, I started by building a professional relationship with the participants to ensure that that there is some level of trust before conducing the interviews. I also empathized with them and

reassured them that the research will only be used for the completion of my Master's degree and that the completed transcripts and field notes will be treated as highly confidential materials, and only I as the researcher will have access to the raw data. I also assured them that their names and that of their colleges will not be used at any point of the information collection process, or in the final writing up of the data.

However, being an employee of the Department of Higher Education and Training also provided an advantage because I had easy access to the officials and the documents that I used and analyzed as part of my study. Although my role at the Department did not affect subjectively, I feel that it may have shaped the way that I conducted the study pertaining to the collection of the data and which data to actually focus on.

In this chapter, I outlined the method used to seek out information for this study. I described the research design, methods, instruments and processes undertaken to collect and analyze the data, and provided an overview of the ethical considerations of the study. The next chapter will present the analysis of the policy and legislation documents that regulates the PSET system, including private colleges.

CHAPTER FOUR: FINDINGS FROM DOCUMENT ANALYSIS

This chapter analyses the policy and legislative documents that governs the entire PSET system, including private colleges. I conducted an analysis of the policies and legislation documents that oversees the South African PSET system in order to answer the following two research sub-questions:

- How do the broad policy frameworks of the post-apartheid government provide for private colleges?
- How did legislation of private colleges evolve from 1998 to 2018?

With respect to the first question, the main points that I found were that private colleges' right to exist is protected by the law. The Constitution establishes the relationships between a key set of actors, the providers and the state. The policies by the regulatory actors are not inter-linked. The degree of divergence and lack of common perspectives from regulatory actors suggests a profound lack of policy coherence that may leave colleges feeling confused and frustrated. This corroborates the key findings that emerged from the literature on the South African regulatory environment that, firstly, the system is complex and contradictory, and secondly, the accreditation processes are costly and time-consuming. With respect to the second question, the findings from the policy documents reveals that 16 years after the publication of the first White Paper, very similar recommendations are made in the latest 2013 White Paper. This may suggest that little has changed, however, with hindsight, there have been many changes and in some instances, new policies and regulations were put in place by government to regulate private colleges.

I present the detailed analysis of the policy documents as I also answer the two research sub-questions in question.

4.1 HOW DO THE POST-APARTHEID POLICY FRAMEWORK PROVIDE FOR PRIVATE COLLEGES?

The role of private colleges is provided for in various policies and legislation. In this section, I analyse the four key legislative documents in order to respond to the question at hand. The Constitution establishes the rights of private colleges to exist and operate within the PSET

system. The Constitution provide some form of protection for the existence and operation of private colleges.

In the democratic South Africa, a shift towards the recognition of private PSET institutions came through the Constitution of the Republic of South Africa, Act 108 of 1996 (Republic of South Africa, 1996). In terms of Section 29(3) of the Constitution, everyone has the right to establish and maintain, at their own expense, independent (private) educational institutions that:

- do not discriminate on the basis of race;
- are registered with the state;
- maintain standards that are not inferior to standards at comparable public educational institutions; and
- Subsection 3 does not preclude state subsidies for independent educational institutions" (Republic of South Africa, 1996).

Section 29(3) is of particular relevance for the private college sector, it allows for the establishment of independent (private) educational institutions and makes it compulsory for all independent educational institutions to be registered with the state and to have standards that are not below those of comparable public institutions. It thus establishes, at the highest level, relationships between a key set of actors—the providers and the state. The constitution also recognizes the right of private colleges to complement TVET colleges on conditions requiring regulatory oversight to ensure that transformation objectives regarding equity are achieved and that standards are not unduly compromised. This means that the constitution also establishes coherence and comparability in terms of the quality of education provision between private and public providers.

In 2017, the government established a Commission of Inquiry into Higher Education and Training (also referred to as the Fees Commission) in response to the Fees Must Fall protests, which drew attention to legitimate concerns about inequalities in access and success in higher education. The Fees Commission was tasked with examining "the feasibility of making higher education and training fee-free in South Africa" (Fees Commission, 2017, p. 26). The Fees

Commission released its report in November 2017, wherein it recognizes the place of private post-school education in line with Section 29(3) of the Constitution. The Fees Commission recommended that the feasibility of providing fee-free post-school education be extended to students at private institutions of higher learning including those offering technical training (Fees Commission, 2017). The report acknowledges the role of private colleges as "providing another avenue of access to PSET, often in specialized areas" (Fees Commission, 2017, p. 101). Currently, government has a programme for providing subsidies to only independent primary and secondary schools offering general education and training. Whilst the White paper make it clear that government funding will be directed to meeting national priorities and to provide for the masses of young people and adult learners through public institutions, the Commission recommended that a funding model be developed that seek to treat students at all PSET institutions on a basis that is equal (Fees Commission, 2017, p. 104). Thus, the Commission's recommendation is to establish coherence and complementarities among sources of finance in terms of funding both private and public PSET institutions in a way that synergies increased access to post-school education and training.

In terms of the Constitution, the requirement for equivalent standards at comparable public PSET institutions provide for a measure of protection against poor education and caution against dubious private colleges. It promotes quality teaching and research not only in public institutions, but also in private institutions. Thus, it is one of the reasons why the NQF came into being through the SAQA Act 58 of 1995, to create a single integrated national framework for learning achievements and enhance the quality of education and training in all education and training institutions (South African Qualifications Authority, 2000). The SAQA Act was a symbol of democracy in South Africa, being the first piece of education and training legislation adopted in a post-apartheid South Africa. The SAQA Act was replaced by the NQF Act in 2008. This move was intended to strengthen and introduce innovative changes to the NQF. These changes included replacing the 33 Education and Training Quality Assurance (ETQA) Bodies with three quality councils, allocating the development of qualifications to sub-frameworks managed by the quality councils and changing from an eight-level to a ten-level NQF.

The NQF sub-frameworks, each developed and managed by a quality council are the following:

- Higher Education Qualifications Sub-Framework (HEQSF) covering NQF levels 5 to 10. The quality assurance oversight is provided by the CHE;
- Occupational Qualifications Sub-Framework (OQSF) at NQF levels 1 to 8, with provision made for qualifications at Levels 9 and 10 on recommendation by SAQA. The quality assurance oversight is provided by the QCTO; and
- General and Further Education and Training Qualifications Sub-Framework (GFETQSF) covering NQF levels 1 to 4. The quality assurance oversight is provided by Umalusi.

The NQF Act contains considerable detail on the powers and functions of the NQF bodies, that is, SAQA and the three quality councils. It empowers these NQF bodies to perform a broad range of functions from policy development to quality assurance. Under the NQF Act, quality assurance of qualifications is the responsibility of the three quality councils. SAQA, as custodian of the NQF, oversees its further development and implementation and coordinates the three NQF sub-frameworks. The NQF Act states that it applies to all education and training programmes leading to qualifications and part-qualifications offered by both public and private PSET institutions, and skills development providers. This means that every qualification and part-qualification offered in South Africa must be registered on the NQF in accordance with the NQF Act.

In terms of the NQF Act, it is up to each quality council to design their standard setting and quality assurance processes. The standard setting and quality assurance processes appears to be inefficient because, in the Higher Education Qualifications Sub-Framework (HEQSF), the process of developing qualification standards is still in its infancy and seen an as expert driven rather than a stakeholder-driven process where various actors are involved. This indicates a potential source of incoherence as key actors who have to be involved and influenced are not considered. Their diversity, roles and responsibilities are not taken into account. The QCTO is currently running decentralised or two quality assurance models side-by-side. For legacy qualifications, SETAs remain the ETQAs in their delegated role as quality assurance partners. For new qualifications, QCTO oversees qualification development and quality assurance, but has delegated much of these functions to SETAs and Professionals who act as development

quality partners and assessment quality partners, although efforts are underway to centralise these functions if funding is made available. So, there is a particularly complex set of relationships between actors operating here, with colleges as actors having to relate to regulatory actors at two different levels.

In terms of the NQF Act, programmes that are mainly at NQF level 4, 5 and 6 appear on multiple sub-frameworks. Private providers offering programmes that fall into the General and Further Education and Training Qualifications Sub-Framework managed by Umalusi and higher education programmes under the Higher Education Qualifications Sub-Framework managed by CHE and/or occupational programmes quality assured by QCTO have to apply at more than one quality council for their different programmes. It should be noted that each quality council has its own requirements. Additionally, the evidence available in policies, processes, criteria and guidelines published by the three quality councils all point to the use of extensive checklists that require a lot of work by those being quality assured and a lot of evidence to be collected. For example, the compliance sheet has a number of items that evaluators often ticks them off without deeper interrogation of evidence such as checking the staff recruitment policies put in plans against the curriculum vitae, lesson plans, etc. Thus, colleges as actors that are being quality assured have to deal with policy requires that are not necessarily inter-linked at two or more different levels. This corroborates the argument discussed in section 2.1 of the literature review.

All the quality assurance policies are made available to private colleges for implementation. Private colleges are evaluated against the criteria contained in these policies. My analysis of the NQF Act found that the qualification nomenclature is unique for each sub-Framework. Consequently, there is a lack of internal policy coherence, various actors share a divergent understanding of the purpose of the regulation of private provision and how these fit with their interests and objectives. Thus, the concepts of quality assurance are understood differently by the private colleges and across NQF bodies, as key actors operating within the private college system.

In terms of the framework developed for policy coherence in Chapter Two Section 2.1, the roles and responsibilities of different actors contributing to the regulatory framework must be acknowledged. However, in analysing the NQF Act further, I found that the regulatory

framework is silent on the role of the other key set of actors. Firstly, it makes no mention of the specific roles of the DHET, the key actor assigned with the responsibility to oversee the entire PSET system. Secondly, it is also silent on the roles of education providers, including private colleges, in the NQF even though these actors play a crucial role in implementing the quality assurance requirements.

Each of the quality councils is provided for in the NQF Act and established through their respective founding Acts. The founding Act for the CHE is the Higher Education Act. The Act provide the legal framework for the registration of private universities and impose various obligations upon them. The Skills Development Act provides for the establishment of QCTO, an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African workforce, to integrate those strategies within the NQF, and to provide for learnerships and apprenticeships that lead to recognized occupational qualifications. With the establishment of DHET in 2009, the DHET inherited the responsibility for the Skills Levy Institutions of the Department of Labour which were created by the Skills Development Act, 1998 (Act No. 99 of 1998) and the Skills Development Levies, 1999 (Act No. 9 of 1999).

Education and training providers under the Department of Labour were renamed skills development providers. In terms of the Skills Development Act, the skills development providers are defined as providers of occupational learning. An interrogation of this definition reveals that it is not clear where such actors fits into the post-school education and training sector alongside private universities and colleges already directly responsible to and registered with the Department of Higher Education and Training. The definition further reveals that it is not really clear what occupational learning means. The Skills Development Act does not provide a definition of occupational learning, I can therefore assume that this concept is being understood and interpreted in different ways by the various actors and the public at large. It also means that the scope of qualifications and programmes that skills development providers can offer in terms of the Act is not clear. Whilst the framework for policy coherence discussed in Chapter Two requires the roles and responsibilities of different actors contributing to the regulatory framework to be considered, the Skills Development Act in its current form, is silent on the registration of private skills development providers who

are the key actors offering qualifications and part-qualifications residing on the Occupational Qualifications Sub-Framework as contemplated in Section 29 of the Constitution. The Skills Development Act in its current form does not make provision for the registration of these actors as contemplated in section 29 of the Constitution.

In the process of writing up my findings I noticed an interesting category from my data that is not visible in my framework of analysis, policy coherence over time. Policy coherence over time reveals consistent action from one political cycle to the other. It allowed me to assess the extent to which various policies and regulation are consistently sustained from one political cycle to the other. Tracking progress at this level entails looking at whether government have a strategic leadership approach to and are supportive of the regulatory framework over time. This is an important additional category that my findings revealed. To illustrate this finding, the Skills Development Act requires all skills development providers to be accredited by the QCTO.

To this effect, in 2012, the Department of Higher Education and Training together with SAQA and the three quality councils issued a joint communique that skills development providers offering qualifications or part-qualifications on the Occupational Qualifications Sub-Framework are not required, by law, to apply for accreditation by the quality councils and are not required to register with the DHET. However, in 2016, the Department of Higher Education and Training, the SAQA and the three quality councils took a different tangent and issued another joint communique requiring all private education and training providers offering qualifications and part-qualifications on the OQSF to register with the Department of Higher Education and Training. Here we see the lack of policy coherence over time and shifting relationships amongst regulatory actors. This lack of horizontal coherence amongst regulatory actors illustrates a high degree of change over time that may lead private colleges unsure of their status over time.

Additionally, the Skills Development Act provides for the establishment of skills development institutes, which are expected to not only support skills development, but to also deliver education and training. This means that the Skills Development Act establishes a new actor in addition to universities and colleges. However, the device to create skills development

institutes, as set out in the Act, has never been utilised and no skills development institutes have been established by either the Minister of Higher Education and Training or the Minister of Labour in terms of the Act. This illustrate the lack of policy coherence over political cycles. The White Paper on PSET makes no reference to skills development institutes which may suggest that, currently, skills development institutes are not seen to be relevant to the goals of the PSET.

In 2001, Umalusi, the Council for Quality Assurance in General and Further Education and Training (GENFETQA), was founded by parliament in the General and Further Education and Training Quality Assurance Act, 2001 (Act 58 of 2001). Umalusi's responsibility is to assure the quality of programmes, assessments and provision in both public and private colleges in terms of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006) (CET Act). The CET Act also provides for the application of quality assurance requirements to private colleges. The Act states that the DHET must register private colleges that are financially capable of satisfying its obligations to students, will maintain acceptable standards that are not inferior to standards at comparable public colleges, will comply with the requirements of Umalusi and will comply with any other reasonable requirements prescribed by the Minister (Department of Higher Education and Training, 2006). For the application of a private college 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 Companies and Intellectual Property Registration Office (CIPRO) at the Department of Trade and Industry.

The requirements for financial capability are aimed at protecting the student and compensation should the private college not be able to meet its obligations due to bankruptcy or liquidation. The requirements to register as a company with CIPRO are based on the notion of the private college as an education and training institution. While some of the private colleges might respond well to this requirement, the considerable number of non-institutional providers will be left outside and will not be able to register as a result of this strict compliance measure. This means that not all the actors contributing to the regulatory framework are taken into consideration as provided by the framework for policy coherence. The implication is that the registration requirements have adopted a one-size-fits-all approach that is counter-productive to the sustainability of the private college sector and risk

excluding the private skills development providers that are significant due to their proximity to communities and the relative ease of accessibility to the programmes they offer.

In the next section, I will use four education policies to demonstrate how the policies governing private colleges evolved over time.

4.2 HOW DID THE POLICIES OF PRIVATE COLLEGES EVOLVE FROM 1998 TO 2018?

This section provides an analysis of the policies that have a significant impact on the private colleges. The analysis shows that there is some level of vertical policy coherence as the various policies and regulation are aligned with the broader plan of the education and training system, the latest White Paper for PSET. However, the objectives in both the regulatory framework and the White paper are limited only to policy compliance by the private colleges. With so many policy changes that took place over the 20 year period, very little is said about supporting and strengthening the private college sector.

In 1998, the Department of Education released the Education White Paper 4 titled *A Programme for the Transformation of Further Education and Training*. This White Paper recognizes that private provision plays an important role in expanding access to PSET, particularly in niche areas, through responding to labour market opportunities and student demand (Department of Education, 1998, p. 28). It further highlights that what remains to be done is to create an environment that "neither suffocates educationally sound and sustainable private institutions with state over-regulation'' (Department of Education, 1998).
In 2008, the Department of Education released the National Plan for further education and training to signal the government's intent to massify youth and adult participation in FET college programmes and to provide a framework for the implementation of the strategic policy goals envisaged in the White paper 4 and the FET Act. The Plan takes its cue from the FET Act and emphasize registration of private colleges with the Department and compliance with the relevant quality assurance requirements as managed by the quality councils.
In 2011, government endorsed the National Development Plan (NDP) as the key policy document. The NDP provides important strategies and priorities for development with an emphasis on inclusive growth and employment generation (Department of Higher Education and Training, 2013, p. 2). In terms of the NDP, private institutions have a key role to play in

addressing the needs of youth in the country and this requires the state to provide effective and enabling regulation. The NDP also echoes the same requirements as outlined in the Constitution that "the regulatory system must ensure these institutions are well run, provides stimulating learning environments for students and adhere to high standards of corporate governance" (National Planning Commission, 2011, p. 268).

Twenty-five years into democracy, government continues to make the same commitment and principles previously made in the 1998 White Paper. In the recent 2013 White Paper for PSET, government still acknowledges that "private PSET institutions play an important role in diversifying and expanding the post-school sector as a whole, particularly in niche areas where public provision is inadequate or non-existent, for example, in advertising, design, film and television, fashion and theological training for various denominations" (Department of Higher Education and Training, 2013, p. 42). Similarly, the 2013 White Paper also stresses the need for regulation of the private PSET institutions in order to safeguard quality of provision. One may conclude that the private college sector still faces the same challenges as were the case 23 years ago.

In this chapter, I presented an analysis of the research findings emanating from the policy documents. The analysis showed that the Constitution establishes the relationships between a key set of actors, the providers and the state, at the highest level. The Constitution also establishes coherence and comparability in terms of the quality of education provision between private and public providers. A related key finding from the Fees Commission report is to establish coherence and complementarities among sources of finance in terms of funding both private and public PSET institutions in a way that synergies increased access to post-school education and training.

However, I also found that there is a potential source of policy incoherence as some of the policies does not take into consideration the roles and responsibilities of some of the key actors, namely, the DHET and education providers. The specific roles of the DHET as the key actor assigned with the responsibility to oversee the entire PSET system and the roles private

colleges as the actors playing a crucial role in implementing the quality assurance requirements are not articulated in the NQF Act.

The analysis further revealed the existence of complex set of relationships between actors operating within the private college system, with colleges as actors having to relate to regulatory actors at two different levels. Additionally, the analysis showed that policies, processes, criteria and guidelines published by the regulatory actors are horizontally incoherent and entails the use of extensive checklists that require a lot of work by the colleges as actors that are being quality assured. Colleges as actors that are being quality assured have to deal with policy requires that are not necessarily inter-linked at two or more different levels.

The policy documents that I analysed showed that there is a lack of internal policy coherence because various actors share a divergent understanding of the purpose of the regulation of private provision and the concepts of quality assurance are understood differently by the private colleges and across NQF bodies, as key actors operating within the private college system. Finally, an important category emerged in my analysis, the existence of lack of policy coherence over time and the shifting relationships amongst regulatory actors, illustrating a high degree of change over time that may lead to private colleges experiencing high levels of uncertainty, confusion and frustration.

The following chapter will present the results, analysis and discussion of the results from the semi-structured interviews.

CHAPTER FIVE: FINDINGS FROM SEMI-STRUCTURED INTERVIEWS

The objective of this empirical study is to critically examine the challenges and barriers of the regulatory framework governing private colleges in South Africa. In Chapter Four, a close examination of the regulatory and policy documents was presented to respond to the following research sub-questions:

- How do the broad policy frameworks of the post-apartheid government provide for private colleges?
- How did legislation of private colleges evolve from 1998 to 2015?

In order to respond to the last two research sub-questions, this chapter will involve an in-depth analysis of the data collected via semi-structured interviews. I present an analysis of the perceptions and experiences of various actors within the PSET regulatory context in South Africa, in order to provide responses to the following two research sub-question:

- How do different actors within the private college sector understand the legislative framework governing private colleges?
- How do different actors within the private college sector understand quality assurance and accreditation?

I used my framework for policy coherence as developed in Chapter Two, Section 2.3. My framework for analysis consists of three themes, namely, actors, policy inter-linkages and policy outcomes. Each of the themes has categories that aid in analyzing policy coherence in relation to the regulation of private provision. I was able to organize the perceptions of various actors into a comprehensive account using the three themes and the associated categories.

The key findings that emerged from the analysis of the perceptions of various actors operating within the private college sector confirms the findings from the policy documents in Chapter Four and the few studies conducted in South Africa mentioned in the literature review in Chapter Two of this study. Firstly, the perceptions of the actors as informants in this study is that there is common understanding of the roles and responsibilities of the regulatory actors.

However, the role and responsibilities of the private colleges as actors responsible for education provision is not mentioned or clarified meaningfully in the policy documentation. Secondly, the informants perceive the regulatory framework as consisting of multiplicity of actors with divergent views and expectations. As a result, the nomenclature of qualifications are interpreted differently and creates a barrier to constructive engagements. Thirdly, there is lack of communication between the between the regulatory actors and with private colleges. This demonstrate lack of horizontal coherence amongst regulatory bodies and lack of vertical coherence between the regulatory actors to private colleges.

Lastly, the actors, including regulatory bodies themselves mentioned the presence of policy confusion within the regulatory framework governing private colleges because none of the regulatory bodies seem to agree on what really come first between registration and accreditation. In the next section, I discuss and present the findings of the research results obtained through the data analysis process in relation to the research sub-questions. The findings of the research results are presented according to the themes and categories of the framework for policy coherence. Throughout the analysis, both positive and negative views are given. It should be borne in mind that the findings from one category are in certain instances find a reflection in other categories.

5.1 HOW DO DIFFERENT ACTORS WITHIN THE PRIVATE COLLEGE SECTOR EXPERIENCE THE LEGISLATIVE FRAMEWORK GOVERNING PRIVATE COLLEGES?

The following sub-themes associated with the theme actors and the theme policy-interlinkages are used to present the informants' experiences of the legislative framework:

- Government regulatory bodies and PSET institutions
- Internal policy coherence

PRIVATE COLLEGES AS KEY ACTORS WITHIN THE PSET SYSTEM

I started by trying to find out more about the colleges as important actors in the PSET space. The results from the interview with college informants shows variations with regards to the type of students enrolling at the private colleges. This diverse pattern shows that private colleges are well positioned to respond directly to government's objective of increasing access to the full range of education and training provision to promote lifelong learning and

to support not only the youth who completed school, but also those who did not complete school. They provide a range of accessible alternatives for young people. College Respondent 1 indicated that their college targets all kinds of students, with the majority of their students coming from either the inner city as well as the surrounding townships. Similarly, College Respondent 2 indicated that they enroll a broad scope of students. However, they have two intakes per year, the February and July intake. The February intake is usually matriculants and the July intake is normally career changers or people who want to attempt a second career or second study path.

College Respondent 3 highlighted that most of their students are those who completed matric. College Respondent 4 stressed that their college enroll students who qualify for a diploma and certificate pass. College Respondent 4 further indicated that their college has unit standard based skills for those leaners that are looking for skills to become productive in the workplaces and those who would like to start their own businesses. Lastly, College Respondent 5 indicated that their focus is on school leavers, with a small component of other types of student. College Respondent 5 added that their institutions also offer many short courses mostly for working people. In light of the increasing pressures of globalization discussed as part of the literature review in Chapter Two Section 2.2, private colleges enroll students from other countries, the majority of which are from Africa. As College Respondent 2 indicated:

> We enrol a mix of students, including international students with the majority coming from the neighbouring countries. Our college also have part time classes attended mostly by mature students.

During the interview sessions, I asked college informants about the type of programmes that they offer. Engineering and business studies emerged as the most lucrative courses offered by private colleges and they make the highest profit for the institutions as a result of the highest number of enrolments. College Respondent 1 indicated that engineering programmes are most lucrative, particularly civil, electrical and mechanical. College Respondent 3 stressed that they find engineering to be popular, followed by business studies. College Respondent 4 indicated that business studies, engineering and computer studies are most preferred by students. While the three colleges agree that engineering is most lucrative, College

Respondent 5 disagreed and indicated that N4 to N6 engineering is not that popular, but is more the business programmes that are more popular amongst the students enrolled at their colleges. College Respondent 2 was found to be operating and offering programmes that are different from that of the other colleges in my study, with the diploma in culinary arts highlighted as their most popular programme amongst their students. This provides the characteristics of these actors, and the roles they are playing within the provision of PSET opportunities, and supports the analysis in Chapter One Section 1.2 that the majority of students in private colleges enroll in the fields of business, commerce and management studies.

REGULATORY BODIES AS ACTORS IN THE PSET SYSTEM

Given the large number of actors involved in the implementation of the regulatory framework, it is important to have a system of collaboration and to have the roles and responsibilities of each actor acknowledged. It is also essential to understand the relationship between the various actors within the context of the regulatory framework. It is evident from the interviews that there is common understanding of the roles and responsibilities of the government regulatory actors, namely, the DHET and the quality councils in the regulatory framework.

As College Respondent 2 indicates:

> What we have learnt from accreditation bodies is that they want to see that you have enough regulation and systems in place, that your programmes are accredited, and that if any complaint or problem arises you can be able to handle it internally.

However, the informants felt that the role and responsibilities of the private colleges is not mentioned or clarified meaningfully in the policy documentation. They indicated that there is uncertainty about what is required of private colleges in terms of the legislative framework. As mentioned by College Respondent 1:

> There are a lot of knowledge gaps with regards to the actual operations and the challenges thereof that are faced by private providers that remain unknown to the DHET.

The findings support the research findings mentioned in Chapter Four Section 4.1 which concluded that the regulatory framework is silent on the roles of the PSET institutions even though these institutions are crucial actors in implementing the policies and regulation.

With regards to compliance and the implementation of the policy requirements, the data revealed that there are a number of workshops organised by the DHET and the quality councils to train private colleges. When asked about their knowledge of the regulatory framework, College Respondent 1 responded as follows:

> I attended numerous workshops organised by the different quality councils, from Umalusi, the QCTO and CHE. This is in addition to those organised by other important actors like the different SETAs, SACE, and APPETD and of course once in a while the national departments of both Basic Education, and Higher Education & Training.

College Respondent 4 indicated that:

> I attended a lot of quality assurance short courses through Association of Private Providers of Education and Training Development (APPTED).

But the findings from the interviews also show that there is an authoritarian approach from the regulatory bodies with regards to processes of stakeholder participation on policy development and amendments. This has proven to be problematic for private colleges as the processes do not allow private colleges to voice their opinions in the policy development processes and does not allow for a true dialogue that would results in a system of collaboration and mutual satisfaction or compromise. As DHET Respondent 4 notes in the interview:

> There are instances where quality councils make recommendations or policy without meaningfully consulting other parties.

College Respondent 4 added that:

> Consultation is non-existent…..The committee that does registration is poor in terms of advocating the need for registration and to put in place support programmes for institutions with noble ideas.

DHET Respondent 1 shared a similar view that:

> The narrative has been very conflicted. The narrative has been too papered with stories of private colleges' capitalist tendencies, money making, bogus etc., and I don't think that there is sufficient acknowledgement from government of a very big role that credible private provision has played since the SETA system was put in place. The Skills Development Act was with the private providers and the majority drove and took over the challenge and offered the qualifications, offered the leaderships and public providers didn't….

Additionally, Quality Council Respondent 1 indicated that:

> There is little evidence of any research into private colleges' expectations in terms of the policies and regulation they have to comply with.

All of this suggests a degree of incoherence in the relationships between the regulatory actors and the colleges as key actors in the PSET system. In the next section, I present the views of informants in respect to internal policy coherence to ascertain if there is commonality of interest and understanding of the regulatory framework.

INTERNAL POLICY COHERENCE

To provide an oversight role and manage the regulation and policies presiding over the private colleges, the regulatory bodies are expected to have a shared and common understanding of the regulatory framework. Additionally, private colleges are also expected to have common understanding of the policies, as they are fundamental to the implementation and successes of the regulatory framework. During the interviews with the private colleges and regulatory bodies, the following arguments emerged:

- The regulatory framework governing private colleges has a multiplicity of actors with divergent views and expectations
- Lack of communication
- Disagreement on nomenclature
- Lack of Political will and continuity

The regulatory framework governing private colleges has a multiplicity of actors with divergent views and expectations

During the interview sessions, it has emerged that the PSET regulatory framework is large and complex, and that it involves a numbers of actors. Of interest is that the various actors have a divergent range of interests, and varying interpretation of the policies and regulations that governs the PSET system. DHET Respondent 4 indicated that:

> Achieving agreement on policy interventions where there is many different actors with different interest proof to be challenging as there is no shared and common understanding of the regulatory objectives across various actors.

College Respondent 4 shared a similar view that:

> Each regulatory body has a different idea of the regulatory framework and each expect different things from the private colleges.

College Responded 2 added that there exist differences within one quality councils that seem to make compliance difficult:

> With QCTO some of the challenges are the variation of standards because we would hand in a file with documentation, and they would replicate the file to the next phase. However, the second accreditation would have different standards all of a sudden and information that we initially provided will be missing whereas we provided it the first time and was completely fine.

This findings suggest the absence of policy inter-linkages and indicates that policies by each of the regulatory actors does not influence each other's performance and objectives within the regulatory framework governing private provision.

Lack of communication between regulatory actors and with private colleges

The perceptions of the informants appears to suggest that there is lack of horizontal communication amongst regulatory bodies, and to some extent lack of vertical communication from the regulatory actors to colleges that exist within the regulatory framework. DHET Respondent 4 explained why:

> The regulatory framework has changed numerously and various differing communication was sent on the status of the skills development providers, providing confusion in terms of the current legislative status and their position.

In a similar way, the SAQA Respondent 1 specified that:

> People are finding the timelines too tight to meet all the requirements. They feel like they are getting conflicting messages. They feel that DHET system is not very clear and the communication is poor, and some of what is listed as requirements are no longer relevant in the regulatory framework.

Disagreement on nomenclature

During the interviews, a major source of lack of policy coherence which emerged was confusion and disagreement around the definitions and nomenclature in the system. Firstly, respondents specified the lack of a broad legislation on the post-school education and training as presenting a gap in the regulatory framework. As mentioned by DHET Respondent 4:

> The current regulatory framework of the PSET system is massive, voluminous and it is complex. The biggest problem that DHET is having is that they do not have a broad legislation on the Post School Education Training. There is a gap in the regulatory framework as there is no clear definition of what PSET is. There is no common understanding about what comprises the PSET system, the institutions that comprise it, who the target group are, and some of the details around what is the PSET system and how do they understand the limits of the PSET system.

Secondly, there are many interpretations of the Acts and understanding of the regulatory framework by regulatory bodies, and that each has developed its own understanding and modus operandi. As a result, the regulatory framework is perceived to create confusion from a public perspective. DHET Respondent 1 indicated that:

> It creates confusion from a public perspective. The DHET is supposed to clarify to the public their policies and legislative mandates but now there is confusion about skills development providers and how they fit into the PSET landscape. The issue is about the skills development providers and the role of the skills levy. They do not have a common understanding across society, government, employers and the unions, what is the purpose of the skills levy and how is it being used and who should be the beneficiary of the skills levy.

SAQA Respondent 1 argued that the legislation does not make provision for skills development providers:

> There is nowhere in the legislation where skills development providers are clearly recognised. The regulatory framework, does not provide a clear definition of what they are and where they fit into the skills sector, and it is not clear what the definitions for occupational and vocational are in the nomenclature.

The findings of this study also indicates a general lack of sound understanding of the effect of the legislation to aid in the transformation and redress agenda of the country's skills development agenda, the aim being to ensure that the system produces graduate that are employable and meet the demands of the labour market. Thus, the overarching vision stated in the objectives of the South African NQF which is to contribute to the full personal development of each student and the social and economic development of the national at large is compromised. DHET Respondent 2 shared similar views that:

> In our world of DHET, taking it from the macro level, we are really bound by differing laws, acts and policies that impacts on our work because we are dealing with the regulation right down to the bottom level with the learners of South Africa. We know that if we get the interpretations wrong, we have to act quickly to fix it as misinterpretations can destroy somebody's learning pathway, career pathway etc. So the importance of knowing what is in the legislation, how it applies and also being able to be brave enough to identify the parts that are not helping the transformation agenda, the redress agenda of the country's skills development agenda, the employability opportunities, then we have be brave enough to amend the legislation. So everything that we write, we have to check it if it is correct, be certain that we are guiding the minister correctly because it's a critical area.

The above finding indicates the importance of understanding policy interlinkages as indicated by my framework for analysis as it allows policy makers to understand what inconsistencies might result from their decisions, how the cost of those inconsistencies can be mitigated, and how they can explain the trade-offs they have had to make.

Here, there is lack of both vertical and horizontal policy coherence. On one hand the informants' perception seem to suggest that the legislation, regulations and policies between the DHET and NQF bodies are at odds with each other, with differing interpretation of what constitutes the PSET system and lack of clear definitions of some of the key actors in the PSET

system. On the other hand, there is lack of coherence and interlinkages between the different policies set by the three quality councils. Each of the quality counts have their own set of rules and requirements that are not necessarily coordinated and aligned to each other for ease of implementation by private colleges.

POLICY COHERENCE OVER TIME

During the course of my analysis of policy documents in Chapter Four, an additional category emerged: policy coherence over time. This category also emerged as an important subject from my interviews. During the interviews, the answer from SAQA respondent 1 indicated a high degree of change over time. The answer appeared to suggest that there is no political will to continue with the policies developed from one political cycle to the other leading to a lack of policy coherence over time. The framework for policy analysis identifies social, political, economic and institutional conditions at the national level as affecting sustainable development and having a significant influence in policy performance and outcomes. As mentioned by SAQA Respondent 1:

> Part of the confusion is, I think each Minister that has come in has gone off in such a different tangent and I think that has caused very major disruptions to the education system, for example, the closing of the colleges, the merging, establishing new, registration of skills development providers…It has caused a lot of problems and confusion.

5.2 HOW DO DIFFERENT ACTORS WITHIN THE PRIVATE COLLEGE SECTOR UNDERSTAND QUALITY ASSURANCE AND ACCREDITATION?

This section focuses on the respondents' understanding of the legislative requirements with special focus on registration and programme accreditation. I organized the analysis in terms of the following sub-themes of the framework for policy coherence:

- Vertical policy coherence
- Horizontal policy coherence
- Coherent education and training system

The first two sub-themes are associated with the theme policy interlinkages and the last sub-theme relates to policy outcomes.

VERTICAL POLICY COHERENCE

In a complex system such as the PSET system consisting of numerous legislation and policies, and where policymaking powers are dispersed across various regulatory bodies, policies can either be mutually reinforcing or they may diverge from each other. The following arguments emerged during the interview sessions:

- Accreditation and registration add value to the recognition of private colleges
- Alignment of the various policies and regulation to the overarching legislation

Accreditation and registration add value to the recognition of private colleges

In South Africa, the college sector has not developed on a clear path as the university sector has because it continues to face major policy and governance changes, and process of gaining recognition as institutions and as a sector remains a challenge. Most of the respondents in my study agreed that the regulatory context governing private colleges is valuable and add value to the recognition and credibility of the sector by the public and government. College Respondent 1 indicated that:

> It is valuable in terms of regulating who comes into the PSET space, by setting particular parameters within which the providers should operate. In that way, there is a sense of direction of purpose with regards to the production in the whole chain.

One of the key findings of this study support the idea that policy inter-linkages are channels through which policies by the government regulatory bodies influence each other's performance and objectives in the context of regulating private provision as reflected by the framework of analysis. In this case, the resulting policy effects tend to be the public confidence in the private colleges that are registered and offering accredited programmes. Correspondingly, Quality Council Respondent 3 indicated that:

> Accreditation is a currency I think. Therefore, as the public becomes aware of the currency, obviously, if Umalusi accredits the place, they will choose that over the one next door. That is a value add for them.

DHET Respondent 4 reflected on the added advantage associated with the programmes offered by and the associated link of the private colleges to the labour market as follows:

> Private colleges actually provide a more diverse of programmes more than public institutions and the flexibility to actually respond to demand more than the public colleges. The other important factor is we have much more private colleges than public colleges in the country. From a provision point of view, private colleges also add to increase enrolment for students, important thing is that one of the things also as part of the values is that we collect data from private colleges as part of understanding the scale at which we are providing programmes for students whether is within TVET colleges or CET colleges programme provision.

DHET Respondent 2 highlighted that:

> It is very important because it brings about stability in the private sector and it brings about standards in the private sector because whatever they are doing has to be measured against comparable standard in our public institutions. So whatever standards are obtained in a public institution should also be obtained in a private institution. Secondly, the value that it has added is that it provides students that may feel that they are hard done with an institution with a recourse because our legislation provide people who feel aggrieved by an institution with avenues that they need to follow for instance they can go to small claims court, they can go to the consumer commission. We also recognizes the existence of the institution to such an extent that we report as the department, in our statistical annual report on their contribution to skills development in the country, and also in the numbers of students and programmes that they are offering, some of which may not be offered at our public institutions.

In South Africa, the importance of the regulatory framework governing private colleges is reinforced by the need to increase post-school education and training opportunities, ensure that appropriate skills are produced, and by the necessity of ensuring student protection from fly-by-night private colleges. In the private college sector, it is very important to check that there are no fly-by-nights and that people are not taken advantage of and that their qualifications are registered and accredited and their programmes are accredited. Respondents' general view is that the regulations gives the public comfort and security that the private college is registered, and offers programmes that are accredited.

DHET Respondent 1 indicated that:

> I think that the regulation gives the public security that they are paying for courses and programmes in a quality assured private colleges, and that is not a fly-by-night and they are not going to steal the learners' money and run away. For long, many bogus colleges were allowed to thrive and now that we have put in additional regulations, it gives the public comfort and security, and it also brings these private colleges into the space of proper quality assurance and they also can use the fact that they are registered and accredited which again is a very positive marketing tool for them, it is a stamp of quality in a way.

Other respondents reflected that registration and accreditation serves as a good marketing strategy for the private colleges. DHET Respondent 3 indicated that:

> It is a recognition to have a certificate from the department as it adds value when private colleges goes out there and market themselves. The certificate assures the public that the private college is registered, it is a legitimate institution in South Africa and that what the college is offering is of quality and has been sanctioned by the relevant quality council.

The above analysis suggest that both the regulatory actors and the private colleges considers regulating private provision as important and adding value to the recognition of private colleges. The analysis shows that the informants also perceive private colleges to be playing a vital role in the PSET system. SAQA Respondent 1 indicated that there are many private colleges that managed to establish partnerships with universities, and DHET Respondent 3 indicated that private colleges offer modern qualifications that you will not actually find in our public TVET colleges.

On the contrary, College Respondent 2 and 4 did not experience the regulation as one that added value and recognition to private colleges. According to College Respondent 2:

> To be a private institution in South Africa is a big challenge because you need to justify charging high fees.

College Respondent 4 provided a similar view that:

> The regulatory context on the private system is very valuable in paper but in practice it is used to victimise small growing institutions, the interpretation is still very poor. Consultation is none-existent, instead of being developmental, it is creative crashing in a sense that it is very

> difficult to register a programme on the NQF. For those whom can design programmes, to register them is a mountain clip because even though the criterion is in place on how but everything is on a snail pace.

The response from College Respondent 2 and 4 bring to the fore that policies and regulation appear to be adding value on paper but in reality this policies are a bit of a challenge to implement. This may lead to the conclusion that there are gaps within the regulatory framework that requires a collaborative effort by all actors in a way that synergies can be realized across the private college system.

Alignment of the various policies and regulation to the overarching legislation

Misalignment between Skills Development Act and the NQF policy framework is observed in relation to the occupational qualifications. Whilst it is expected that national qualifications should be standard and aligned to the NQF as is the case in the higher education sector, it emerged that QCTO calculated credits for qualifications differently. QCTO calculates credits differently from other sub-frameworks. For example, in the higher education sector, NQF level 4 qualification may have 120 credits, NQF level 5 qualification or higher certificate will have 120 credit, and then you get diplomas with 360 credits. Everybody knows that the minimum credits for NQF level 6 qualification is 360, so even if you exceed it cannot it should not be more than 480 otherwise it will not belong at this level. However, SAQA respondent 2 indicates that:

> With QCTO, you get a qualification of 900 credits at any level. According to them, their credits is not only about notional hours. Their qualifications are structured differently. For me, that is the part that I feel is not aligned because NQF level 4 qualifications from QCTO do not have same credits. And the tricky part with credits not aligned to the sub-frameworks is that it makes mobility within the sub-frameworks a challenge. It creates problems for us. According to QCTO, we need to understand that occupational qualifications are different. The NQFpedia gives a definition of terms and my understanding is that we have to define it the same way. NQFpedia will tell you what is a credit is and how it is calculated, but QCTO continue to calculate credits differently.

Another perception is that the majority of the skills development providers do not operate the same way as normal colleges where there are regarded as a formal institution where teaching and training is taking place. However, with the current legislation, they have to register as private colleges and they do not operate like that. This is a challenge, as the majority of people in this sector do not fall into a category and they do not fit anywhere in the Act. So, the problem is with a simplistic notion of PSET followed by a uniform set of quality criteria such as teaching venue. This reflects the ways in which quality systems become overly regulated and simplified such that uniformity is valued over fitness for purpose. According to Quality Council Respondent 3:

> The sector is about having an administrative office, they go to where the need is, and they have to train adults, sometimes in employment or in centers where they congregate, or in the community-based centers like churches. Therefore, they cannot expect those people to come to a centralized venue and be trained at prescribed times. That is going to be a problem for them if we expect them to register as private colleges.

What emerged in the interviews with the regulatory bodies is that registration of the skills development providers with the DHET is supported because it is important to know who they are and where they are. However, they consider registration of the skills development providers as a company to be problematic because the little small providers get squeezed very much in terms of costs, for example, in the form for registration, they want audited statements and some of the providers that are niche providers do not have external auditors. The cost of the registration are more because they have to fulfil the requirements of being a company, whether for profit or non-profit which was not a requirement before. So the regulation are almost squeezing out opportunities for teaching and learning by the smaller guys who could in fact be great wealth creators for other people because people could be employed there. Therefore, there is a need to balance regulation with the needs of the country to be able to grow the base of delivery and a lot of that base lies in the private college space. DHET Respondent 5 indicated that:

> Previously in the CET space, we were registering what we called private Adult Learning Centers, these were small organizations mainly for non-profit registered with the provinces under the Old Adult Education and Training Act. Now, there is a major change because you can no longer register centers, but have to register these centers as colleges. The difficulty is

that any of the centers that must be registered as colleges must also be registered as a company through the Company's Act as either for profit or non-profit. That is a major additional requirement that was not there before.

The analysis above suggest that there is vertical incoherence at the level of principles and ideology as well as between the various policies and regulation to the overarching legislation and to the needs of the economy.

HORIZONTAL POLICY COHERENCE

When policies and regulation within a complex system are not aligned to each other, implementing agents, in this case, private colleges and to some extent the regulatory bodies themselves, are left to translate what needs to be done from their own perspective. The arguments that emerged when interviewing the respondents are as follows:

- Private colleges are subjected to a large number of policy initiatives that are complex and not necessarily coordinated
- There exists significant tension and policy confusion in terms of what comes first between registration and accreditation
- Bureaucratic process that make use of extensive checklists
- Bureaucratic process that does not add value to quality of teaching and learning
- The cost associated with registration and accreditation are too high

Private colleges are subjected to a large number of policy initiatives that are complex and not necessarily coordinated

During the interviews with the private colleges, it became clear that they are bound by numerous acts and policies that affects their operational processes. All the colleges in my study get accreditation from two or more quality assurance bodies. This means that they have to accommodate varying and different quality assurance requirements with associated costs. In the process of being accredited, College Respondent 1 indicated that they have programmes accredited by Umalusi, MICTSETA, LGSETA, PSETA and registration is with both DHET and DBE. College Respondent 2 received their accreditation from City & Guilds and the QCTO and they are registered with the DHET. College Respondent 3 have their programmes accredited by Umalusi and QCTO, while registration is with the DHET. College Respondent 4

specified that MerSETA, ETDPSETA, MICT, QCTO, Umalusi and CHE accredit their programmes and their registration is with the DHET. Lastly, College respondent 5 receive their accreditation from CHE, Umalusi, QCTO, SASSETA, MICTSETA, INSETA and SERVICESETA, and registration is with the DHET.

The colleges considered the varying requirements from the department and the quality councils as diverting them from their core function that is teaching and learning. College Respondent 1 indicated that:

> The voluminous requirements that are different from one accrediting body to the other that keeps the providers busy concentrating on updating and/or producing quality council/DHET documents as opposed to concentrating on education and training; and the ever-changing legislations and guidelines governing accreditation, registration and operations of private providers that are always contradicting each other, be it from the quality councils or even with DHET policies are just too much.

Regulatory bodies' shared similar perceptions regarding the inconsistency regarding accreditation processes between various regulatory bodies and that there is too much of bureaucracy and administrative overhead involved. Quality Council Respondent 1 indicated that:

> The regulatory framework is not as tight as it is needed to be because the constitution says that everybody has a right to establish a centre if they so want. The other piece of legislation like your CET Act, there is a chapter there that says private providers and what they need to do is located within different pieces of legislation and it probably needs to be a bit tighter legislation. We have private colleges and the skills development providers offering under two different acts, but the more we look at it they overlap and their qualifications overlap as well.

Some of the respondents highlighted duplication of compliance requirements as one of the major problems within the regulatory framework governing private colleges. DHET Respondent 4 indicated that:

> There is duplication. QCTO has its own tools to go and assess. There is some confusion in the language in our legislation, there must be a general system where there is a general registration that specifies what colleges can do.

Some of the respondents raised concerns with regard to the lack of parity of esteem. They indicated that while quality assurance system is supposed to create parity between post-school education and training institutions, articulation and parity of esteem between vocational and academic qualifications is unlikely to be achieved given the prevailing level of uncertainty and instability within the regulatory framework. DHET respondent 1 indicated that:

> The quality council accrediting students for the programmes must make sure that in the view of the public, there is parity. At the moment, that is not happening, for example, with the professional bodies, if you come through a college route they will not register you as a candidate engineer, but if you come through the university route they register you, yet when you compare the curriculum and the projects the people have worked on there is no differentiation. We seeing it more and more as well where accreditation of the public providers have an easier route as they are deemed to be credible. Funny enough, the private providers are automatically a suspicion and they have to go through credible processes that could be view as administrative injustice, whereas internationally they embrace both public and private equally as delivery of teaching and learning.

There were other regulatory bodies in my study who indicated that private colleges make the process seem onerous because their interest is not in the provision of quality education and training, but on making profit. DHET Respondent 3 indicated that:

> In my experience, private colleges largely are not interested in people getting skills, private colleges are interested in the bottom line. They are interested in making profit.

Correspondingly, Quality Council Respondent 2 emphasized that:

> It is onerous, because some of these colleges see education as a cash cow. They are not interested in education and understanding it.

The view received from DHET Respondent 2 is that private colleges were self-regulated for quite some time and an introduction on regulation by government seem too complex:

> Private colleges have not been regulated for quite some time so they are used to doing as they please, so the moment you bring in some sense to them to say that now in order for them to do things they need to be accredited, it becomes difficult if you haven't been regulated. They have been doing as they please and now regulation comes in, and all along they have been

making money out of education and training without registration. Registration costs them R500, that is how little we charge them and then people find that hard because they have never paid R500, this amount used to go into their pocket now they will have to give it to the department.

There is significant tension and policy confusion in terms of what comes first between registration and accreditation

The main message that emerged from the interviews is that there is confusion about the notion of accreditation of programmes and registration of institutions. Regulatory bodies themselves do not agree on what come first. DHET respondents seem to advocates for accreditation before registration while quality councils seem to support registration first. DHET Respondent 3 indicated that:

> The sequence is accreditation then registration, and that is the sequence in law. I think Section 30 of the CET Act says the registrar may register a private college if the college has reason to believe that it will meet the quality standard set out by the quality assurance body. You cannot have that without some report from the quality assurer.

On the contrary, Quality Respondent 1's view is that:

> Registration first and then accreditation. Registration looks at your legal compliance, when you register it means you have to satisfy legal matters, in this case, your tax certificates, safety certificates and all of those issues, your guarantees, you have all of that in order and you apply and the registering authority then registers you. The issue of accreditation is the quality assurance issue meaning you are an institution and your accredited to offer a program and so you can be accredited to offer another program tomorrow and you can keep adding to the number of programs but the fact is you are already a registered institution. When talking about accreditation before registration, it means you are being allowed to offer a program but it could be that your illegal, so this process of accreditation before would duplicate the processes so in order to get comfort when they accredit, they look at the issues of safety and fire and it is part of accreditation, and when the provider goes for registration it is the same thing again, hence registration should come before accreditation. Accreditation is a quality issue because the only person who has power to deregister a provider is the department and not any of the quality councils.

Quality Council Respondent 2 provided a related argument that there are challenges in respect to accreditation and registration and indicated that:

> Umalusi is about quality assurance and our particular focus is on the implementation of the qualification, which means the actual teaching and learning. From the DHET, from registration point of view, they expect Umalusi to accredit first before they can register. However, the DHET gives the private colleges the license to operate, and private college cannot operate until they get that license. Nevertheless, when we have to go to the colleges and they are not yet operating, how do we then pronounce on the quality of teaching and learning?

Quality Council Respondent 3 specified that they have just reviewed the policy of accreditation that has been out for public comment, the council has approved it, and they have submitted it to DHET for the Minister to approve and gazette. In terms of the reviewed policy, Quality Council Respondent 3 indicated that:

> We are looking at registration before accreditation, and we did send this for legal opinion to the DHET. And the DHET's legal department has indicated that it is correct, legislation must precede accreditation. So once this policy has been gazetted, the whole thing is going to turn around and we only going to accredit once they are registered. Because at the moment it is very difficult.

Bureaucratic process that make use of extensive checklist

Analysis of the policy documents in Chapter Four shows that the evidence available from policies and legislation all point to the use of extensive checklists that require a lot of work by those being quality assured and a lot of evidence to be collected. These findings are also supported by the interviews conducted as part of this study. Despite seeing the value in accreditation and quality assurance, regulatory bodies agree that the requirements and criteria are different across various SETAs and quality councils, and that the process is affected by the high level of bureaucratic tick-the-box approach for evaluation of the private colleges' application forms. DHET Respondent 1 indicated that:

> All the SETAs have loops and loops that people have to jump, though some of those are totally irrational, so you might have a provider offering qualifications that four or five SETAs quality assure and each one wants their own thing so it is too erroneous, too complex that is why we have asked QCTO to start simplifying and normalising that process through overarching

> policies that are correct, also they would be seen as erroneous because they have to go to Umalusi or Umalusi and QCTO or maybe CHE and QCTO for accreditation.

Similarly, Quality Council Respondent 1 asserted that:

> It is complex for them because, depending on what they want to offer they have to comply with the higher education or comply with the CET or comply with the skills development act and that is where complexities are. If they had to comply with the CET, it is a different set of accreditation criteria, rules, procedures. CET is a different set and if they want to operate in higher education they have to submit their programs, if they want to operate in the TVET space then it is about accreditation of the provider and that is how they see it as complex. If they want to offer across SETAs and the 21 SETAs have different policies then it gets a bit more complex that is a huge issue for private providers.

The use of different templates by the DHET and the three quality councils worsen the duplication and confusion with regards to compliance requirements. DHET respondent 1 indicated that:

> Application forms still speaks about UMALUSI, whereas we've have got a QCTO which deals a lot with private colleges, everything from the TVET type space, private TVET which is N4 – N6, the quality council is the QCTO not UMALUSI and also a lot of private TVET colleges are actually housed within big companies that do their own preying through these private TVET colleges and the forms that the department has do not speak to those components, it speaks about your traditional TVET space or another traditional form of private college not the emerging skills development providers.

On the other hand, private colleges voiced that the time taken by various regulatory bodies to accredit programmes and register an institution takes very long. Therefore, the entire process of accreditation and registration become time consuming and very costly as most of the private colleges get accreditation from various regulatory bodies. On accreditation, College Respondent 1 indicated that:

> It generally depends on the programme and the accrediting authority. Umalusi takes roughly a year, QCTO through APPETD takes 6 to 9 months, MICT SETA takes 6 Months, LGSETA takes 6 Months, PSSETA takes about 6 Months, and CHE takes 1 to 2 years".

College respondent 4 provided a similar view:

> Some organizations are proactive like Merseta, it can take two months if everything is order. It takes MICT three months, EDTP Seta takes 6 months, and it takes CHE 10 years.

With regard to registration, College Respondent 4 indicated that the registration process used to be very quick. However, it is now taking a year to be completed.

One key part of the quality assurance mechanism is the examination and assessment. Providers of particular qualifications are required to register as an exam centre to allow their students to write exams for that particular qualification. Depending on the programme offered, Umalusi, QCTO and sometimes SETAs become accrediting bodies for the exam site. During the interviews, respondents expressed the time taken for students to obtain their certification as a challenge that impedes students from being declared as graduates and to be employed. Another issue of concern raised by the respondents was allegations in relation to exam leakages. DHET Respondent 5 indicated that:

> Currently, if you look at TVET colleges we have problems around either people not getting their qualifications on time, and in some instances with private colleges, we have problems around colleges not submitting all the information that is required for students to be certificated. For example, sometimes students register for a programme and the college does not tell them that they are not accredited to provide that particular programme. Students will only find out later when or after writing exams that they cannot be certificated. It is important to note that accreditation is not a long life thing, it has periods and dates where some get provisional accreditation, some get accreditation which last for 7 years.

Quality Council Respondent 1 share similar views that:

> The examinations are plagued by leakages in the N4 to N6 exams and a lot of times the source of the leakage is actually the private colleges, not saying it does not happen in the public colleges, but it happens in quite a big way in the private colleges. The other challenge they are facing in this process is the one where the APPETD is in an exercise to recommend to the QCTO whether another private provider qualifies and that could be seen as a conflict of interest and also pose as gate keeping, the whole competitive issues, so they would leave using APPETD once the contract expires.

DHET Respondent 1 added that examination centers do not have the capacity to perform data integrity checks before submitting data to the DHET Examinations system and that delays the issuing of certificate to students.

Bureaucratic process that does not add value to quality of teaching and learning

One other key argument that came through the interview session was that the regulatory framework does not focus on what happens in the lecture rooms where teaching and learning is happening, and where programmes are offered. DHET respondent 4 shared that:

> Quality assurance does not state clearly the processes of regulating the quality of teaching and learning in the lecture rooms. The focus is just on the evaluation of certain processes, procedures and policies. The expectation is for colleges to develop their own internal processes to self-regulate the quality of teaching and learning that happens in the classroom.

College Respondent 5 shares the same sentiment that:

> If you look at the regulatory context in terms of registration of institutions, regulation does not contribute to the quality, it is simply a legislative process that makes sure that institutions are legitimate and that they legally offer what they are allowed to offer. From accreditation point of view, it does not extend to or contribute to the quality of teaching and learning. Quality is something that comes internal. Every institution internally must subscribe to quality.

The cost associated with registration and accreditation are too high

During the interviews, it emerged that accreditation and registration processes are not made efficient across all quality councils and the DHET. The accreditation processes in all three quality councils requires a lot of resources and put limited resources into rectifying poor performance and doing follow ups where a need has been clearly established. College Respondent 1 indicated that:

> The hefty accreditation fees that are not less than R40 000 for just the 3 stages of accreditation of the NATED programmes are so unreasonable.

The duplication of accreditation requirements leads to the commitment of large amounts of time, effort and resources in compilation of portfolios of evidence and compliance with the requirements of several regulatory bodies, thereby taking the focus off teaching and learning.

DHET Respondent 1 indicated that:

> The requirements become so difficult and they have to pay big money every time, so they pay a lot of money for accreditation and you find for example CHE have got backlogs of two and a half years, you find QCTO and the SETA's have not sent what they call a verifier, and the learners cannot be certified so they cannot get jobs. All these issues are genuinely very complex and erroneous, so we have to simplify the space and we are starting to say from our directorate we do not need everybody to have their own RPL policy let us have one. We do not need everyone to have their own assessment policy let us have one standardisation across; a good policy driven by looking at theory of change, what we do want to achieve is a proper framework.

Indicative evidence from the qualitative interviews with regulatory body representatives also suggests that the time taken to obtain accreditation from the quality assurers appears to be to be too long and costly, the view indicated strongly by private college respondents. DHET Respondent 5 indicated that:

> The cost of the registration are more for those that used to be centers, because now they have to also fulfil the requirement of being a company whether for profit or non-profit which was not a requirement before and obviously company's Act there are certain expectation of the composition of governing structure, now suddenly they need to have particular committees of your governance structure which those things there were not there before.

Similarly, DHET Respondent 3 indicated that:

> The process are extremely prosthetic and there was a point where the quality assurers ask for the same information that the department is asking for…. In other words it is not a matter of submitting an application, it is a long process of engagement which has major cost implications. When you want to register, it is not just coming to register in the department, there are other things you must take into account that are going to cost you, same thing with Umalusi, they have their own fees they charge for their own process. If you have examinations, our examination unit will have to go and see your institution and assess if you will be licenced as an examination centre.

Quality Council Respondent 3 indicated that:

> Private colleges get squeezed very much in terms of costs in the form for registration….The cost of the registration are more because they have to fulfil the requirements of being a company, whether for profit or non-profit which was not a requirement before. They have to get their financial statements audited as well.

The analysis in this section supports the findings from the literature review as well as the analysis of the policy documents. The findings points to the lack of horizontal policy coherence as a result of the tension that exists between registration and accreditation causing policy confusion, the large number of policy initiatives that are complex and not necessarily coordinated, and the use of extensive checklists that are contradictory, time consuming and very costly.

COHERENT EDUCATION AND TRAINING SYSTEM

In terms of the framework for policy analysis presented in Chapter Two, the policy outcomes of an ideal regulatory framework governing post-school education and training is a coherent education and training system. A multifaceted system such as the post-school education and training requires a coherent policy framework to direct and guide its development. An important part of establishing a coherent and coordinated education and training system is to recognize the importance of the policy framework and specifies the types of policies that must be developed by the regulatory bodies. The regulatory framework must therefore develop a hierarchy of policy layers to minimize the potential for overlap and duplication, and to improve the learning experiences of those engaged in education and training programmes.

As presented above, the key message emanating from the interviews with private colleges and regulatory bodies is that the regulatory environment within which private colleges operates is a complex one, with government attempting to drive human development through a regulatory framework that makes diverse and sometimes contradictory demands. The quality assurance framework is multifaceted with overlapping directives, and ongoing confusion and contestation between different quality assurance bodies over nomenclature and the direction for registration and accreditation. Additionally, attempts to create equivalence between different qualifications have added complexity to the regulatory

system, as well as leading to undesirable consequences. In the context of an incoherent regulatory framework as is the case in South Africa, I analyze whether government has fulfilled its mandate towards private colleges, and whether private colleges contribute towards meeting the demand left unmet by public TVET colleges.

Government's fulfilment of its mandate towards private colleges

The general argument that emerged during the interviews was that government has not fully fulfilled its mandate as shown by the fundamental challenges discussed in the previous sections that impede successful implementation of the regulatory framework. The regulatory framework mainly focus on compliance and control, and did not include the promotion and growing of the private college sector. College Respondent 3 indicate that:

> Government gives more recognition towards public colleges than private colleges.

Similarly, College Respondent 4 and SAQA Respondent 2's views were that the government did not fulfil its mandate of regulating private colleges effectively within the regulatory framework. When asked whether government fulfilled its mandate, College Respondent 4's response was that:

> Not at All, funding of learners attending in private institutions is still discriminately.

In the same way, SAQA Respondent 2's response was that:

> No, Government has not fulfilled its mandate because of lack of resources. Bogus colleges are mushrooming in each and every corner. The police must take these people as criminals because they are not recognised.

College Respondent 1 indicated that government has, to a greater extent, succeeded in regulating the players in terms of providers of PSET, through the different SETAs, quality councils and DHET among other regulatory actors. College Respondent 1's views were that:

> What remains to be seen is the harmony in terms of smooth relations between the private providers and the regulatory bodies, an element that will consequently dictate the future of the PSET landscape in South Africa especially because the Government will at all times require a helping hand of the private sector in delivering the objectives of PSET.

Similarly, College Respondent 2 alluded that the government has made effort in ensuring that education is made available to all students by considering private colleges in provisioning.

DHET Respondent 1 indicated that government has not fulfilled its mandate sufficiently and that:

> ..The narrative has been very conflicted. The narrative has been too papered with stories of their capitalists, money making, bogus etc. and I do not think that there has been sufficient acknowledgement from government of a very big role that credible private provision has played since the SETA system was put in place….

SAQA Respondent 1 indicated that:

> It is fulfilling it but it is a huge ask. To transform a disparate and unequal education system into one unifying system, I think that we have achieved. This new education and training system is working, but having said that, we still have a long way to go because of insufficient resources. The biggest issue with TVET colleges, it does not matter whether they are private or public, there are not many qualifications for them to offer, and there are no specific qualifications for the TVET sector to actually offer.

Similarly, Quality Council Respondent 1 specified that:

> It is trying, if we can just get everything aligned and know that we are going into the same direction.

Private colleges contribute to meeting the demand left unmet by public TVET colleges

As part of this study, I aimed to ascertain the vital role played by private colleges within the total PSET system and their contribution to meeting the demand left unmet by the public TVET colleges, and to the achievement of the national objective of a skilled and capable workforce. Taking into account the many changes taking place within the regulatory framework at present, I asked the regulatory body representatives during the qualitative interviews if there is a future for private colleges in South Africa. All participants emphasized that there is a future for private colleges, with some further indicating that the regulatory framework must create an enabling environment for private colleges to exist.

DHET Respondent 1 stated that:

> The HEHER commission brings a new way of looking at it, it speaks about both public and private, it highlights and lifts them both for funding, and it recognises them equally as part of this massive need for delivery. So I view private colleges as continuing to play a very important role, if not an increasingly important role because the public purse cannot sustain a growing public system. There are too many people who want to learn but too little money from the fiscus to support a huge public. The big issue though is that the private providers need to be reasonable in the fees that they charge so it becomes more accessible to far larger numbers so we are looking that in the future public-private partnerships should start to emerge.

DHET Respondent 2 agreed that there is a future for private colleges, highlighting the programmes that they offer as follows:

> There is a future as long as they refocus and reposition themselves in terms of offering niche qualifications because majority of these colleges are offering Nated programmes from what we have observed and Nated programmes take long and our public institutions are in dated with those programmes so there is no need for this.

DHET Respondent 3 raised a related view that in most instances, private colleges offer programmes not made available within the public TVET colleges:

> The private colleges are going to remain there until we change the constitution. There is a space for them, actually they should be there because if you want to eliminate them, let us say for instance we successful in changing the constitution, please build the capacity of public institutions to absorb young people who are currently in private colleges. They are there because in many instances we are not able to offer the correct programmes in some instances we just do not have space as public providers and in some instances our quality lacks.

DHET Respondent 4 and 5 raised the point that private colleges are flexible, respond quickly to the needs of the labour market, and are better positioned to offer programmes in occupations in high demand or occupations in shortages faster than public TVET colleges. They need to find similar ways of monitoring and the best way is through student satisfaction surveys or having a portal were students outline their problems and grievances.

In the words of DHET Respondent 5:

> Definitely there is a future in private provision, firstly because government always does not have funds to responds to immediate needs and demands. Secondly, private providers do provides programmes which is difficult for the public colleges to necessarily provide. At the moment, there is no public college that provides for one to be an artist, fixing of cell phones there is no public TVET that provides that. That is where private providers are coming to provide, so the level of flexibility that exist in the private colleges, I do not think you would be able to fulfil in the public colleges, because in this country we have said curriculum is a national competence, if that is the case your private providers do not have the restriction, they able to develop courses and programmes that are of immediate use. So the flexibility on the public space is difficult.

Quality Council Respondents agree to the important role played by private colleges, and agrees that there a future for them and help increase the participation rates. Quality Council Respondent 1 indicated that:

> In the current dispensation in occupational qualifications, private colleges took it while the TVET colleges still offer the old Nated and the NCV. Additionally, in the current context of public TVET colleges there is a lot of red tape in funding issues while private colleges are running away with it. So it is not about whether there is space for them, they do not have all the red tape of mental bureaucracy they have to go through, they are going to flourish again. Looking at QCTO occupational qualifications, they are being taken up by private while public colleges are still piloting. It is not about space for them but about the ease with which private providers are able to move into the system and make adjustments and continue.

Similarly, Quality Council Respondent 2 indicated that:

> Until we get the schooling sector correct, until we stop the high dropout rates, there will always be a need for this sector. We have Grade 9, Grade 10, and even Matric and they have nowhere to go and they cannot do anything. The public sector is too small to accommodate them that is why private colleges exist. Secondly, the country needs a lot of hands on skilled people.

SAQA Respondent 2 stated that:

> We have good private colleges and we have bad private colleges. We need them as a country, the state cannot do it alone. Where the state cannot reach, private colleges need to close the gap. But in needing them, we need to make sure that we do not register or accredit providers that do not meet the requirements because instead of helping us to clean up the system, I think that they are contributing to messing up the system. The criteria that we use should be so stringent and rigorous to make it sure that people who do not meet the requirements the criteria itself kick them out immediately.

This chapter presented an analysis of the data collected via semi-structured interviews. The analysis was based on the perceptions and experiences of various actors within the PSET regulatory context in South Africa. The analysis provided responses to the research sub-question looking at way various actors within the private college sector experience the legislative framework governing private colleges, and how they understand quality assurance processes. What became clear was the absence of policy coherence as private colleges are subject to a large number of policy initiatives that are not necessarily coordinated. In terms of accreditation and registration, there exists significant tension and policy confusion in terms of what comes first. Accreditation and registration processes are also not made efficient across the three quality councils and the Department of Higher Education and Training.

CHAPTER SIX: SUMMARY, ANALYSIS AND CONCLUSIONS

In this chapter, I present a summary of the main findings that emerged in this study. I then provide my analysis of the research results on the regulation of private colleges in South Africa. As already indicated in the previous chapters, the aim of this study was to examine the regulatory framework governing the private colleges. The study focused on understanding the perceptions and experiences of various actors within the PSET regulatory context in South Africa.

The question this study is trying to answer is *what policies and legislation govern private colleges and how do actors within the private PSET system experience them?* The short answer to the first part of the research question is that the role of private colleges is provided for in in the form of four legislative documents and four education policies that are, to a certain degree, at odds with each other in two key ways. Firstly, the Constitution requires that independent private educational institutions and private education and training providers must be registered with the state, in this case, the Department of Higher Education and Training. Whilst the Skills Development Act is subservient to the Constitution, the registration of skills development providers under the Act is not possible to implement since there is no comparable public institutions against which to compare a private skills development provider. Secondly, the Skills Development Act provides for the establishment of skills development institutes, however, the device to create skills development institutes is not mentioned in the National Development Plan as well as in the latest White Paper, the two key official documents that set the policy and outcome goals of the PSET system.

The perceptions of the informants in this study is that the regulatory framework is complex and contradictory with divergent understanding of its purpose and direction for its implementation. This leads to the conclusion that private colleges operate in an education system is not coordinated and integrated with lack of coherence. This limits the visibility of private colleges within the PSET system, indicating it as an issue that government is not prioritizing.

6.1 SUMMARY AND ANALYSIS OF THE RESEARCH RESULTS

Chapter One introduced the study, explaining the high demand for additional learning opportunities, and the potential role for the private college sector in meeting this demand. In Chapter Two, in which I reviewed relevant literature, I showed that there is complexity in the policy environment within which private colleges operate, and that in places there is lack of policy coherence as reflected by the level of contradictions, overlapping jurisdictions and conflicting requirements between the quality councils and with the Department of Higher Education and Training. Referring to a major government evaluation, I also found that the private colleges find the regulatory requirements to be cumbersome as both the registration and accreditation processes are costly and time-consuming.

In terms of the global environment, the literature shows that there is evidence of compelling similarities between the South African NQF to the AQF, SADCQF and EQF suggesting a clear ground for improved mobility of learners and workers between South Africans and Australia, and improved articulation and mobility of South Africans across the SADC region and across the EU member states. The literature also shows that the emergence of quality assurance in South Africa is part of a global trend towards greater regulation of provision. Globalization has reshaped the terrain of education policy, with a growth in private provision as well as a new set of regulatory arrangements for managing this private provision being an important feature. The changes to which post-school education and training institutions are increasingly exposed to all over the world, as a result of the rise of the network society driven by technological innovation and the growing mobility of people, capital and knowledge, are complex, varied, and contradictory at times. This finds reflection in the national regulatory framework and also means that institutions and countries no longer can give their own answers to all these challenges, but that they also have become interdependent in their policy-making processes.

In light of this literature, I set out to study the regulation of private colleges in South Africa, through a document analysis and interviews with key informants.

In Chapter Four, I presented the findings of my document analysis. I analysed the policy and legislative documents that govern the entire PSET system in order to respond to two of the four research sub-questions. In responding to the first question on the broad policy frameworks of the post-apartheid government that provide for private colleges, I found that whilst private colleges are recognised in the Constitution and the latest White Paper, their role and responsibilities are not clearly mentioned in any of the quality assurance policies. Secondly, the framework for policy coherence provides for policy inter-linkages through which policies influence each other's performance and objectives and the need to have clear objectives against which progress is measured, however within the South African regulatory context, I found that there are complex and distant causal pathways between the outputs produced by the NQF bodies and the desired outcomes that happen in the private colleges. The nomenclature and concepts are interpreted and understood differently by the various actors suggesting a lack of horizontal policy coherence. Each quality council design and set standards independently.

The analysis also showed that the regulatory requirements are too bureaucratic and adopts a one-size-fits-all approach, this is demonstrated by the requirement that all private colleges and skills development providers must register as a company. This requirement risk excluding the small providers that are significant due to their proximity to communities and the relative ease of accessibility to the programmes they offer.

In responding to the second research sub-question on how the legislation of private colleges evolved from 1998 to 2018, I analysed four policies that together, provides the evolution of the regulatory framework that governs private colleges. Since democracy, government published two White Papers that provides for the policy direction of the PSET system. In both the documents, I found that emphasis is on regulating private colleges in order to protect the public from private colleges that operate illegally. There is no provision for growing, capacitating and strengthening the sector.

In Chapter Five, I presented an in-depth analysis of the data collected via semi-structured interviews. The analysis was based on the perceptions and experiences of various actors within the post-school education and training regulatory framework. I analyzed the research data from the interviews in order to respond to the last two research sub-questions. The two research sub-questions relate to the ways in which various actors within the private college sector experience the legislative framework governing private colleges, and the ways in which they understand quality assurance processes.

The findings from the semi-structured interviews corroborate the findings of the document analysis, as well as the few studies conducted in South Africa that I mentioned in the literature review. It is evident from the interviews that there is a common understanding of the roles and responsibilities of the government regulatory bodies. However, the system as appears on paper has not been perfectly implemented because there is lack of policy coherence between the quality councils and with DHET. I found that the factors that causes the inefficiencies are the existence of three quality councils with three different set of rules that, at times, contradict each other. I showed through my analysis of official documents that there has been considerable policy change. This emerged as a source of concern in the interviews, with college respondents expressing concern that changes are not communicated timeously, and in most cases, new policies are developed without proper consultation.

Taken together, the document analysis and the interviews, it seems that South Africa has a set of policies governing the post-school system which are counter-productive to the sustainability of the private college sector. My findings suggested an additional category that I called coherence over time. This emerged as a crucial issue from the South African regulatory framework both in document analysis and from my interviews. The policy documents shows that whilst the Skills Development Act was managed under the authority of the Minister of Labour, it provided for the development of skills development institutes. When the Act was transferred to the Minister of Higher Education and Training, there was no intension to establish these institutes. Secondly, a joint communique was issued in 2012 requesting skills development providers not to register with the DHET. Subsequently, in 2016, another joint communique was issued, this time requesting all private skills development providers offering occupational programmes to register with the Department of Higher Education and Training.

This reflects a high degree of change over time that may cause major disruptions to the education system.

One of the informants also mentioned during the interviews that each Minister that has come in the skills system has gone off in a different tangent and that may have caused a lot of problems and confusion for various actors, particularly private colleges. This may indicate a high level of politicisation of quality assurance policies that each new Minister wants to change it. It could, on the other hand reflect that the private college sector is not prioritized and therefore there is insufficient attention paid to maintaining consistency.

6.2 CONCLUSIONS

In South Africa, the policies and regulation make provision and designates the important role played by private colleges within the post-school education and training system, as is the case internationally. In the literature review, I showed the growing importance of quality assurance internationally, matching a rise in private provision. This demonstrate that regulation of private provision is crucial for government, and government must ensure that there is a framework for compliance in place in order to protect the public from illegal and irregular activities, and financial irregularities. However, regulation is needed for more than just to protect the students from unscrupulous providers. It is also needed to build and support provision, given the lack of public colleges' capacity to provide adequate access to post-school education and training. To date, the regulatory environment in South Africa does not seem to deal with both protecting the public from illegal providers and strengthening the private college sector.

Regulatory bodies are found to be at odds with each other. The degree of divergence and lack of common perspectives from regulatory bodies, is disturbing. It suggests a profound lack of agreement, amongst key government role players, and it is not surprising, then, that colleges experience high levels of frustration. My research demonstrates a lack of policy coherence within the education and training system within which private colleges operate. A key factor causing confusion, contradiction, and inefficiency is the existence of three quality councils with three different set of rules that, at times, contradict each other. This seems to be causing

frustration for private colleges, even where they do, at times, value aspects of the quality assurance framework.

On the basis of my findings and analysis, I argue that the regulatory framework is punitive and counter-productive to the sustainability of the private college sector. The sector is not prioritized and there is insufficient attention paid to strengthening this sector which may create room for private colleges to self-regulate and operate without registration and accreditation in order to avoid dealing with the complexities of the regulatory framework.

REFERENCES

Akoojee, M. S. A. (2007). Private Technical and Vocational Education and Training (TVET) and national development: The South African reality: A thesis submitted for the Degree of Doctor of Philosophy to the Faculty of Humanities, University of the Witwatersrand, Johannesburg.

Allais, S. (2011). The changing faces of the South African National Qualifications Framework. Journal of Education and Work, 24(3-4), 343–358.

Allais, S. (2012). Why Solving Ongoing Problems with the NQF Matters. In Shaping the Future of South Africa's Youth: Rethinking Post-School Education and Skills Training. African Minds.

Allais, S., Raffe, D., Strathdee, R., Wheelahan, L., & Young, M. (2009). Learning from the first qualfications framework. Geneva: International Labour Office.

Asian Development Bank. (2012). Private Higher Education Across Asia: Expanding Access, Searching for Quality. Mandaluyong City, Philippines: Asian Development Bank.

Baumgardt, J. (2013). Quality assurance challenges for private providers in post-school education and training in South Africa. University of South Africa, Pretoria.

Bennell, P., Bendera, S., Kanyenze, G., Kimambo, E., Kiwia, S., Mbiriyakura, T., … Temu, J. (1999). Vocational Education and Training in Tanzania and Zimbabwe in the Context of Economic Reform. London: Department for International Development (DFID).

Bonal, X. (2002). The World Bank Global Education Policy and the Post-Washington Consensus. International Studies in Sociology of Education, 12(1), 3–22.

Cohen, L., Manon, L., Morrison, k, & Morrison, K. R. B. (2007). Research Methods in Education. Oxon: Routledge Taylor and Francis Group.

Creswell, J. W. (2007). Qualitative inquiry & research design choosing among five approaches. 2nd edition. Thousand Oaks, CA: Sage Publications.

CVCP/HEFCE. (2000). The Business of Borderless Education: UK perspectives. London: CVCP.

Dakopoulou, A. (2009). The Appropriation of the Global Discourse in the Formation of National Education Policies: A Case of Continuing Education of Teachers in Greece. Globalisation, Societies and Education, 7(1), 83–93.

Deaton, A. (2004). Health in an Age of Globalization. In Brookings Trade Forum: 2004, ed. Carol Graham and Susan M. Collins, 83-130. Washington, DC: Brookings Institution Press.

Department of Education. Education White Paper 4 - A Programme for the Transformation of Further Education and Training. Government Gazette No. 19281. Pretoria: Government Printers. , (1998).

Department of Higher Education and Training. Green Paper for Post-School Education and Training. , (2012).

Department of Higher Education and Training. (2013). White Paper for Post-School Education and Training. Pretoria: DHET.

Department of Higher Education and Training. (2016). Situational Analysis of Skills Development Providers in South Africa. Pretoria: DHET.

Department of Higher Education and Training. (2018a). Draft National Plan for Post-School Education and Training. Department of Higher Education and Training.

Department of Higher Education and Training. (2018b). Investment Trends in Post-School Education and Training in South Africa. Pretoria: DHET.

Department of Higher Education and Training. (2018c). National Plan for Post-School Education and Training. Pretoria: Department of Higher Education and Training.

DNA Economics, Mzabalazo, & Social Surveys Africa. (2017). Implementation Evaluation of the National Qualifications Framework Act (2008). Pretoria.

Duczmal, W. (2006). The Rise of Private Higher Education in Poland: Policies, Markets and Strategies. Czech Republik: CHEPS/UT.

European Union. (2016). Comparative Analysis of the Australian Qualifications Framework and the European Qualifications Framework for Lifelong Learning: Joint Technical Report.

Fees Commission. (2017). Report of the Commission of Enquiry into Higher Education and Training to the President of the Republic of South Africa. Pretoria: Presidency.

Fischer, S. (2003). Globalization and its Challenges. American Economic Review, 93(2), 1–30.

Gray, A. M. (2004). Vocal music of the Anglo-Boer war (1899-1902): insights into processes of affect and meaning in music. Thesis submitted to the University of Pretori. Pretoria: University of Pretoria.

Harman, G. (1998). The Management of Quality Assurance: A Review of International Practice. Higher Education Quarterly, 52(4), 345–364.

Jones, P. W., & Coleman, D. (2005). The United Nations and education: Multiculturalism, Development and Globalization. London and New York: RoutledgeFalmer.

Joppe, M. (2000). The research process. Stellenbosch: Sun Press.

Kraak, A. (2012). Briefing Paper on Private Post-School Education in South Africa. Labour Market Intelligence Partnership.

Leedy, P., & Ormrod, J. (2008). Practical Research: Planning and Design. 8th edition. New Jersey: Pearson Merrill Prentice Hall.

Merriam, S. B. (2009). Merriam, S. B. 2009. Qualitative research: a guide to design and implementation. San Francisco: San Francisco: John Wiley and Sons, Inc.

Mundy, K. (2005). Globalization and Educational Change. In N. Mascia, A. Cumming, A. Datnow, K. Eithwood & D. Ivingstone (eds.), Interational Handook of education Policy, pp. 3-17. The UK: Springer.

National Commission for Further and Higher Education. (2014). Overview of the Bologna Process. Malta: National Commission for Further and Higher Education.

National Planning Commission. (2011). National Development Plan. Vision for 2030. Cape Town: Ministry in the Presidency.

National Treasury. Public Finance Management Act, Act No. 1 of 1999. , (1999).

OECD. (2016). Better Policies for Sustainable Development 2016: A New Framework for Policy Coherence. Paris: OECD Publishing.

Pachuashvili, M. (2009). The Politics of Higher Education: Governmental Policy Choices and Private Higher Education in Post-Communist Countries. Central European University.

Republic of South Africa. The Constitution of the Republic of South Africa. , § The Bill of Rights in chapter two of the Constitution (1996).

Rizvi, F., & Lingard, B. (2010). Globalizing Education Policy. New York: Routledge.

Romer, P. M. (2010). Which Parts of Globalization Matter for Catch-up Growth? NBER Working Paper No. 15755.

South African National Alignment Committee (NAC). (2018). Report on the Alignment of the South African National Qualifications Framework (SANQF) to the Southern African Development Community Qualifications Framework (SADCQF).

South African Qualifications Authority. (2000). The National Qualifications Framework and Quality Assurance. Pretoria: SAQA.

Statistics South Africa. (2017). General Household Survey. Pretoria: Statistics South Africa.

Terre Blanche, M., & Kelly, K. (2004). Interpretive methods. In Terre Blanche, M & Durrheim, K (Eds.), Research in practice: Applied methods for the social sciences. Cape Town: Unversity of Cape Town Press.

The Commonwealth. (2018). Strengthening Sport-Related Policy Coherence.

The Presidency. National Qualifications Framework Act No. 67 of 2008. Government Gazette No. 31909. Pretoria: Government Printers. , (2008).

Umalusi. (2008). FET private providers site visit and verification report. Pretoria: Umalusi.

Umalusi. Standards and Quality Assurance for General and Further Education and Training Umalusi Policy. , (2014).

Van Damme, D. (2001a). Higher Education in the Age of Globalisation: The Need for a New Regulatory Framework for Recognition, Quality Assurance and Accreditation. Ghent University.

Van Damme, D. (2001b). Quality Issues in the Internationalisation of Higher Education. Higher Education, 41, 415–441.

Vlasceanu, L., & Wilson, L. (2000). Transnational education and recognition of qualifications. Bucharest: NESCO/CEPES.

Yin, R. K. (2003). Case Study Research: Design and Methods. Thousand Oaks: Sage Publications.

APPENDIX 1: INTERVIEW PROTOCOL AND SCHEDULE FOR PRIVATE COLLEGES

The following questions were used as a guide to the interviewer. Probes that will be used are limited to seeking clarity and following up on participant responses.

1. Please provide me with a short overview of your institution.
2. What type of students usually enrol for programmes at your institution?
3. Your institution has several programmes accredited. What courses are your lucrative programmes at the moment? Please explain.
4. What previous experience or training have you had, particularly in quality assurance, or programme accreditation? Please explain.

5. What have been your experience in getting programmes that you offer at your institution, accredited?

    - What processes did you follow?
    - Which organisation were you involved with in the process?
    - How long does it generally take for your programme to be accredited?
    - Did you experience any challenges during the accreditation process? If so, please explain.
    - What recommendations do you have to improve accreditation process?

6. By which quality assurance bodies is your organisation registered or accredited? Mark as many as are applicable.

Department of Basic Education (DBE)	Department of Higher Education and Training (DHET)	Higher Education Quality Council (HEQC)
Quality Council on Trades and Occupations (QCTO)	UMALUSI (GENFETQA)	AGRISETA
BANKSETA	CETASETA	CHIETA
CATHSSETA	CTFLSETA	ESETA
ETDPSETA	FASSET	HWSETA
MICTSETA	INSETA	LGSETA
MERSETA	MQASETA	PSETA
SASSETA	SERVICESETA	SSDSETA
TETASETA	W&RSETA	Not accredited
Other		

7. Do you think that it is necessary for a quality council to accredit the programme that you offer? Please justify your response.
8. What have been your experience in getting your institution registered with the Department of Higher Education and Training?
    - What process did you follow?
    - How long did it take your institution to be registered with the Department of Higher Education and Training?
    - What challenges did you experience with the registration processes?
    - What recommendations do you have to improve registration processes?

9. In the hindsight, going through this process, what have you learned? And what was the most remarkable change that happened during this time?
10. With regard to the employment of both your academic and support staff, does your institution mainly employ them on a full-time, or part-time basis? Please explain.
11. What type of knowledge, skills and abilities do you look for, when recruiting academic staff?

12. With regard to this study, is there anything else you wish to mention?
13. How valuable is the regulatory context on the private colleges?
14. What value has been added to the recognition of private colleges within the regulatory context as part of the South African PSET system?
15. Has the government fulfilled its mandate?

APPENDIX 1: INTERVIEW PROTOCOL AND SCHEDULE FOR SAQA AND QUALITY COUNCILS

The following questions were used as a guide to the interviewer. Probes that will be used are limited to seeking clarity and following up on participant responses.

1. How do you experience the current regulatory framework governing PSET system in your institution?
2. How valuable is the regulatory context on the private colleges?
3. What value has been added to the recognition of private colleges within the regulatory context as part of the South African PSET system?
4. On the following scale, identify whether the following factors are cause for concern with the private providers that you accredit.
    - Non registered providers who are purporting to deliver nationally recognised training
    - Lack of appropriate qualifications of lecturers/facilitators
    - The resources, facilities and premises of the provider
    - False marketing and advertising
    - Misleading student information
    - Handing of student complaints and appeals
    - Poor understanding of Recognition of Prior Learning
    - Inadequate assessment of learners
    - Inadequate moderation of learner results
    - Inappropriate issuing of certificates and statements of results
    - Unofficial or non-accredited training offered by the provider
    - Corruption
    - Non-delivery on tenders
    - Poor supervision of students
    - Other
5. If you listed other as an answer to the previous question, please provide details below.

6. The regulatory environment is seen by private colleges to be complex and onerous. Why do you think this is the case?
7. Do any the following stakeholders have a formal role in the specification of processes and criteria for the external quality assurance of private providers in your primary domain? Answer Yes or No for each item.
    - Student representatives
    - Private Higher education institutions
    - Government (central/regional)
    - Industry and labour market representatives (union, employers, etc.)
    - Professional organisations
    - Quality assurance agencies
    - Other
8. If you selected "other" in the previous question, please supply details.
9. The White Paper on Post-School Education and Training (2012) mention the need for a "more enabling regulatory environment". What suggestions do you have in this regard?
10. What suggestions do you have to address the challenges that you have experienced with regard to accreditation or quality assurance?
11. There are so many changes taking place in the educational environment at present. What do you think about the future of private post-school education and training?
12. Has the government fulfilled its mandate?