

(1 April 2015 - to date)

SKILLS DEVELOPMENT ACT 97 OF 1998

Government Notice 1400 in Government Gazette 19420, dated 2 November 1998. Commencement date: 2 February 1999, unless otherwise indicated

TRADE TEST REGULATIONS, 2014

Government Notice R376 in Government Gazette 38758 dated 8 May 2015. Commencement date: 1 April 2015.

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in terms of s. 26D(5) read with s. 36 of the Skills Development Act, 1998, after consultation with the National Skills Authority and the Quality Council for Trades and Occupations hereby publish the Trade Test Regulations in the schedule hereto.

(Signed)

DR B E NZIMANDE, MP

MINISTER OF HIGHER EDUCATION AND TRAINING

Schedule

PREAMBLE

These regulations:

- replace the prevailing industry and sector based artisan trade testing system inherited from the repealed Manpower Training Act, 1981 (Act 56 of 1981);
- provide for a single national artisan trade testing and certification system across all economic sectors;
- enable improved access to trade testing by allowing any person to apply for a trade test at any nationally accredited trade test centre subject only to the centre being accredited for the relevant trade;
- enable the improvement in the quality of trade testing by setting minimum national standards for trade testing in order to provide industry and the broader economy with suitably qualified artisans;
- enable the development of a single national standardised approach to recognition of prior learning for all artisan trades;

Prepared by:

- enable a single standardised efficient and effective trade testing monitoring and reporting system.

ARRANGEMENT OF REGULATIONS

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1. Definitions

In these regulations, any word or expression to which a meaning has been assigned in the Act has that meaning unless the context indicates otherwise; and

"accredited trade test centre" means a test centre accredited by the QCTO to conduct a trade test for any listed trade and may include a workplace;

"artisan qualification" means an occupational qualification approved by the Minister for the purpose of certifying a person as an artisan;

"curriculum" means a statement of the training structure and expected methods of learning and teaching that underpin a qualification or part qualification to facilitate a more general understanding of its implementation in an educational system;

"curriculum components of an artisan qualification" means the knowledge, practical and structured work experience components of a curriculum;

"listed trade" means an occupation that is listed as a trade in terms of s. 26B(a) of the Act;

"Manpower Training Act" means the Manpower Training Act, 1981 (Act 56 of 1981);

"NAMB" means the national artisan moderation body contemplated in s. 26A of the Act;

"national trade certificate" means a certificate issued by the QCTO to a learner who has passed a trade tests;

"pre-trade test evaluation" means a written evaluation and an integrated practical assessment approved by NAMB to determine whether a learner may proceed to take a trade test;

"professional body" means a body of expert practitioners in an occupational field recognised by SAQA in terms of s. 29 of the NQF Act;

"the Act" means the Skills Development Act, 1998 (Act 97 of 1998);

"RPL" means recognition of prior learning as defined and described in the national policy for the implementation of recognition of prior learning as issued by the South African Qualifications Authority;

"SETA" means a Sector Education and Training Authority established in terms of s. 9 of the Act;

"trade test" means an final integrated summative assessment for an artisan qualification for a listed trade that is conducted at an accredited trade test centre by an assessor registered with NAMB; and

"verify" means a process whereby the NAMB will confirm the accreditation status and scope of the trade test centre including the registration status and scope of the assessor and internal moderator of a specific trade test prior to the recommendation of certification

2. Application to undergo a trade test

- (1) Subject to sub-regulation (2) a person may apply to an accredited trade test centre to undergo a trade test in any listed trade.
- (2) An applicant for a trade test must submit to the accredited trade test centre –
 - (a) an application form in the format determined by the NAMB;
 - (b) proof that the applicant has achieved the entrance requirement specified by the QCTO for the listed trade qualification;
 - (c) proof that the applicant has completed all the curriculum components required for an artisan qualification; and
 - (d) proof of compliance with any medical or legal requirement applicable to the relevant trade as may be provided in any other law or required by a professional body for the listed trade.

- (3) Despite sub regulation (2), an applicant who has completed an RPL process may substitute a portfolio of evidence approved by NAMB in place of the proofs contemplated at sub-regulation (2)(b)(c) and (d).
- (4) Upon receipt of an application that conforms to requirements as contemplated in sub-regulation (2) or (3), an accredited trade test centre must within five working days issue to the applicant a written and signed notice in a format determined by NAMB, indicating:
 - (a) the trade test serial number issued by national trade testing system.
 - (b) the date on which the trade test will be conducted;
 - (c) the listed trade which will be tested;
 - (d) the venue, time and duration of the trade test; and
 - (e) the cost in Rands of the trade test.
- (5) All persons who are contracted on a learning programme agreement will be allowed three trade test attempts that must occur during the learning programme agreement period.
- (6) A person who is found not yet competent after three attempts at a trade test within the learning programme agreement period, must be referred for recognition of prior learning as contemplated in sub regulation (3).
- (7) A person who attempts a trade test must be issued a report by the accredited trade test centre in a format determined by NAMB within three working days after the completion of the trade test.

3. Pre-trade test evaluation

Notwithstanding regulation 2, if a person completed an artisan learning programme or a portfolio of evidence three years before applying to undergo a trade test, such a person must undergo a pre-trade test evaluation developed by the NAMB and that must be conducted by a trade test centre accredited by the QCTO.

4. Trade Test Specifications

Trade tests specifications will be prescribed in the External Assessment Specifications document. The External Assessment specification forms an integral part of the Qualification design and must:

- (a) be consistent with the principles of external summative and integrated assessment;
- (b) comply with the criteria for the development of the External Assessment specifications

as outlined in the QCTO policy document "Assessment Policy for Qualifications and Part Qualification on the OQSF"

5. Trade test fees and related rules

Trade test fees and related rules for all listed trades must be determined by NAMB in consultation with the QCTO and issued annually by NAMB through a circular to all accredited trade test centres and SETAs before 31 March each year.

6. Review of pre-trade test evaluation and trade test

Pre-trade test evaluation, trade tests and RPL toolkits for all listed trades must be reviewed by NAMB

- (a) every five years after consultation with the QCTO, relevant SETAs, professional bodies and industry stakeholders;
- (b) if a SETA, professional body or relevant industry stakeholders request a review; or
- (c) if indicated by an analysis of moderation results.

7. Trade test scheduling, monitoring, reporting and certification

- (1) An accredited trade test centre must submit to NAMB five working days in advance of each month end, in a format determined by NAMB, a monthly schedule of trade tests to be conducted by the centre.
- (2) An accredited trade test centre must submit trade test results once a week to the NAMB and the SETA where the learner is registered in a format determined by NAMB in consultation with the QCTO.
- (3) NAMB must submit monthly reports of trade test results to its artisan stakeholder forums.
- (4) NAMB must verify trade test results within five working days of receiving them, in accordance with NAMB moderation criteria and guidelines aligned to the relevant QCTO policies.
- (5) NAMB must recommend certification of qualifying learners subject to external moderation if necessary to the QCTO within twenty one working days after verifying the results.
- (6) NAMB must not recommend certification of an applicant if –
 - (a) the learner was not approved for the trade test as contemplated in regulation 2(5); or

(b) the learner's name does not appear on a monthly trade test schedule contemplated in sub regulation (1).

- (7) Provided the relevant criteria for certification have been met, the QCTO will issue and distribute a national trade certificate to each successful learner within twenty one working days after receiving a recommendation to that effect from NAMB.

8. Complaints

- (1) A learner may lodge a complaint in writing with the relevant accredited trade test centre within five working days after completion of a trade test should a person believe that any unfair practise occurred during the trade testing process.
- (2) A trade test centre must investigate and process a complaint within five working days of receiving it and submit a report to the NAMB.

9. Appeals

- (1) A learner may appeal a trade test result within twenty-one working days of receiving it.
- (2) The appeal must be lodged with NAMB in a format determined by NAMB.
- (3) NAMB must process an appeal within twenty-one working days of receiving it in terms of NAMB's appeals policy.

10. Irregularities and offences

NAMB must determine and publish a disciplinary code and procedures for dealing with trade test irregularities and offences contemplated in s. 33 of the Act.

11. Transitional arrangements

- (1) A trade test centre accredited by a SETA prior to the commencement of these regulations for a trade occupational qualification not registered on the National Qualifications Framework will be deemed to be accredited by the QCTO until the occupational qualification is registered.
- (2) A trade test centre must apply to NAMB for a trade test serial number before allowing a candidate to proceed for a trade test unless NAMB gives approval for the trade test centre to conduct trade tests without applying for a trade test serial number.

- (3) Until the QCTO determines the entrance requirements contemplated in regulation 2(2)(b) the minimum level of education for access to a trade test will be the successful achievement by a learner before, during or after an artisan learning programme of:
- a) N2 Certificate including the four relevant subjects of maths, engineering science and a fourth subject as required by the trade; or
 - b) Technical trade theory programs quality assured by a SETA deemed to be equivalent to NQF level 3; or
 - c) Relevant Engineering NCV Certificate with seven subjects at NQF level 3; or
 - d) Technical Grade 11 with Maths, Science, Language and related trade theory subject; or
 - e) Relevant (directly related to the trade theory subjects) N6 certificate or National Technical Diploma (T, S or N stream.)

In addition to the above mentioned minimum level of educational qualification the applicant must also have:

- a) successfully completed all off the job practical training unit standards (in the case of learnerships) or modules (in the case of an apprenticeship) of an artisan learning program at an accredited training provider as verifiable by training records.
 - b) satisfied the requirements of the structured workplace, on the job, learning for a minimum period of 12 months verifiable through a workplace learning record (e.g logbook) unless any other workplace period has been contractually specified before the date of publication of this Regulation.
- (4) The minimum level of knowledge for recognition of prior learning referred to in regulation 2(3) is a 50% pass in a written knowledge assessment that is an integral part of a recognition of prior learning toolkit approved by NAMB.
- (5) Until such time as the occupational curricula and /or RPL toolkits for a specific trade are developed, candidates who have not gone through a formal artisan learning program but possess relevant years of work experience in the related trade may be granted access to a trade test if they have completed:
- (a) N2 Certificate including the relevant trade theory subjects and a minimum of 3 years relevant work experience; or
 - (b) Technical trade theory programs quality assured by a SETA deemend *[sic]* to be at NQF level 3 and a minimum of 3 years relevant work experience; or

- (c) Relevant Engineering NCV at NQF level 3 and a minimum of 3 years relevant work experience;
or
 - (d) Relevant engineering NC(V) 4 plus completion of all relevant work experience modules and a minimum of 18-months relevant work experience; or
 - (e) Technical Grade 12 with Maths, Science and related trade theory subject and a minimum of 3 years relevant work experience; or
 - (f) Grade 9 and a minimum of 4 years relevant work experience; or
 - (g) Relevant (directly related to the trade theory subjects) N6 certificate or National Technical Diploma (T,S or N stream.) with 18 months relevant work experience.
- (6) Every accredited skills development provider of artisan training must submit their existing curricula leading to an artisan qualification or part qualification to NAMB for record keeping and evaluation within one month after these regulations come into effect, failing which the skills development provider's accreditation may be forfeited.
- (7) An apprentice under a contract of apprenticeship registered by a SETA in terms of Section 13 of the repealed Manpower Training Act before the commencement of these regulations is deemed to be apprenticed in terms of chapter 4 of the Act.
- (8) No person may apply for or be trade tested under Section 28 of the repealed Manpower Training Act but any person may apply to an accredited trade test centre for recognition of prior learning in terms of regulation 2(3).
- (9) Any person who has been issued with a date for a trade test in terms of Section 28 of repealed the Manpower Training Act prior to the publication of this notice will be managed in terms of regulation 2(2).
- (10) NAMB must determine equivalency criteria if required for access to a trade test until the relevant occupational qualification are registered.
- (11) Until such time as the Occupational Curricula including the External Assessment Specifications for a trade qualification is developed, a learner who attempted a trade test will be given recognition for those trade test tasks in which he/she has been found competent and not be retested in those tasks provided that:

11.1 The recognition will be retained by the candidate for a maximum of 3 attempts or 18-months from the date of successful completion of the trade test task whichever comes first; and

11.2 The learner is competent in at least 50% of the trade test tasks given during the trade test.

12. Short title and commencement

These regulations are the Trade Test Regulations and come into effect on 1 April 2015.