	Foreign Qualifications Evaluation and Advisory Services **APPEAL POLICY**

1 Preamble

The South African Qualifications Authority (SAQA) is mandated by Section 13(1)(m) of the National Qualifications Framework (NQF) Act, 67 of 2008, to **"In respect of foreign qualifications, provide an evaluation and advisory service consistent with this Act".**

This mandate aligns with SAQA's apex responsibility to promote the objectives of the NQF; one of which focuses explicitly on access to, and mobility and progression within, education and training and career paths. It is a strategic imperative of the organisation to support and direct the national and international mobility of lifelong learners, including workers, by facilitating the recognition of their learning achievements.

The evaluation of foreign qualifications by SAQA entails a process that is described in the Definitions section below; which is guided by criteria that are transparent, coherent, and reliable and applied consistently; and which results in a decision whether or not to recognise a qualification.

The SAQA Foreign Qualifications Evaluation Appeal Policy is embedded in the South African common law system; and is guided by Section 33 (Administrative Justice) of the Constitution of the Republic of South Africa, 1996, the Promotion of Administrative Justice Act (PAJA), 3 of 2000 and the Promotion of Access to Information Act (PAIA), 2 of 2000, to ensure that it is procedurally fair and valid.

The Policy further gives effect to the *SAQA Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF*, which states that a qualification holder has the right to be informed of the rationale underlying a recognition decision and exercise the right to appeal.

2 Definitions

"Appeal" means the formal petitioning, by an appellant, either to the FQ Appeal Panel against a recognition decision; or to the FQ Appeal Committee, against an appeal decision taken by the FQ Appeal Panel in Stage 1 of the appeal process.

"Appeal decision" means the decision taken by the Appeal Panel (Stage 1), or the Appeal Committee (Stage 2), whether to dismiss or uphold an appeal.

"Appellant" means the holder of a foreign qualification evaluated by SAQA, who lodges an appeal in terms of this Policy.

"Evaluation of foreign qualifications" means the process followed by SAQA to verify the authenticity of foreign qualifications and to compare foreign qualifications with South African qualifications registered on the NQF.

"Foreign qualification" means a qualification that either: (1) forms an intrinsic part of an education and training system other than South Africa, and is awarded by an institution that is accredited or recognised in that system, in accordance with the relevant laws, policies or generally accepted practice; or (2) meets other specific criteria as determined and published by SAQA.

"Recognition decision (regarding a foreign qualification)" means the outcome of the evaluation of a foreign qualification conducted in terms of the *SAQA Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF*; on whether or not to recognise that qualification.

3 Purpose

The purpose of this policy is to outline the principles and process according to which SAQA receives, and deals with, appeals; as well as the structures for that purpose.

4 Scope

This policy makes provision for appeals against recognition decisions and Stage 1 appeal decisions, the processes that follow, and the investigation that would provide a resolution to the appeal.

5 Right to appeal

5.1 Qualification holders have the right to be informed of the rationale underlying decisions to recognise their qualifications at particular levels, or not to recognise their qualifications.

5.2 The appeal Policy and process confers on them the right to appeal against recognition decisions and Stage 1 appeal decisions of the FQ Appeal Panel.

5.3 The appellant is not entitled to legal representation in the course of the appeal and must personally lodge the appeal at any of the appeal stages.

5.4 SAQA will make information on the procedures for appeals available to all applicants for the evaluation service, as well as specifically to appellants.

6 Grounds for appeal against the recognition decision

The recognition decision can be disputed on one or more of the following grounds:

6.1 The facts underlying the decision *not* to recognise a qualification are incorrect. These facts can pertain to one or more of the following:

- Issuing body not recognised as part of the national system in country of origin
- Issuing body recognised, but not authorised to offer qualification / qualification does not have national status in the country of origin
- Documents not authentic (inconsistencies identified)
- Award not made to individual (as confirmed by the issuing body);

6.2 The evidence underlying the *level* at which a qualification is recognised is incomplete, incorrect or irrelevant; or the interpretation thereof is flawed;

6.3 The *evaluation process* deviated from the published principles, criteria and methodology;

6.4 Other (to be considered).

7 Appeal stages

The appeal comprises two stages:

7.1 Stage 1 (appeal against the recognition decision) will be carried out by the Foreign Qualifications (FQ) Appeal Panel (Section 8.1 below).

7.2 Stage 2 (appeal against the decision of the FQ Appeal Panel) will be executed by the Foreign Qualifications (FQ) Appeal Committee (Section 8.2 below)

8 Appeal structures

8.1 The FQ Appeal Panel

8.1.1 The Appeal Panel will consist of the Deputy Chief Executive Officer of SAQA (chairperson), The Director of the Directorate Foreign Qualifications Evaluation and Advisory Services (DFQEAS) and two co-opted persons other than DFQEAS staff members, who will be appointed by the chairperson. Co-opted members must have relevant knowledge of the NQF landscape, particularly the processes for qualifications generation, evaluation, classification, registration and recognition.

8.1.2 The Appeal Panel will meet as and when required.

8.1.3 Once in receipt of a Stage 1 appeal, the FQ Appeal Panel will within 30 working days assess the appeal and make a decision. The response time may extend if there is a need for further external consultation. Appellants will be informed of such delays.

8.1.4 In cases where the Appeal Panel decides to uphold the original recognition decision, applicants will be notified of their right to appeal the Stage 1 appeal decision to the Appeal Committee.

8.2 The FQ Appeal Committee

8.2.1 The FQ Appeal Committee will consist of the Chief Executive Officer (CEO) of SAQA and three other members of the Foreign Qualifications Committee, who must be appointed by the Board.

8.2.2 The FQ Appeal Committee will meet as and when required.

8.2.3 Once in receipt of a second stage appeal, the FQ Appeal Committee will within 60 working days assess the appeal and make a decision. The response time may extend if there is a need for further external consultation. Appellants will be informed of such delays.

8.2.4 The FQ Appeal Committee will not consider any evidence over and above what has already served at the FQ Appeal Panel. Should, at the time of the Stage 1 appeal, information have been available that the appellant was unaware of that would have, had it been submitted to the Appeal Panel, altered the Stage 1 appeal decision, such new evidence will be considered by the Appeal Panel and not by the Appeal Committee. The cost of a second Stage 1 appeal will be the same as for the first.

8.2.5 In cases where the Appeal Committee is inclined to dismiss the appeal, appellants will be allowed to make written representation, after which the Appeals Committee will make a final and binding appeal decision.

9 Lodging an Appeal

9.2 Stage 1: Appeal before the FQ Appeal Panel

9.2.1 The appellant (qualification holder) must lodge the appeal within ninety (90) calendar days of the date of issue of the SAQA Certificate of Evaluation, or the letter advising of the non-recognition of the qualification. The appeal must be addressed to the Director: Foreign Qualifications Evaluation and Advisory Services.

9.2.2 The appeal must be lodged:

9.2.2.1 Online, as per the relevant guidelines and links available on the SAQA website; and
9.2.2.2 Physically in the form of a paper pack.

9.2.3 All the required information must be provided online and in the paper pack.

9.2.4 In addition the appellant must include the following as part of the Stage 1 appeal submission:

9.2.4.1 If the appeal is against the level of recognition, the original SAQA Certificate of Evaluation to which the appeal refers;
9.2.4.2 Relevant substantiating documentation in addition to what was submitted before, when applicable; and
9.2.4.3 An appeal fee as determined by SAQA. If the outcome of the appeal is in favour of the appellant and leads to the amendment of the original recognition decision, then the appeal fee will be refunded.

9.2.5 No oral submissions will be entertained.

9.2 Stage 2: Appeal before the FQ Appeal Committee

9.2.1 The appeal must be addressed to the Chief Executive Officer of SAQA and be lodged within sixty (60) calendar days of the date of the letter informing the appellant of the Stage 1 appeal decision.

9.2.2 The appeal must be lodged:
9.2.2.1 Online, as per the relevant guidelines and links available on the SAQA website; and
9.2.2.2 Physically in the form of a paper pack.

9.2.3 All the required information must be provided online and in the paper pack.

9.2.4 In addition the appellant must include the following as part of the appeal submission:

9.2.4.1 If a Certificate of Evaluation had been issued, that original certificate;
9.2.4.2 An appeal fee as determined by SAQA. If the outcome of the appeal is in favour of the appellant and leads to the amendment of the original recognition decision, then the appeal fees paid for both stages 1 and 2 will be refunded.

9.2.5 Notwithstanding 8.2.4 above, no new evidence may be submitted in addition to what was submitted in Stage 1.

9.2.6 No oral submissions will be entertained.

10. Monitoring of appeals

10.1 SAQA will register all appeals on the Appeals Register maintained by the organisation.

10.2 Progress on the processing of appeals and appeal outcomes will be reported to the relevant Board Committee on a quarterly basis.