

BOTSWANA QUALIFICATIONS AUTHORITY ACT
(Act No. 24 of 2013)

**BOTSWANA QUALIFICATIONS AUTHORITY (ACCREDITATION OF
LEARNING PROGRAMMES) REGULATIONS, 2016**
(Published on 17th June, 2016)

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Education and Skills Development by section 31 of the Botswana Qualifications Authority Act, 2013, the following Regulations are hereby made —

1. These Regulations may be cited as the Botswana Qualifications Authority (Accreditation of Learning Programmes) Regulations, 2016. Citation
2. In these Regulations, unless the context otherwise requires — Interpretation
 - “accredited learning programme” means a quality assured, structured learning programme that leads to a qualification;
 - “assessment” means the process of collecting evidence of learners’ work to measure and make judgement about achievement or non-achievement of specified National Credit and Qualifications Framework (hereinafter referred to as ‘NCQF’) standards or qualifications;
 - “assessor” means a person registered and accredited by the Authority in accordance with established criteria to collect evidence of learners’ work to measure and make judgment about achievement or non-achievement of specified NCQF standards or qualifications;

“Fees Regulations” means the Botswana Qualifications Authority (Fees) Regulations;

“learning programme” means the sequential learning activities, associated with curriculum implementation, leading to the achievement of a particular qualification;

“learning outcomes” means a statement that specifies what learners will know or will be able to do as a result of a learning activity;

“moderation” means the process which ensures that assessment of the outcomes described in NCQF standards or qualifications, is fair, valid, reliable and consistent;

“moderator” means a person who is registered and accredited to ascertain whether or not the assessment of outcomes described in the NCQF standards and qualifications are fair, valid, reliable and consistent;

“qualification” means a formal outcome of an assessment and validation process which is obtained when a competent body determines that an individual has achieved learning outcomes to given standards;

“Register” means a register maintained in terms of regulation 8;

“scope of accreditation” means the extent of accreditation that has been granted to an education and training provider;

“sub-field” means a specific area of education or training at qualifications level within a field;

“structured work-place learning” means on-the-job training during which a learner is expected to master a set of skills or competencies, related to a work based learning programme accredited by the Authority; and

“unit standard” means a statement of the outcome of any learning assessed, the type and quality of evidence that represents performance worthy of an award of credits and the context in which that evidence shall be demonstrated.

Learning programmes to be registered and accredited

3. (1) An education and training provider that wishes to offer learning programmes at any level shall apply to the Authority for accreditation for such learning programmes.

(2) Any person may develop learning programmes and associated curricular materials based on NCQF standards or qualifications and submit them to the Authority for accreditation.

Application for accreditation to be in a prescribed Form

4. (1) An application for accreditation of a learning programme under these Regulations shall be made in Form A in the Schedule, accompanied by a fee set out in the Fees Regulations.

(2) The Authority may, in writing, require an applicant to provide additional information which it considers relevant to the application.

(3) Where the applicant is required to provide further information in terms of subregulation (2), such information shall be submitted in writing within twenty-one (21) working days from the date of notification.

(4) Where an applicant fails to submit required information in terms of subregulation (3), the Authority shall reject the application.

(5) The Authority shall not accredit a learning programme unless the application meets criteria and guidelines for accreditation of learning programmes as determined by the Authority.

5. (1) A learning programme submitted for accreditation shall meet the national human resource needs.

Accreditation
of learning
programme

(2) The accreditation of a learning programme shall be based on the requirements of the NCQF standards or qualifications.

(3) Where the Authority is satisfied that an applicant satisfies the provisions of regulation 4, it shall grant accreditation of learning programme status.

(4) Where the Authority grants accreditation of learning programme status, it shall —

(a) record the accredited learning programmes in the register; and

(b) issue to the applicant, a certificate of accreditation of learning programme.

6. (1) A structured work-place learning programme shall be accredited by the Authority in accordance with the provisions of these Regulations.

Accreditation
of learning
programme
in the
workplace

(2) Where a work-place learning programme is not accredited, assessment and moderation shall be done by a registered and accredited assessor and moderator through a registered and accredited assessment body.

(3) Information on assessment and moderation, and associated quality assurance processes for qualifications and learning programmes submitted to the Authority shall be in accordance with criteria and guidelines determined by the Authority.

7. (1) Assessment design and administration for qualifications on the Framework shall be based on learning outcomes and requirements stipulated for the qualifications, as determined by the Authority.

Assessment
design and
application

(2) The Authority shall develop criteria and guidelines for the design and implementation of outcomes-based assessment and moderation system.

(3) An education and training provider shall develop and implement policies, processes and procedures to ensure credibility in assessment and conformity to criteria and guidelines referred to in subregulation (2).

(4) Assessment and moderation for accredited learning programmes shall be undertaken by registered and accredited assessors and moderators in a manner determined by the Authority.

(5) The Authority shall undertake quality assurance of assessment and moderation systems implemented by education and training providers and awarding bodies for accredited learning programmes.

8. (1) The Authority shall maintain a register of all accredited learning programmes, which register shall be open for inspection by any member of the public.

Register of
accredited
learning
programmes

(2) The register shall contain the —

(a) name of the learning programme;

(b) name of the qualification upon which the learning programme is based;

(c) name of the provider and awarding body of the learning programme;

(d) level of the learning programme;

(e) credit value of the learning programme;

(f) date when the learning programme was accredited; and

(g) date when the qualification upon which the learning programme is based, is to be reviewed.

Publication of list of accredited learning programmes

9. The Authority shall publish a list of accredited learning programmes in the *Gazette* and in any newspaper of wide circulation in Botswana.

Expanding the scope of accreditation

10. (1) An accredited education and training provider may apply for expansion of the scope of education and training services in a manner specified by the Authority.

(2) An application for expanding the scope of accreditation may be made where —

(a) additional learning programmes are to be offered in an area, subfield or domain not covered by the existing accreditation scope;

(b) additional learning programmes are to be offered in an area, subfield or domain at a level higher than that covered by an existing accreditation scope; or

(c) there is to be an addition to the delivery sites covered by an existing accreditation scope, particularly where such sites are in different locations.

(3) The Authority shall, upon being assured that the accredited education and training provider has the capacity to provide the new education and training services or expand its services to new sites, grant an expansion of scope of accreditation.

(4) The Authority shall conduct evaluation and verification of the new learning programmes and relevant inputs in collaboration with relevant stakeholders and subject matter experts.

(5) The Authority may set conditions on any or all of the new education and training services granted in an expanded scope of accreditation or any education and training services covered by the accreditation scope of the education and training provider across any or all of its delivery sites.

Validity of accreditation of learning programme

11. A learning programme shall remain accredited —

(a) for a period not exceeding five years;

(b) unless the accreditation is revoked by the Authority; or

(c) until the education and training provider requests for the learning programme to be de-accredited.

Renewal of accreditation of learning programme

12. (1) An education and training provider who wishes to have their learning programme remain accredited shall, at least six months before the period of accreditation expires, apply for renewal of accreditation of learning programme.

(2) An application for renewal of accreditation shall be made to the Authority in Form B as set out in the Schedule.

(3) The application shall be accompanied by a non-refundable fee set out in the Fees Regulations.

Monitoring and evaluation of accredited learning programme

13. (1) An authorised officer of the Authority may enter the premises of a registered and accredited education and training provider to seek information for the purpose of verifying any evidence pertaining to —

(a) implementation of accredited learning programmes;

(b) corrective actions associated with audit findings; or

(c) an annual report.

(2) The Authority shall monitor and carry out audits of resources, systems and documentation pertaining to the accredited learning programmes in accordance with criteria and guidelines set by the Authority.

(3) An education and training provider shall submit an annual report, to the Authority in accordance with criteria and guidelines set by the authority.

(4) An education and training provider and an awarding body shall review each of its accredited learning programmes in accordance with the procedures set by the Authority.

(5) The Authority shall conduct auditing of learning programmes within two and a half years of the accreditation of the learning programme.

14. (1) An education and training provider shall put arrangements in place for the protection of enrolled learners, who have begun but not completed the learning programme, where the provider ceases to provide the learning programme for any reason.

Protection
of enrolled
learners

(2) An education and training provider shall submit details of the arrangements referred to in subregulation (1) that it has in place to the Authority in writing when —

(a) making an application under regulation 4 for accreditation of a learning programme; or

(b) submitting a request for delegation of authority to make an award in respect of an accredited learning programme.

(3) Details of the arrangements put in place in accordance with subregulation (2) shall be in accordance with criteria and guidelines for protection of enrolled learners determined by the Authority.

15. (1) A registered education and training provider shall notify the Authority of any significant change which is likely to affect the provision of an accredited learning programme where the changes include, but are not limited to, any of the following —

Notification
of significant
changes

(a) a change in the name of a learning programme;

(b) a change in ownership;

(c) a change in legal status;

(d) a decision to cease operations;

(e) a change in the duration or credit value of a learning programme;

(f) a change in the content of a learning programme of more than 30% of the core components;

(g) discontinuation of a learning programme;

(h) a change in location of sites used;

(i) a change in the composition of the governing body;

(j) a change in senior management or senior academic personnel;

(k) a change in funding sources;

(l) a change in any franchising or partnership arrangements;

(m) an increase or decrease in enrolment of more than 20%;

(n) a change in learner-teacher ratio;

(o) a change in accreditation status of staff;

(p) the opening of a new site locally; or

(q) a change in the mode of delivery of any programme or course and assessment.

(2) Where the Authority is notified of a change referred to in subregulation (1) it may institute an investigation to determine whether the change is consistent with the requirements for learning programme accreditation.

(3) Where the Authority finds that a proposed change is inconsistent with the requirements for learning programme accreditation, it shall forthwith require the education and training provider to rectify the change causing the inconsistency.

Revocation of accreditation of learning programmes

16. (1) Accreditation may be revoked where the Authority has good cause to believe that the accredited learning programme no longer meets the criteria set for learning programme accreditation.

(2) The Authority may revoke the accreditation of a learning programme when the applicant has failed to submit its annual report in accordance with the Authority's annual reporting requirements.

(3) Where the Authority decides to revoke the accreditation of a learning programme, it shall issue a written notice to the governing body of the education and training provider —

(a) stating that the accreditation requirements referred to under the regulations are no longer being met;

(b) giving grounds for the findings under paragraph (a); and

(c) allowing the education and training provider a sufficient time frame as may be determined by the Authority, within which to comply with the accreditation requirements referred to under paragraph (a).

(4) Where a written notice under subregulation (3) has been issued, the education and training provider shall suspend the —

(a) enrolment of new learners into learning programmes in which concern has been expressed; and

(b) commencement of services of the same learning programme at any new site until such time as the notice is formally withdrawn by the Authority.

(5) The Authority may, following consideration of any submission made to it by the education and training provider —

(a) re-confirm the accreditation;

(b) re-confirm the accreditation with conditions imposed; or

(c) revoke the accreditation.

(6) Where the education and training provider does not comply with the requirements specified in the notice issued in terms of sub regulation (3) (c), within the time frame specified in the notice, the Authority shall revoke the accreditation of the learning programme.

(7) The Authority shall update the register of accredited learning programmes where conditions are imposed on accreditation.

(8) Where accreditation has been revoked, the education and training provider shall return the certificate of accreditation to the Authority within twenty-one (21) working days of notification.

(9) Where the Authority revokes accreditation, the education and training provider shall cease all operations pertaining to the learning programme affected.

(10) The Authority shall cause to be published in the *Gazette* and at least one newspaper with wide circulation in Botswana, and any other appropriate media, a list of the learning programmes which have been revoked, and indicating the names of the education and training providers who offered the learning programmes.

Appeals

17. A person aggrieved by a decision of the Authority under these Regulations shall, within 21 days of being notified of such decision, make an appeal in writing to the Appeals Committee.

18. A person who —

- (a) offers an unaccredited learning programme leading to award of credits or a qualification;
- (b) states or purports that a learning programme is accredited when the Authority has not granted accreditation status to that learning programme;
- (c) makes a statement that is false or misleading to an authorised officer of the Authority in relation to learning programme accreditation; or
- (d) fails to return the certificate of accreditation of learning programme,

commits an offence and shall be liable upon conviction, to a fine not exceeding P5 000 or to imprisonment for a term not exceeding five years, or to both.

Offences
and
penalties

19. Any education and training provider which, at the coming into operation of these Regulations, has been carrying on the business or activity of education and training shall, within 12 months of the coming into operation of these Regulations, comply with the provisions of these Regulations.

Transitional
provision

SCHEDULE
Form A
Application for Accreditation of Learning Programme
(regulation 4)

1. Details of the Education and Training Provider

Name of Education and Training provider (applicant)	ETP accreditation number	
Name of body/education and training provider responsible for developing the learning programme	Body/ETP accreditation number	
Name of Contact Person		
Position		
Postal address		
Email		
Telephone	Fax	
Date of application	<i>(dd/mm/yyyy)</i>	
Application submitted by:	Surname: Name(s):	Designation

3. This application has been checked and it contains information in all of the following (tick appropriate boxes):

Recruitment of qualified staff and enrolment of learners	Applicant	BQA
Relevant qualifications		
Entry requirements <i>(E.g. formal qualifications or pre-requisites needed to Undertake the programme and selection criteria)</i>		
Protection of enrolled learners policy		
Outline of Learning Programme structure		
Learning Programme aims and objectives		
Learning Programme content <i>(An outline of topics covered, in general, credit value, NCQF level)</i>		
Programme Learning outcomes <i>(In general terms, knowledge, skills and Competencies attained by students completing the award)</i>		
Teaching, learning and assessment strategies <i>(This should include continuous assessment (CA) and the portion of marks allocated to both CA and examination, practice based elements, where applicable)</i>		
Progression pathways <i>(Should include a general statement advising learners on available learning pathways).</i>		
Resources statement <i>(Description of overall resources required for the programme, including physical resources and the evaluation of adequacy of resources and ease of access of resources)</i>		

MOU in relation to cooperation between two ETPS (Where applicable) (To be completed in the case of learning programmes offered jointly)		
	Date	Date
	dd/mm/yyyy	dd/mm/yyyy
	Signature:	Signature:

4. Declaration

We, the undersigned, state that:

- (i) the information contained in the application is, to the best of our knowledge, true and accurate.
- (ii) our institution has sufficient financial provision to cover its operations.

Name of Management Representative	Surname:	Name(s):	
Signature:		Date	_____ (dd/mm/yyyy)
Name of Chairperson of Governing body	Surname:	Name(s):	
Signature:		Date	_____ (dd/mm/yyyy)
Name of one member of Board of Governors	Surname:	Name(s):	
Signature:		Date:	_____ (dd/mm/yyyy)

5. For official use by BQA

Date application received by Education Records Division	_____ (dd/mm/yyyy)	Full Name:		Signature:
Date ETFs data captured on database	_____ (dd/mm/yyyy)			Signature:
Date application received by Quality Assurance Division	_____ (dd/mm/yyyy)			Signature:
Name of BQA officer processing application	Surname: _____	Name(s): _____		
Date application allocated to Quality Assurance Officer	_____ (dd/mm/yyyy)	Allocated by:		

Form B
Renewal of Accreditation of Learning Programme
(regulation 12)

4. Details of the Education and Training Provider

Name of Education and Training provider (applicant)	ETP accreditation number	
Name of body/education and training provider responsible for developing the learning programme	Body/ETP accreditation number	
Name of Contact Person		
Position		
Postal address		
Email		
Telephone		Fax
Date of application	(dd/mm/yyyy)	
Application submitted by:	Surname: Name(s):	Designation

6. This application has been checked and it contains information in all of the following (tick appropriate boxes):

	Applicant	BQA
Recruitment of qualified staff and enrolment of learners		
Relevant qualifications		
Entry requirements (E.g. formal qualifications or pre-requisites needed to Undertake the programme and selection criteria)		
Protection of enrolled learners policy		
Outline of Learning Programme structure		
Learning Programme aims and objectives		
Learning Programme content (An outline of topics covered, in general, credit value, NCQF level)		
Programme Learning outcomes (In general terms, knowledge, skills and Competencies attained by students completing the award)		
Teaching, learning and assessment strategies (This should include continuous assessment (CA) and the portion of marks allocated to both CA and examination, practice based elements, where applicable)		
Progression pathways (Should include a general statement advising learners on available learning pathways).		
Resources statement (Description of overall resources required for the programme, including physical resources and the evaluation of adequacy of resources and ease of access of resources)		

MOU in relation to cooperation between two ETPS (Where applicable) (To be completed in the case of learning programmes offered jointly)			
	Date	Date	
	dd/mm/yyyy	dd/mm/yyyy	
	Signature:	Signature:	
			Signature:

6. Declaration

We, the undersigned, state that:

- (i) the information contained in the application is, to the best of our knowledge, true and accurate.
- (ii) our institution has sufficient financial provision to cover its operations.

Name of Management Representative		Surname:		Name(s):	
Signature:		Date		(dd/mm/yyyy)	
Name of Chairperson of Governing body		Surname:		Name(s):	
Signature:		Date		(dd/mm/yyyy)	
Name of one member of Board of Governors		Surname:		Name(s):	
Signature:		Date:		(dd/mm/yyyy)	

7. For official use by BQA

Date application received by Education Records Division	_____	Full Name:	Signature:
Date BTPs data captured on database	(dd/mm/yyyy)		
Date application received by Quality Assurance Division	_____	Name(s):	Signature:
Name of BQA officer processing application	(dd/mm/yyyy)	Surname::	Signature:
Date application allocated to Quality Assurance Officer	_____	Allocated by:	
	(dd/mm/yyyy)		

MADE this 1st day of June, 2016.

Dr. UNITY DOW,
*Minister of Education and
 Skills Development.*