

# **THE IMPLEMENTATION OF THE DEPARTMENT OF EDUCATION'S POLICY ON REGULATING PRIVATE HIGHER EDUCATION**

**A thesis presented to the School of Public Administration and Development Management in the Faculty of Commerce and Management Sciences at the University of Durban-Westville in part fulfilment of the requirements for the Doctor of Administration.**

**By**

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**June 2002**

## DECLARATION

I here by declare that the work contain in this thesis my work. All the sources used or quoted have been acknowledged. This thesis has not previously in its entirety or in part been submitted at another tertiary institution for a degree.

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Tholsiavellie S. Naicker

June 2002

IN HUMBLE SUBMISSION AT THE DIVINE FEET OF BHAGAWAN  
SATHYA SAI BABA

## ABSTRACT

Education in South Africa, in the times of the national government, had been regulated and controlled. During the 1990's, however, with the emergence of the new democratic government, the degree of control and regulation eased to allow a spirit of free enterprise. This provided entrepreneurial opportunities to engage in the provisioning of education. These opportunities proved very successful resulting in good business options.

This development was not matched with any regulation or standards, consequently no mechanisms were in place that provided guidelines on personal and academic quality. In most cases private providers were not of an academic background and therefore based their practice strictly along business lines.

Private providers sought accreditation from international partners. This had reciprocal benefit in that it added a sense of legitimacy and credibility to the private provider while at the same time providing financial benefit to international universities. Over time, as a result of lack of research and development in this sector it was assumed that the private sector was responsible for the loss of student numbers in the public sector. This together with the findings of the task group delegated by the Minister of Education highlighted the urgent need to regulate this sector.

This resulted in a sequence of events that gave rise to the regulation policy. The policy required that private providers report on their quality assurance mechanisms. The process was two pronged namely, the application for accreditation and the application for registration. The Department, as a result of lack of capacity, had engaged SAQA (South African Qualifications Authorities) to implement the accreditation process. This was an interim process till such time the Higher Education Quality Council is fully set up.

The process proved complex, the document to apply for accreditation, termed the "blue book" was not a user friendly document. This coupled with the lack of academic experience in quality assurance on the part of private providers, resulted in severe

implementation problems.

This study addresses the implementation process by the Department of Education. It looks at the responsibility and participation of all stakeholders in the process and attempts to identify what factors had contributed to the poor implementation. The study probes the responses from private providers in Kwa-Zulu Natal and from the regulatory authorities.

The study is grounded in the literature survey. One must be mindful that this regulation process is a new development. The work of the HEQC and the Council on Higher Education is new. Currently there are web sites that outline clearly their aims, objectives, process and procedures. However, at the time of the first implementation in 1998, little information was available. The documentation was developed after the process had been implemented. This coupled with understaffing from SAQA and the DoE exacerbated the problem.

This study therefore explores the implementation process. This process is now improved and changed now the Council on Higher Education has implemented the quality assurance mechanisms.

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## **ABBREVIATIONS AND ACRONYMS**

CHE	: Council on Higher Education
DoE	: Department of Education
ETQA	: Education, Training Quality Assurance
HEQC	: Higher Education Quality Committee
HDU	: Historically Disadvantaged Universities
HSRC	: Human Sciences Research Council
NCHE	: National Council of Higher Education
NQF	: National Qualifications Framework
NSB	: National Standards Body
SA	: South Africa
SAQA	: South African Qualifications Authority
SETA	: Sector Education and Training Authority
SGB	: Standards Generating Body
TSA	: Technikon South Africa
UNISA	: University of South Africa

# **CHAPTER ONE**

## **INTRODUCTION AND BACKGROUND**

Higher education in South Africa is undergoing considerable review and development to ensure that it meets the needs and demands of the twenty first century. As a sector, it carries with it a structure and infrastructure that is based on the apartheid legacy of this country. Although the fundamental tenets of transformation are being integrated into policies and procedures, the historic duplication of resources still perpetuates.

To begin a progressive development in the sector, the Minister of Education tasked a Commission (Task Group on Higher Education) to investigate the status and to make recommendations for a dynamic sector. The Commission forwarded its first recommendation in December 1999. This document later developed into the much talked about “size and shape” document. The document outlined many areas of development in public institutions which included the “mergers” of public institutions designed in the name of efficiency and effectiveness. Private Higher Education featured in this report as one of the areas of concern. This industry has grown significantly and its impact is affecting policy makers in that it lacks a structure of accountability that ensures quality service delivery. Further, this growth, appears to be drawing student numbers from public institutions and more importantly, international linkage poses a distinct threat to public institutions.

The Minister, given this recommendation, immediately began the process of regulating private colleges. This was a new process as a regulatory framework was not previously available.

### 1.1. PURPOSE AND OBJECTIVES OF THE STUDY

The purpose of the study is to explore how the Department of Education (DoE) began the policy regulation and the implementation process for private Colleges. With this as a background, the following objectives were identified:

- (i) Clarify the objectives for the regulation.
- (ii) Identify the need for such a regulation.
- (iii) To investigate the impact of the regulation process on private providers.
- (iv) Identify the strengths and weakness of the regulation process.
- (v) Establish the role of the various stakeholders in this process.

### 1.2. THE RATIONALE FOR THE STUDY

The researcher has been working closely with private providers for the past three years. This period marks the start of the implementation process. The private providers experienced considerable difficulty through the process. Private providers believed that they were rather unfairly treated and that the Department of Education objective was to close down private providers. The Department of Education on the other hand, was perturbed by the poor standards of delivery. This makes a good case for a regulatory policy. The private colleges supported the process and participated in a committed manner, however they were met with considerable difficulties.

This study therefore intends to explore the implementation process of the regulation policy in an attempt to identify what went wrong.

### 1.3. THE RESEARCH QUESTIONS

The following research questions were identified that help to guide the research.

- (i) What were the objectives and the need for such a regulation?
- (ii) What were the factors that led to the regulation process?
- (iii) What impact did the policy have on private providers?
- (iv) Were the policy principles followed in the implementation of this policy?

- (v) What role did the Department of Education and SAQA have in the implementation of this policy?

To answer these questions, the researcher had to understand the population she was studying. The private colleges are a closed group, guided by competitiveness and business survival. Research of any kind and especially that, which explores their college, would be threatening.

The researcher therefore decided that the most effective method in answering the research questions would be a Case Study, Questionnaires and Interviews. The study will be approached in three phases viz:

Phase I : The case study of a college

Phase II : Investigation of ten colleges on their perception of the process.

Phase III : Qualitative correlation of results.

The case study is to be the primary research tool. This method would provide the researcher with a detailed study of one college involved in the regulation process since its inception of the process. The researcher felt that this study would give an immediate feel of all the issues, difficulties and literature on the topic.

The questionnaire was selected to support the findings on the case study. It was also seen as the best method to probe “treatment” from a number of providers.

Interviews were identified as a good tool to support the questionnaire and will further probe the research questions.

#### 1.4. THE STRUCTURE OF THE STUDY

The structure of the study is as follows:

Chapter One : This chapter forms the introduction to the study

Chapter Two: Theoretical and Conceptual Perspectives: This locates the study within a public administrative context.

- Chapter Three: Literature measures and institutional framework of private higher education.
- Chapter four: Research Methodology: This is an overview of the research methods used in the study.
- Chapter Five: Research Analysis and Interpretation: This chapter reflects the analysis and interpretation of the data collected.
- Chapter Six: Conclusions and Recommendations: This chapter rounds off the study by providing an overview of the findings and their link to the various stages of the study. The chapter concludes with the research recommendations.

## **CHAPTER TWO**

### **THEORETICAL AND CONCEPTUAL PERSPECTIVES**

#### **2.1. INTRODUCTION**

This chapter explores the theory within the public administration that underpins this study. It begins with an understanding of public administration leading to an understanding of public management. It further explores the issue of policy: its definition, process and finally hones in on the fundamental area of this study, the implementation of policy

#### **2.2. PUBLIC ADMINISTRATION VS PRIVATE ADMINISTRATION**

To locate this study within the field and Public Administration, an understanding of the basic tenets of the field is necessary. Firstly, Public Administration, according to dictionary definitions is,

- i) The ability to govern, rule, control, direct;
- ii) To operate, make (something or someone) work (Oxford Dictionary, 1985).

Public Administration may be defined as “ that system of structures and processes operating within a particular society as the environment, with the objective of facilitating the formulation of appropriate government policy and the effective and efficient execution of the formulated policy. (Fox et al, 1997:20)

Woodrow Wilson asserted that “administration is the most obvious part of government; it is government in action; it is the executive, the operative, the most viable side of government” (Bayat and Meyer, 1994:5).

Public administration may be regarded as a particular type of administration concerned with the execution of rules, laws and regulation of the government of a country i.e. the execution of public affairs geared towards meeting the needs of citizens. The author

maintains that what a government accomplishes for a society depends on the policies it formulates and adopts, as well as the effectiveness with which these are put into practice (Coetzee, 1991:16).

Furthermore, the public administration of a country is always shaped by the physical and social (including cultural) factors, which determine the characteristic way of life of its people. Therefore, it will be found that although the functions which are components of public administration, are generic and thus common to all countries, the manner in which they are practiced will differ from country to country. Because physical and social environments shape the practice of public administration of each country, it is self evident that each country will have its own philosophy of public administration. This philosophy will in practice be a fusion of scientific thinking and ethical thinking; and it will consist of doctrines, which derive from science as well as the ethics, which are indigenous to that country (Bayat & Meyer, 1994:5).

Private administration can be defined as the administration or right of private affairs/businesses/enterprises prevalent in the private sector. This type of administration is concerned mainly with the applicability of economic concepts and analyses of decisions made by business management (Coetzee, 1991:333).

This study creates an interesting dichotomy as it brings into the public domain an inherently private business. The strategies, policies, operations and practices of private colleges have been largely based on business principles.

Business Management also has no political constituencies. Public institutions should be concerned with the criteria of economic feasibility and political sensitivity when carrying out projects. The solution lies, in the long term, in a value added public management approach (Bayat & Meyer 1994:10).

### 2.3 PUBLIC MANAGEMENT

Although the administration of public functions and private business enterprises have some common elements, the environment, objectives and processes of administration are sufficiently different to call for curricula and practices which focus on the public aspects of management and training. The focus of the political environment and values is more essential for the public manager (Fox, Schwella and Wissink, 1991:3).

Public Administration and Public Management have more in common at the level of techniques and less common at the level of political and managerial judgment and decision-making. The implications are numerous:

The public management functions constitute ongoing concerns for public managers. The functions are supported and underpinned by management skills. The skills are distinguished from the management functions as they are more practical and can be taught and learnt.

Public management applications attempt to encompass knowledge and skills into integrated and systematic approaches to improve the quality of particular aspects of Public Management. It is important to analyze and acknowledge the effects the environment on particular public management functions, skills, and applications.

Management theory, practice and research indicate that for the most successful functioning of the organisation, organizational structures and processes have to be adapted to influences emanating from the environment (Fox, et al 1991:15).

According to Fox, et al (1991:16) in the public management environments;

- i) Public organisations are subjected to less market exposure than private organisation.

- ii) Public organizations are subjected to more legal and formal constraints – the legislative and the executive and administrative hierarchy than private.
- iii) Political influences are more pervasive for public organisation – these are greater diversities and intensity of external influences.
- iv) Public organisation managers and functions are subject to constant public scrutiny.
- v) Public organisation are expected to live up to public expectations (Rainey, 1979:236).

The implications are that:

- i) The management environment must be taken into account.
- ii) Public management should take cognisance of particular variables in the public management environment and adapt management accordingly.
- iii) Failure to recognize these variables or the changing environment could result in management failure (Rainey, 1997:236-237).

Public management further operates with paradigms of governance. The following discussions clarify this point.

#### 2.4. GOVERNANCE AND PUBLIC ADMINISTRATION

The concept governance refers to the role of the state in society (Cloete, 1991:8); it is the “act or manner of governing, of exercising control or authority over the actions of subjects, a system of regulations”. It is also how people are ruled and how the affairs of a state are administered and regulated” (Sing, 1999:2).

The World Bank has determined three aspects of governance, namely:

- i) The form of the political regime.
- ii) The process by which authority is exercised in the management of countries economic and social resources for development.

- iii) The capacity of a government to design, formulate and implement policies and discharge functions (Sing, 1999:93).

The implementation of the policy to regulate higher education falls within the ambit of public domain. Exploring the concept of governance will identify if areas of proper governance have been neglected.

#### 2.4.1. Characteristics Of Bad Governanc

Itemising what constitutes good governance would be difficult and lengthy. It is easier perhaps to identify "bad" practice to highlight what practice should be in place.

- i) Failure to establish a predictable framework of law and government. behaviour conducive to development.
- ii) Absence of a progressive reduction in regulating promotional and entrepreneurial role government in economic and social development.
- iii) Legitimacy crisis in political and governmental systems (inadequate bases in claiming authority), excessive competition for power, faulty ideological justifications (ideological dissonance's).
- iv) Failure to develop a culture of ethics.
- v) Absence of a democratic ethos – based on the principle of freedom, equality and participation (Sing, 1999:93).

Sustainable governance refers to durability of service of a required quantity and at a required level of quality over an extended period. It includes the notions of flexibility and resilience in the face of setbacks.

#### 2.4.2. Democratic Governance

One or more positive level, democracy enshrines certain values and principles. Hence democratic governance can be operationalised as follows:

- Recognition of the facts that the governing process is a moral endeavour
- Sustained belief and resolve to serve and care for all citizens
- Consideration of their role as protectionist of the rights

- Recognition that protecting and enhancing democratic principles requires visions and morality (Dwivedi, 1983:2).

#### 2.4.3. Challenges

The emergence of governance in the agenda of public administration places many challenges on the science, discipline and practice of public administration.

These challenges emanate from the following as identified by (Sing 1999:98) as follows

- a) Governing and governance are not considered as a relation or process between a governing actor (state) on the one hand, and to be a governed object (society) on the other, but as a relation or interaction between two or more acting subjects.
- b) Governance is broader than government; covering non-state actors. Changing the boundary of the state means the boundaries between public, private and voluntary sectors become more shifting and opaque.
- c) Independence and continuing interaction between network members, caused by the need to exchange resources and negotiate shared purposes, has to be considered.
- d) A significant degree of autonomy from the state means that networks are not accountable to the state.
- e) Collaborate governance is a learning process meaning that it is a constant search for the best ways of shaping and directing community and society.

- f) In an increasingly interconnected globalising environment transnational, regional and local interdependencies are connecting political and economic fortunes of local, regional, provincial and national government more closely than ever before.

The objectives which a government pursues in its society, its approach to issues, its intentions, plans, strategies and action plans, all constitute the policy or policies of government. The process of government can in this way be conceptualized as the formulation, implementation and review of public policy.

## 2.5. POLICY AND THE POLICY PROCESS

Almost all work environments today articulate their practice around policies. The Minister of Education encapsulates the practice of education in South Africa within clear, defined policies.

This study investigates the implementation of a policy. It is therefore necessary to begin with a clarification of the policy concept:

“A policy is a purposive course of action based on currently acceptable societal values, followed in dealing with a problem or matter of concern, and predicting the state of affairs which would prevail when that purpose has been achieved.”  
(CDE Resource Booklet, 1995:9).

In general public policy:

- ✓ Communicates what a society values.
- ✓ Provides guidelines for many decisions and actions that organizations and institutions take daily.

- ✓ Embraces a broad sphere of governance, from the generalized articulation of values to formulation of rules and criteria for enforcing law.
- ✓ Confers predictability on the process of government. It provides a basis on which to foresee outcomes, and a yardstick for evaluating the performance of public institutions (CDE Booklet, 1995:11).

The following are five phases which can be identified that are indicative of the various phenomena and activities associated with public policy and this may also represent the policy making process.

#### 2.5.1. Five Phases of Public Policy

- **Policy demands**, which are representation of community needs and which need some kind of actions on the part of the authority.
- **Policy decisions**, which are the decisions made by those in power and which will elicit some form of action pertaining to the needs of society.
- **Policy statements**, representing the formal articulation of public policy, i.e. the making public of what the authorities intend doing.
- **Policy outputs**, which is what the authorities actually do and not necessarily what their intentions were as represented in policy statements.
- **Policy outcomes** or consequences resulting from the steps taken to satisfy policy demands (Hanekom, 1991:9).

Further, all policies are directed at the future; public policies take place within the framework of legally instituted institutions (Parliament, Control Boards ); public policies are usually aimed at the promotion of the general welfare of society rather than at the interests of specific community group (Hanekom, 1991:10).

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) hereafter referred to as the Constitution, is the first policy statement of the State, it is a policy statement because it declares the action to be taken by specified institutions and

office bearers who follow the stated procedures and respect to the prescribed conduct guidelines and values for the creation and the maintenance of the State.

Policy therefore is the declaration of intent to do something or to have it done by specified institutions or functionaries as prescribed.

### 2.5.2. Limitations to Public Policy

Having clearly defined policies does not provide a good outcome. Awareness of the limitations of public policy is an important part of the process.

- It is not always possible to define community needs or problems in absolute terms;
- Expectations of society more often than not exceed the capabilities of the authorities or the resources available;
- A solution to the problems of a specific group, or providing for the needs of a specific group, may increase the problems or needs of another group;
- It is impossible to counteract certain phenomena in society e.g.: increasing urbanization;
- People tend to adapt their behaviour to specified policies in such a manner that the aims of the policies become ineffective;
- Some community problems cannot be cured by a policy addressed to one area only;
- The “cure” prescribed by a policy for a specific problem could have a negative effect;
- Complete rationality in policy making is non-existent because elected office-bearers usually try to respond to the demands of their constituents (Hanekom, 1991:17).

A review of these limitations to this study bears relevance.

The implementation of the policy reveals evidence of these limitations. Some of these would include:

- Expectation from colleges did appear to exceed capabilities of the authorities to deliver.
  - The volume of the task although encouraging to private providers created a burden on the authorities.
  - The regulation required underpinning support in other areas like quality management.

The need for the policy was urgent as a result of the task group findings. The process of policy implementation unfolded whether or not there were defined processes leading to implementation is unclear.

The following are some of the factors that lead to and influence policies.

## 2.6. FACTORS THAT INFLUENCE POLICIES

Hanekom,(1991:14) identified factors that influence policy as follows:

### 2.6.1. Circumstances

Circumstances refers to the total environment, as determined by time and place in which the authority operate. It includes the state of community with regard to economic, technological and social matters.

Other factors, technological developments, population increases and urbanization, crisis and natural disasters, war , international relations, economic and industrial development.

### 2.6.2. Needs and Expectations of the Populations

Every public institution exists to satisfy the real needs and the justified expectations of the population. First, the public will become aware of a need, and then the public or interest group will begin making representation to authorities to satisfy that need.

#### 2.6.3. Policies of Political Parties

A new party will introduce policy changes. Public institutions may then be restricted or extended, depending on the views of the political party in power.

#### 2.6.4. Activities and Representations of Interest Groups

In South Africa, members of the population with identical interest have created various associations, e.g. trade unions. These groups are continually making representation to various authorities to change policy.

#### 2.6.5. Personal Views of Political Executive Office-Bearers.

Political executive office-bearers are ideally placed to influence the policies of the institutions entrusted to them. These leaders often have the final say in policy matters. These are used in changing and adapting policies.

#### 2.6.6. Views and Experience of Public Officials.

Public institutions do research on an ever-increased scale and the research must eventually have an influence on policy matters. Often executive institutions make themselves guilty of placing their own wills, wishes, and aspirations above those of the legislatures (Hanekom, 1991:14).

Having identified the factors that influence policy, an understanding of the policy process would be a necessary next step.

## 2.7. THE POLICY PROCESS

Broadly speaking, policy processes can be divided in three groups viz. the policy making process, the policy implementation process and policy analysis. Each of these stages although distinct in the nature of its task are also interlinked.

### 2.7.1 Policy Making

For policy making, a number of functions have to be performed namely identification of matters (dysfunctional situations) on which policies have to be made, an investigation of the matters requiring new policies and investigation of the matters requiring new policies or policy adaptations. This could be a lengthy task requiring investigations by officials, research institutions, commissions and related matters (Fox, Schwella and Wissink, 1991:30).

Policy making will always involve interaction between the population (public) and the institutions and functions (e.g. political executive office – bearers, legislative authority and officials) that have to perform the policy-making functions.

The crux of the matter is that public management should always be seen as a function, which must be taken in an orderly manner. In practice it measures the institutions, political office bearers and officials who have to take policy decisions. It must be served by adequate information systems (Fox, Schwella and Wissink, 1991:35).

The top institutions/functionaries (e.g. the function of the director general of the state) will concentrate on directives (legislation, regulations and instructions), which will determine:

- i) What must be done (objectives to be reached);
- ii) By whom (personal) action will be taken;
- iii) Which organizational units (institutions) will be involved;
- iv) How (with what procedures) the action will be taken;
- v) How the activities will be financed; and
- vi) Who will control the activities undertaken ?

(Khan, 1999:3)

Following an understanding of the policy process requires a firm grasp of the implementation phase. The phases cannot be separated from each other in watertight ways, and design does not necessarily precede implementation. They are parallel processes, because even in the implementation phase, refinements and adaptations need to be made.

## 2.8. PUBLIC POLICY IMPLEMENTATION

Early scholars in public administration saw implementation as merely an administrative function, which once the policy has become legislation and the institutions mandated into administrative authority, policy implementation would happen.

“Policy implementation encompasses these actions by public/or private individuals/groups that are directed at the achievement of objectives set for in prior policy decisions” (Khan, 1999:2). Implementation is defined as the process of carrying out authorities public policy directives (Khan, 1999:2). The author offers the following observations and warnings:

- Implementation should not be divorced from policy;
- Designers of policy must consider direct means for achieving their ends;
- Consider carefully the theory that underlines their action;
- Should have continuity of leadership for successful implementation;

- Adopt simplicity in policies in case they run the peril of breakdown (Khan, 1999:3).

Given these observations, Cloete and Wissink, (2000:166) suggest the integration of policy design and implementation.

“Policies become programmes when, by authoritative action, the initial conditions are created...implementation, then, is the ability to gauge subsequent links in the causal chain so as to obtain the desired result” (Cloete &Wissink, 2000:166).

Cloete & Wissink (2000) further outlines the thinking on the implementation process. They classify these into three generations.

#### 2.8.1. Three Generations on Implementation

There has evolved three stages or “generations” of scholarly thinking on implementation.

These are:

- The first (“classical”) generation of thinking on the subject began with the assumption that implementation would happen automatically once the appropriate policies had been authoritatively proclaimed.
- The second generation set out to challenge this assumption, to explain implementation failure in specific cases, and to demonstrate that implementation was a political process no less complex (and often more so) than policy formulation.
- The third (“analytic”) generation, by contrast, has been less concerned with specific implementation failure and more with understanding how implementation works in general and how its

prospects might be improved. A more detailed explanation based on the three categories, follows as outlined by (Cloete & Wissink, 2000:167).

More detailed explanations based on the three categories follows as outlined by Cloete and Wissink (2000:199).

#### 2.8.1.1. Generation 1: A Cog in the Administrative Machine

This thought suggest that implementation is based on the political mythology of the time. A single authority, top-down approach to political organization implies a similar attitude to policy implementation. Administration was conceived as being “scientific, predictable and machine like.”

This “classical” model of policy administration was based on three basic concepts which helped make the machine the metaphor and model for the study of administration, and helped foster the view that implementation was “but an automatic cog within the rationalized administrative machine.” (Brynard, 1999:3).

#### 2.8.1.2. Generation 2: Implementation is Complex and “Nothing Works”

It became apparent that public policy worked less as an efficient and orderly machine and more as a process of “muddling through”, therefore revealing that administration – and implementation – were far more complex and political, than the classical assumptions had suggested them to be.

“It is hard enough to design public policies and programmes that look good on paper. It is harder still to formulate them in words and slogans

that resonate pleasingly in the ears of political leaders and the constituencies to which they are responsive. And it is excruciatingly hard to implement them in a way that pleases anyone at all, including the supposed beneficiaries or clients.” (Cloete, 1997: 106).

This study has seen the impact on the various parties. Some were pleased whilst others were not.

#### 2.8.1.3. Generation 3: The Search for a Fully-fledged Implementation Theory

Researchers do not agree on the outline of a theory of implementation or even on the variables crucial to implementation success. Researchers, for most part implicitly, also disagree on what should constitute implementation success, especially in the multi-factor setting.

The contribution of this generation of implementation research must not be underestimated. Although there is still a lack of accumulation or convergence in the field and predictive implementation theory remains elusive, this generation of scholarship has substantially enhanced the understanding of the important clusters of variables that can impact on implementation. (Brynard, 1999: 4).

The three generations assists in conceptualizing the forms of implementation in recent Public Management. This is taken further as there has been temptation to locate implementation as either “top-down” or “bottom up”

### 2.8.2 Top Down vs Bottoms Up Approach

The single most important fault-line in the field of policy implementation is that dividing a “top-down” view of implementation from a “bottom-up” view.

The top-down view’s perspective starts from the authoritative policy decision at the central (top) level of government. The bottom-up approach was a reaction to this model, based on identifying weaknesses in it suggests alternatives to address those weaknesses identified. Analysis should focus on those who are charged with carrying out policy rather than those who formulate and convey it. It is believed that subordinate compliance does not automatically follow upon the issuance of orders and instructions. Discretion at lower levels is not only inevitable but also desirable, it is necessary for policies to be “reinvented” so that they better fit local needs (Cloete & Wissink, 2000:170).

Consensus is emerging around the proposition that it is not a question of choosing ‘top’ or ‘bottom’ as though these were mutually exclusive alternatives. Both perspectives provide useful insights into the implementation process; both demonstrate significant explanatory strength as well as weaknesses. Both may be equally relevant albeit at different stages of the complex and dynamic implementation process. There is therefore a need to evolve new models of implementation, which incorporates the strengths of both perspectives.

There is general agreement that implementation is a complex, dynamic, multilevel, multi-actor process influenced both by the content and context of the policy being implemented. There are growing consumers on the

need to synthesize the major features of the two approaches and develop models that capture the strength of both (Cloete & Wissink, 2000:170).

More practical implementation strategies have been encapsulated in the transaction model on implementation.

### 2.8.3. Transaction Model on Implementation

The transaction model is deliberate action to achieve a result, conscious dealings between implementers and programme environments, and, as a particularly critical kind of dealing, negotiation among parties with conflicting or otherwise diverging interests in implementation. The model begins with seven assumptions (Brynard, 1999:175)

1. Policy is important in establishing the parameters and directions of action, but it never determines the exact course of implementation,
2. Formal organization structures are significant but not deterministic;
3. The process of policy formulation and programme design can be as important as the product.
5. Implementer discretion is universal and inevitable.
6. Clients greatly influence the outcomes of implementation.
7. Implementation is inherently dynamic.

Implementation means transaction. To carry out a program, implementers must continually deal with tasks, environments, clients, and each other. The formalities of organization and the mechanics of administration are

important as background, but the key to success is continual coping with contexts, personalities, alliances, and events. Crucial to such adaptation is the willingness to acknowledge and correct mistakes, to shift directions. Nothing is more vital to implementation than self-correction; nothing more lethal than blind preservation. (Brynard, 1999: 178).

Implementation evidently is not a simple one- directional process but, involves many players as is evident in the question of where to locate it.

#### 2.8.4. Where to Locate Implementation

Scholarship on the subject of implementation is diverse, complex, and broad.

Central to the understanding of implementation is the belief that it is not simply a managerial or administrative problem. It is a political process concerned with who gets what, when, how, where and from whom. There are multi-actors. Implementation, therefore is not only influenced by multi-actors, but it also operates at multiple levels. The argument is that where complexity is an inherent characteristic of the process, ignoring it can create more problems. (Brynard, 1999:178)

Understanding the critical variables that shape implementation helps to create clever focus.

#### 2.8.5. Critical Variables that Shape Implementation

Brynard (1999) have consolidated the scholarly thinking of recent years and proposed critical variables that shape implementation. Each of the five variables is linked to, and influenced by, the others – depending to a varying extent on the specific implementation situation.

#### 2.8.5.1 Content

Lowi (1963), as cited in Cloete and Wissink (2000) characterizes policy as distributive, regulatory or redistributive. In broad terms, distributive policies create public goods for the general welfare and are non-zero-sum in character; regulatory policies specify rules of conduct with sanctions for failure to comply; and redistributive policies attempt to change allocations of wealth or power of some groups at the expense of others (Brynard, 1999:179).

Although this and similar classifications have been found useful there is also a widespread implicit realization that the content of policy is important not only in the means it employs to achieve its ends, but also in its determination of the ends themselves and in how it chooses the specific means to reach those ends. Implementation is viewed as “a seamless web...a process of interaction between the setting of goals and actions geared to achieving them”. Mediating this choice of ends and means is the content of the policy (Brynard, 1999).

#### 2.8.5.2. Context

“A context-free theory of implementation is unlikely to produce powerful explanations or accurate predictions”  
(Berman, 1980:206, as cited in Cloete and Wissink, 2000)

The focus here is on the institutional context which, will of necessarily be shaped by the larger context social, economic, political and legal realities of the system. In short, bureaucratic contexts favourable to implementation more often grow out of human interactions than hierarchical regulation (Brynard 1999).

#### 2.8.5.3. Commitment

Governments may have the most logical policy imaginable; the policy may pass cost/benefit analyses with flying colours, but if those responsible for carrying it out are unwilling or unable to do so, little will happen. This sentiment is most often associated with bottom-up scholars. A key implementation variable reinforces the importance of the commitment factor and makes two further propositions:

- First, commitment is important not only at the “street level” but at all levels through which policy passes – in cases of international commitments, this includes the policy level, the state level, the street level, and all levels in between.
- Second, in keeping with a web-like conception of interlinkages between the five critical variables, commitment will influence and be influenced by all four remaining variables: content, capacity, context, and clients and coalitions. Those interested in effective implementation cannot afford to ignore any of these linkages and are best advised to identify the ones most appropriate to “fix” particular implementation processes (Brynard, 1999).

#### 2.8.5.4. Capacity

The capacity of the public sector is seen in terms of general systems thinking as the structural, functional and cultural ability to implement the policy objectives of the government, i.e. the ability

to deliver those public services aimed at raising the quality of life of citizens, which the government has set out to deliver, effectively as planned over time (in a durable way). It obviously refers to the availability of and access to concrete or tangible resources (human, financial, material, technological, logistical. Capacity also includes the intangible requirements of leadership, motivation, commitment, willingness, courage, endurance, and other intangible attributes needed to transform rhetoric into action. The political, administrative, economic, technological, cultural and social environments within which action is taken must also be sympathetic or conducive to successful implementation. This implies some rethinking.

If the objective is to optimize scarce resources, the following changes in traditional government focus, structure, functioning and organizational culture in the public sector are needed in order to achieve successful policy implementation as identified by, Brynard (1999).

1. Change from attempting to provide as wide a range of services as possible, irrespective of organizational capacity to do so, to explicitly accepting a limited capacity and reducing and redesigning service delivery programmes to match the existing delivery capacity of the public service. Many so-called alternative service delivery mechanisms exist to customize and maximize the success of delivery in a given context.

A practical and more focused approach to this issue is necessary. This implies a change from a system of centralized to decentralized planning, delivery and control at lower levels in the public sector (by delegation or devolution of powers and functions).

Decentralized government is universally accepted as essential in geographically and ethnically diverse and complex societies.

2. The move from big, unwieldy public bureaucracies to smaller, more flexible organizations, as selected policy implementation functions are increasingly taken over by organizations outside the public sector.
3. From frequently separate and isolated policy and financial planning and implementation traditions, to integrated and coordinated strategic management practices at all organizational levels, but also a structural separation of strategic policy-making activities from operational implementation activities.
4. The move from an input, resource-focused administration to an output, results-based management system with performance contracting and promotion, accompanied by a change from rough, superficial, qualitative assessments (or estimates) of the outcomes of service delivery, to more accurate and precise quantitative measurements of policy outputs and/or outcomes where possible and feasible.
5. From a closed bureaucracy-dominated work environment in the public service to a more transparent, accountable and participatory public policy process where direct, vertical, regulatory, bureaucratic control of service quality is replaced by indirect, horizontal, ex-post quality control by empowered customers/consumers, citizens or the partners in a policy network.
6. The sixth and last change is one from simple cash budgeting and accounting methods and annual financial planning cycles to more

complex accrual budgeting and accounting practices and multiyear financial planning cycles.

#### 2.8.5.5. Clients and Coalitions

This stresses the importance of the governments joining coalitions and interest groups, opinion leaders and other stakeholders that support a particular implementation process. This could result in power shifts.

“A powershift among the different outside interest groups produces a corresponding shift in the implementation process. Taken together, the support of clients and outside coalitions is our final critical variable” (Brynard, 1999:185).

Implementation is affected by the formation of coalitions of individuals affected by the policy. The key then is to identify key relevant stakeholders as opposed to all identifiable actors.

Finally, while policy can be defined in several ways, implementation moves from set political goals to results on the ground. All five variables are likely to act together, often simultaneously and synergistically, any change in one producing changes in the others. The interconnectedness of the variables creates both a challenge and an opportunity. It is important to stress that policy formulation and implementation are not necessarily consecutive processes, but are in many cases parallel processes where policy design or redesign and revision can take place even during the formal implementation stages of the policy project.

## 2.9. CONCLUSION

This chapter located this study in a context of public administration and management. It clarified policy and the policy process within this framework of public administration and management. It addressed the need for good governance to take ownership of the policy process, and it concluded with a description of the policy process.

Implementation, a fundamental aspect in the policy process, has in recent years gained impetus as an area of focus. It is accepted that managers operating within the South African public environment would take due cognizance of this process and implement policy according to recent developments.

This study investigates the implementation process by the Department of Education and the theory provided in this chapter helps shape the understanding of the topic.

## 2.10 PROJECTION FOR THE NEXT CHAPTER

The next chapter address the literature review and contextualises the study within the context of education. It provides the framework for locating private higher education into the larger framework of higher education.

It sets the scene for the regulation process and identifies the parameters for the regulation process. The case study that concludes the next chapter leads to the essence of the study.

## **CHAPTER THREE**

### **LEGISLATIVE MEASURES AND INSTITUTIONAL FRAMEWORK OF PRIVATE HIGHER EDUCATION**

#### 3.1. INTRODUCTION

“The problem, in the part, says Minister of Education Kader Asmal, is that these private institutions taking students and revenue away from our state-subsidised institutions. In the end I will have to decide: do we allow their unlimited establishment? What sort of registration system should we put in place? How do we monitor quality so that our people get value for money? And should we allow for the unlimited repatriation of profits. “What is certain, though, is that we will deal with all these issues by negotiation and agreement rather than by decree” (Mail & Guardian, Feb:1999)

Central to the above quote by the Minister, are the three fundamental issues or concerns that bear closely on the regulation of the private higher education.

1. The provision of good ‘quality’ education.  
Many providers of private education or training have been criticised for poor delivery standards, many of which are referred to as the “fly- by-nights”.
2. The private provisioning of higher education has impacted negatively on student numbers in public institutions - significantly affected are the historically disadvantaged Universities/Technikons. The private higher education sector grew by 94% from 1993 to 1997 (Mail & Guardian, January:1999).

3. The joint ventures or partnerships between overseas Universities/Technikons have posed a threat. These institutions, from well-reputed first world institutions, have given the private providers a sense of legitimacy and creditability. Student enrolments have been phenomenal from 1993 to date. This seems to suggest that a sense of credibility and security is attached to qualifications/courses from the international educational institutions.

### 3.2. BACKGROUND TO THE REGULATION

This section offers a brief overview of aspects of higher education that can be traced back to centuries of colonialism and the oppressive policies that were of the apartheid era.

#### 3.2.1. Education Legacy In South Africa

A major characteristic of SA higher education is the legacy of the apartheid ideology, which provided the framework for structuring the education system after 1948. Starting with the Bantu Education Act of 1953, all education in South Africa was officially divided along racial lines to reinforce the dominance of white rule by excluding blacks from quality academic education and technical training.

#### 3.2.2. Extension of the Universities Act, 1959 (Act 45 of 1959)

The extension of the University Education Act of 1959, which established racially based universities, applied this ideology to higher education. The University Colleges of the North and of Zululand were established for Sotho, Venda, Tsonga speaking and Zulu speaking African people respectively, and the University of

Western Cape and Durban-Westville for Coloureds and Indians respectively. Fort Hare University was restricted to Xhosa speaking Africans (Robbins: 1999).

Prior to this Act the existing universities catered largely for whites. Although there was legislation barring black people from any university, at the point, universities were differentiated by race. The Extension of the University Act, 1959 (Act 45 of 1959) formally restricted entry to universities according to race. Black people were admitted to white universities only in cases where equivalent programmes were not offered at black universities and only after Ministerial permission was obtained (Mabizela, 2000:5).

### 3.2.3. Development of the Technikon

In keeping with international trends and in response to national trends, a third type of higher education institution, the technikon, developed in 1978 alongside the universities and colleges for vocational training. The technikon developed within the apartheid framework, which at the time, defined the rest of the education system. This ultimately led to a South African higher education set-up having as its main components 21 universities, 15 technikons and about 140 single discipline, vocational colleges, all divided along racial lines (NCHE, 1996:23).

### 3.2.4. Boundaries between Universities and Technikons

The boundaries between the university, technikon and college sectors were defined according to their differing functions. These were shaped by the Van Wyk de Vries Commission (1974) and the Goode Commission (1978), which distinguished between the university, technikon and college functions as follows: (Mabizela,2000:3)

- A main function of universities is to educate students in a range of basic scientific disciplines with a view to high-level professional

training; while the technikons are designed to train students in the application of knowledge rather than in basic knowledge itself with the view to high level career training; and that of colleges is preparation for specific vocations, such as nursing, teaching and policing.

These functional differences between universities, technikons and colleges led to the argument that just as the functions of the three kinds of institutions were different, so too should their qualification structures be different. Consequently, it was decided that universities and technikons should have different kinds of qualifications, which flowed, from recognition that the essential function of universities was the study and advancement of the basic sciences, and that of the technikons the teaching of technology.

The policy of introducing and maintaining strict functional boundaries between universities, technikons and colleges has proved difficult to implement. One of the reasons for this is that when technikons were established in the early 1978s universities had for a long time already been offering instructional programmes with a vocational focus which complied more with the definition of technikon functions; programmes which arguably should have been transferred to the technikon. Technikon enrolment levels have dropped from 70 % five years ago to 20%. (Mabizela, 2001:12)

This drop in enrolment has been partly attributed to the rising developments in private higher education. To understand this impact, following is a discussion on the development of private higher education.

### 3.2.5. Development of Earlier Private Providers

The development and growth of private providers was limited in the early years. Although many did exist, such as the Institute of Marketing Management (IMM)

established in 1949. The administrators of the higher education system did not give them serious attention (Mabizela, 2002:17).

The (Eiselen) Commission on Native Education (U.G. No 53/1951: Paragraph 352) reported that among “the three official organisations” which offered correspondence education there was also “an undetermined number of private institutions” which were operating “for gain”. For the first time, the information on operations “for gain” was publicly and officially reported. The report by the Eislen Commission on the operation of private higher education institutions was a step further from the De Villiers Commision Report, which had mentioned the existence and close co-operation of private institutions with the public sector (Subotsky, 2002:2).

The number of professional institutes operating within the public sector increased from three in 1948, to five in 1965 to thirty two in 1974. During this period private colleges reported, “rapid increases in the number of students enrolled”.

The status of private colleges remained inferior to that of public institutions as they lacked resources and offered lower level qualifications such as certificates and diplomas. It is likely that for this reason private colleges operated on the periphery of higher education. (Subotsky, 2002:4).

The growth achieved in private higher education occurred more significantly after 1990.

### 3.3. POST 1990

The Government of National Unity in May 1994 and the free enterprise system, lead to dramatic transformations in South Africa including the field of education. Most organised constituents in the higher education system have agreed on a need for change. Some of the more notable changes are:

The access of African students to universities and technikons had increased markedly from 1993 where only 32% of the total enrolled were African and 55% white, to 1995 where 53% of the total enrolled students were African and 35% white. This has increased much more significantly since then. Several other legislation came into place to begin the transformation of higher education (Mabizela, 2002:20).

After 1993/1994 three bodies made proposals towards a new system: The Centre for Education Policy Development, The National Training Strategy Initiative, and the ANC Education Desk. All three focused on the same principles, i.e. the integration of education and training and the accumulation of credits over a period towards a qualifications.

### 3.3.1. Private Colleges and the Constitution

More importantly, central is the Constitution of the Republic of South Africa 1996 (Act 108 of 1996). In clause 29, “Education”, the following is stated regarding private providers. “Everyone has the right to establish and maintain, at their expense, independent educational institutions that

- Do not discriminate on the basis of race.
- Maintain standards that are not inferior to the standards at comparable public educational institutions.
- Section nine, subsections four does not preclude state subsidies for independent educational institutions.

Given this as the legal framework, many saw this as a lucrative business opportunity and set up private colleges providing qualifications to meet a demand, which was not met by public institutions (Mail and Guardian, January:1999). There were no set criteria on quality assurance or regulation at the time. Colleges were required to register with the Department as a service provider. At this time there were no limitations posed on the practice. Thus, colleges set up operations, which ranged from small-roomed operations to proper fitted colleges.

### 3.3.2. Private Colleges in Recent Years

The recent years have seen a dramatic increase in student registrations at such colleges. The lack of a regulatory framework meant that there was no “authority” overseeing the practice and ensuring public good. Consequently many providers in the sector trimmed expenses in the area of quality at the unfortunate expense of the student.

The private sector would not have seen the rapid growth that it had if there were no market for it (Mail & Guardian, April:1999).

### 3.3.3. Need for an Alternate System

Some of the factors that contributed to the need for an alternate system were as follows.

- (a) The absence of a regulatory framework was a significant factor that contributed to the growth in this sector (Mabizela , 2000:7)
- (b) Students lost confidence in many of the public institutions as a result of continuing unrest and poor service;
- (c) There is a greater demand in South Africa for more focussed vocational training than the stricter academic focus. The private colleges who directed emphasis to this area saw these;
- (d) Public institutions offered few certificates and diplomas;
- (e) UNISA and TSA changed to correspondence and more open learning. This needed to be complemented with face-to-face- tuition. These institutions also showed lower pass rates – this need was met with the private colleges;

- (f) Difficulties students experienced in finding employment with qualifications they obtained;
- (g) Students have attached more credibility to courses that show linkage with first world universities;
- (h) Strict entry criteria by public institutions prevented many students from gaining entrance;
- (i) Some public institutions have a number of restrictions (e.g. quota systems)
- (j) Poor graduation rates from public institutions (CHE, 2000);
- (k) Unfavourable perceptions of some public institutions especially historically disadvantaged institutions (Mail & Guardian, April:1999);
- (l) Rumours of rightsizing and fundamental change;
- (m) Revelations of institutional collapse and financial instability (Mail & Guardian, November,1999).

The private colleges therefore saw a dramatic increase in student numbers from 1994.

Educor director Monica Bott, (Mail and Guardian, 1999, January) ascribes the overall decline in numbers at Universities to:

- a) A shrinking pool of matric exemptions schools leavers;
- b) Inability of potential students to afford fees;
- c) Widespread clampdown especially at HDU on non-paying students;
- d) Increase competition from the private universities and colleges.

The private higher education sector saw heightened growth in the late 1990's, with a range of private providers to choose from. Some offering a more "elite" alternative and therefore not for the average income group and below (Mail & Guardian, 1999 November).

There are considerable physical disparities between private providers. While some providers have had exhaustive costs in establishing appropriately furnished, and

stimulating learning environments, others have operated within basic business premises.

Until recently little study on the South African private higher education sector. The sector itself was self focussed and did not generate research. Many institutions regard information as confidential. A study on the level of expenditure on private colleges completed by the Education Policy Unit (Edupol) a unit within National Business Initiative, put enrolments at the tertiary level in private colleges at 147 654, projected at 189 456 in 1997 with a sustained high growth thereafter (NCHE, 1995:30).

#### 3.3.4. NCHE Research Example

The following is a description of one of the more successful private providers in 1995 taken from the (NCHE, 1995:30). The purpose of this description is to show the phenomenal growth that this sector has achieved. It must be noted however, that not all private providers are of equal capacity. The college will be described as College X. College X, established in 1943, serves 80 000 students at secondary and tertiary level through 28 centres throughout South Africa and some neighbouring states by contact and correspondence courses.

At tertiary level, College X concentrates on three areas:

- Prepare students for external examinations of professional institutes with training up to HSRC rating M+3 (degree equivalent- some were internationally accredited).
- Provide face-to-face short courses in specialised areas on a part time basis through their management school.
- Register students for UNISA degrees on a countrywide basis.

In January 1996 a business group acquired a 64% interest in College X for a consideration of R 48 million. Earlier the Group also announced the acquisition of

a 60% interest in a Campus for 16 million. The Group listed its combined educational activities on the stock market in June 1996 as an Investment corporation.

This corporation now owns 5 large private College brands. It employs 4000 teaching staff and in 2000 had 350 000 registered students - a 22% increase on 1999 figures (Mail & Guardian, 2001).

### 3.3.5. International linkages

Further, there were a number of international institutions operating in South Africa. The following are just some taken by the NCHE from advertisements in local papers (NCHE, 1995:35)

- Midrand Campus is associated with Thames Valley University and University of Cambridge.
- Africa Growth Network collaborates with California State University.
- Henley on Thames University represented by the Graduate Institute of Management and Technology.
- University of Southern Queensland.
- NCC Training college in alliance with University of Oxford.
- Leicester University with the Institute of Management Studies.
- Herriot Watt University with the Centre for Advanced Management Development.
- University of London (Boston City Campus).
- Brunel University (Graduate Institute).
- University of Herefordshire (Production Management Institute).
- Newport University (Executive Education).

### 3.4 PRIVATE DEVELOPMENT IN NATIONAL CONTEXT

The comments from the Mail and Guardian at the start of this chapter, although appropriate, must be seen in context of a larger scale discussion on the transformation of higher education in South Africa which the private sector is an integral part.

In his 27 July 1999 call to action speech: “Mobilising Citizens to build a South African Education Training System for the 21<sup>st</sup> Century”, the Minister of Education stated at the first meeting of the new government, that President Thabo Mbeki posed the question of whether our education system is on the road to the 21<sup>st</sup> century? The South African public has a vital interest in the response as the question is highly pertinent given the investment of public funds in higher education.

The public and the ministry have a vital interest in the private higher education. The task group (CHE) was set up to evaluate the status of higher education in South Africa. In December 1999 a Memorandum to the Minister titled “ Towards a Framework Strategy for Reconfiguring the Higher education System in South Africa”. The document made the recommendation that there is an urgent need to prioritise the goals and key issues for higher education with urgent attention to be given to the following five areas:

1. A single, national, co-ordinated differentiated system.
2. Prioritise policy goals and key issues for higher education.
3. Co-ordination of policy initiatives, task and work groups.
4. Private higher education.
5. Co-ordination of other policy structures.

According to the findings above, private sector was given immediate priority. The Minister was also urged to reconsider the implications of legislation governing the registration of private higher education institutions and it proposed that in the meantime:

- (i) A moratorium is placed on the registration of new and especially new multi-purpose private higher education institutions for a specified period.
- (ii) A moratorium on the development of new joint venture programmes between public and private higher education institutions(RSA, 1998:4).

The various policy development institutions and bodies needed to act in a co-ordinated way to ensure that there is synergy between the works of these structures.

To begin its work, the task team of the CHE was, however, also aware that the pervasive dysfunctionality that characterises parts of the higher education system, reduces its potential. There is wide agreement about these dysfunctions and their implications for cost effectiveness and efficiency and also equity.

#### 3.4.1. Dysfunctions of the Present System

The following are some of the notable characteristics of such dysfunction and other factors that impact on the system of higher education especially in recent years

- (a) Decline in rate of enrolment of new entrants into Higher Education as a whole. Also the decline in retention rates from first to succeeding years has compounded the problem of overall enrolment patterns.
- (b) The extremely poor graduation and yearly pass rates relative to overall student numbers at most institutions.

- (c) The problems of funding are exacerbated by the inability of many institutions to effectively collect student fees with the resultant increases in student debt.
- (d) Largely unregulated growth of the provision of Private Higher Education has had a profound effect on the public higher education system.
- (e) The skewed racial and gender distribution of students in various fields of study.
- (f) Extremely poor race and gender distribution of academic and administrative staff.
- (g) Extremely low research output at most institutions and the uneven levels of output.
- (h) The fragile management and administration capacity in many institutions and the persistence of crisis in some of these.
- (i) There is a chronic mismatch between higher education's output and the needs of a modernising economy. Discriminatory practices have limited the access of Black students and women students into the fields such as science, engineering, technology and commerce. This has impacted on the economic and social development.
- (j) The content of knowledge produced and disseminated is insufficiently responsive to the problems and needs of the African continent, the South African region or the vast numbers of poor and rural people in society.

The purpose of the above elaboration is to show that the regulation of private higher education is one aspect of the larger need for transformation of higher education in South Africa. The decline in enrolments is not attributable directly to private education.

Before an explanation into the regulation process, it is necessary to understand the legislative and policy framework that impact on private colleges

### 3.5. THE LEGISLATIVE AND POLICY FRAMEWORK FOR THE REGULATION OF PRIVATE HIGHER EDUCATION

The regulation of private higher education is grounded in legislation and a policy framework that guides its process. The following are the legislative background.

#### 3.5.1. The Constitution of the Republic of South Africa

In the Bill of Rights the Constitution determines in Section 29(3) that “everyone has the right to establish and maintain, at their own expense, independent educational institutions that:

- (a) Do not discriminate on the basis of race.
- (b) Are registered with the state.
- (c) Maintain standards that are not inferior to standards at comparable public educational institutions”.

The Higher Education Act, 1997 (Act 101 of 1997) excludes organs of state from the obligation to register. Organs of state are defined in Section 239 of the Constitution as:

- (a) “Any department of state or administration in the national, provincial or local sphere of government; or
- (b) Any other functionary or institution-
  - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution or
  - (ii) exercising a public power or performing in terms of any legislation, but does not include a court or a judicial officer.”

To give effect to the constitutional provisions of Section 29 relating to Higher Education, these provisions are taken up further, and in more detail, in the Higher Education Act, 1997 (Act 101 of 1997).

### 3.5.2. The Higher Education Act

To give effect to the successful implementation, the Act outlines the following: to regulate higher education; to provide for the establishment, composition and functions of a Council on Higher Education; to provide for the establishment, governance and funding of public higher education institutions; to provide for the appointment and functions of an independent assessor; to provide for the registration of private education institutions; to provide for quality assurance in promotion in higher education; to provide for transitional arrangements and the repeal of certain laws; and to provide for matters connected therewith.

Some of the specific sections in this Act relating to the registration of private higher education institutions are briefly reviewed.

The Higher Education Act, in Sections 4 and 5, establishes a Council on Higher Education (CHE) to advise the Minister of Education on any matter relating to higher education. Under Section 7 the CHE must establish a Higher Education Quality Committee (HEQC) to perform quality promotion and quality assurance functions. This is discussed in more detail later in this chapter. The same section defines a higher education institution as an institution, which provides higher education. It also defines a private higher education institution as an institution registered or conditionally registered by the registrar in terms of this Act, and includes foreign higher education institutions.

The Act prohibits any person, other than a public higher education institution or an organ of state, whether local or foreign, from offering higher education unless that person is registered or conditionally registered by the registrar as a private

higher education institution (Section 51). A private institution, which is not registered by the Registrar but which offers any higher education qualification, is liable to a fine/ and or five years imprisonment (Section 66(3)). The only exclusions are the institutions offering higher education qualifications prior to the promulgation of the Act. These institutions will be allowed a transitional period up to 31 March 1999 during which to apply for registration. The Minister has subsequently determined, in terms of Section 75, that no private higher education institutions may offer higher education after 31 December 1999 unless registered.

Section 53(1) obliges the Registrar to register a private higher education institution if s/he has reason to believe that the institution is financially capable of satisfying its obligations to its students; that it will maintain acceptable standards in all its higher educational programmes; and that it complies with the HEQC's requirements.

Under Section 54(3) the Registrar may grant conditional registration when he/she believes that an institution will fulfil all the requirements within a reasonable period of time.

Section 55(1) of the Act demands that a registered institution conspicuously display its (conditional) registration certificate, the college indicates on its official document the courses it is (conditionally) registered for and the registration number. Failure to comply with any of these requirements carries a fine up to R20 000 Section 66(4).

Section 56 allows for public scrutiny of the register and the auditors report of every (conditionally) registered institution held in the registrars office.

Section 57 (2) calls for the annual audit by registered auditors of the institutions books, records of accounts and financial statements.

Under Section 59(1) the Registrar may amend the registration of an institution if she is satisfied that it is in the interest of higher education. He/she may also impose any reasonable condition on private higher institution (Section 60).

Section 62(2) compels the Registrar to review an institution's registration if the accreditation of any of its programmes is withdrawn. She may, on reasonable grounds, cancel any registration (Section 62 (1) ).

Private higher education institutions may appeal to the Minister of Education against any decision of the Registrar (Section 64).

To date, private higher educations had seen the implementation of these sections. The process is reaching its finalisation and official certificates are expected to be to be forwarded by June 2003

### 3.5.3. The South African Qualifications Authority Act,

The Act provides for the South African Qualifications Authority (SAQA) to oversee the development of the National Qualifications Framework (NQF) and to formulate policies and criteria for the registration of bodies responsible for establishing education and training standards or qualifications (National Standards Bodies or NSB's), and the accreditation of bodies responsible for monitoring and auditing achievements in terms of such standards or qualifications (the Education and Training Quality Assurance or ETQA's (Sec 5 (1) (a)).

Section 5 (1)(b) mandates SAQA to register national standards and qualifications to take steps to ensure compliance with accreditation provisions and to ensure that standards and qualifications are internationally comparable (Department of Education, 1999).

#### 3.5.4. The Correspondence Colleges Act

In terms of Section 70 of the Higher Education Act, 1997 (Act 101 of 1997) and Section 52 of the Further Education and Training Act, 1998 (Act 98 of 1998) new private HET and FET correspondence institutions need not register under the Correspondence College Act (Department of Education: 1999).

#### 3.5.5. Skills Development Act

This Act provides for the Sector Education and Training Authorities (SETAs) to, amongst others, establish and promote learnerships, approve workplace skills plans and allocate grants and monitor education and training in the sector. Skills programmes will carry credit towards a qualification registered on the NQF (Department of Education, 1999).

#### 3.5.6. Further Education and Training Act

Private Further Education and Training Institutions (PFETI'S) are also constitutionally mandated to register with the state. They would then register with the Department of Labour and/or with the National Registrar of Private Further Education and Training Institutions (Department of Education, 1999).

#### 3.5.7 The White Paper on Higher Education

The White Paper of 1997 established a comprehensive and ambitious transformation agenda to harness higher education to overcome social and economic problems and enable South Africa to engage effectively with globalisation.

#### 3.5.7.1. Social Purpose of Higher Education

The White Paper on Higher Education 1997, identifies the various and the diverse, social purpose that higher education must serve:

- Attention to the pressing local, regional and national needs of the South African society and to the problems and challenges of the broader African context.
- The mobilisation of human talent and potential through lifelong learning to contribute to the social, economic, cultural and intellectual life of a rapidly changing society.
- Laying the foundations of a critical civil society, with a culture of public debate and tolerance, which accommodates differences and competing interests.
- The training and provisions of person power to strengthen this country's enterprises, services and infrastructure. This requires the development of professional and knowledge workers with globally equivalent skills, but who are socially responsible and conscious of their role in contributing to the national development effort and social transformation.
- The production, acquisition and application of new knowledge: a well organised, vibrant research and development system which integrates the research and training capacity of higher education with the needs of industry and of social reconstruction.

These points on the social purpose will address some of the areas of function outlined earlier.

### 3.5.7.2. Goals of Higher Education

The goals for the higher education system and for institutions include:

- Increased and broadened participation within higher education to meet person power needs and advance social equity.
- Co-operative governance of the system, institutions and partnerships.
- Curriculum restructuring and knowledge production which is responsive to societal interests and needs.
- Promotion of quality and quality assurance through accreditation and assessment of programmes.
- Incorporation of higher education programmes and qualifications within a national qualifications framework designed to promote articulation, mobility and transferability.
- Improved institutional planning and management and the development of three-year institutional plans.
- The establishment of a national, integrated, co-ordinated and differentiated higher education system.

The goals are clearly stated and would require a strong system of implementation to effect the changes in private higher education.

## 3.6. LEGISLATION AND THE WAY FORWARD

The government set the scene in terms of what it requires for higher education. The Minister of Education has made clear his intent to re-organize the higher education system and deal in particular with the size and shape issues. The Minister refers to a “seamless” national system, where he agrees that the issue cannot be left to chance if we are to champion the vision of a rational seamless higher education system, responsive to the needs of all ages and the intellectual challenges of the 21st-century.

The body responsible to drive such an undertaking is identified as the Council on Higher Education. It is indeed a challenge.

### 3.6.1. Responsibilities of the CHE

The specific responsibilities accorded to the CHE by the Higher Education Act 1997 (Act 101 of 1997) and the White Paper on education are:

- Advise the Minister on all higher education issues on which the CHE's advice is sought.
- Advise the Minister on its own initiatives on higher education issues the CHE regards as important.
- Advise the Minister in particular on the new funding arrangements for higher education and on language policy with respect to higher education.
- Design and implement a system for quality assurance in higher education and to establish the Higher Education Quality Committee (HEQC).
- Develop means for monitoring and evaluating whether, how, to what extent and with what consequences, the vision, policy goals and objectives for higher education defined in the White Paper on Higher Education are being realised.
- Advise the Minister on the appropriate shape and size of the higher education system, including its institutional configuration.
- Promote the access of students into higher education.
- Provide advice to the Minister on the proposed new Education Management Information System for higher education.
- Formulate advice to the Minister on a new academic policy for higher education, including a diploma/degree structure that would advance the policy objectives of the White Paper on Higher Education.
- Formulate advice to the Minister on stimulating greater institutional responsiveness to societal needs, especially those linked to stimulating South Africa's economy, such as greater higher education-industry partnerships.

- Establish healthy interaction with higher education stakeholders around CHE's work.
- Produce an annual report on the state of Higher education for submission to parliament.
- Convene a higher education summit of all higher education stakeholders.
- Participate in the development of a coherent human resource development framework for South Africa in concert with other organisations.
- Advising on legislation, policies and regulations.
- Programme accreditation and quality audits.
- Contributing to the remodelling and reconfiguration of the higher education system.
- Promoting to the development of quality.

The specific requirements convey mechanisms and implementation strategies that would promote development of higher education. Private higher education falls within this discussion. An assumption implicit in this is that both public and private institutions are equally accountable through similar mechanisms. The concern however, is that public and private are at different stages of development.

The South African Qualification Authority is another stakeholder serving higher education. The Act is outlined below.

### 3.7. IMPLEMENTATION OF SOUTH AFRICAN QUALIFICATIONS ACT

SAQA was established in 1995 to oversee the development and implementation of National Qualifications Framework (NQF). The NQF is a means of transforming education and training in South Africa. The NQF is essentially a quality assurance system with the development and registration of standards and qualifications. The bodies responsible for the generation and recommendation of qualifications and standards are respectively called Standards Generating Bodies (SGB) and National Standards Bodies (NSB). The bodies responsible for the quality assurance of the standards and

qualifications are called Education and Training Quality Assurance Bodies that will carry out their functions in co-operation with education training providers and moderating bodies.

The following are components that compromise sections of the NQF.

#### 3.7.1. SAQA Mission Statement

To ensure the development and implementation of a National Qualifications Framework which contributes to the full development of each learner and to the social and economic development of the nation at large (SAQA, 2000:4).

#### 3.7.2. National Qualifications Framework (NQF)

The objectives of the NQF

The objectives of the NQF as stated in the Mission Statement above and according to the SAQA Act are the following:

- Create an integrated national framework for learning achievements.
- Facilitate access to, and mobility and progression within, education, training and career paths.
- Enhance the quality of education and training.
- Accelerate the redress of past unfair discrimination in education, training and employment opportunities and thereby.
- Contribute to the full personal development of each learner and the social and economic development of the nation at large (SAQA, 2000:5).

#### 3.7.3. The Levels of the NQF

SAQA has adopted an eight level framework of which Level 1 is the least complex, and level 8 the most complex. Both levels 1 and 8 are regarded as open-ended.

What is clear from the above is that the 8 levels are grouped into three bands:

General Education and Training (GET)	-	Level 1
Further Education and Training ( FET)	-	Level 2 to 4
Higher Education and Training ( HET)	-	Level 5 to 8

These terms describe the different levels of education and training in South Africa.

#### 3.7.4. The Organising Fields and Sub-Fields of the NQF

For organisational efficiency the NQF divides all education and training in 12 organising fields. SAQA established 12 National Standards Bodies, one per field. These are not based on traditional disciplines or subject areas but rather a convenient mixture of the two. The fields are as follows:

01	Agriculture and Nature Conservation
02	Culture and Arts
03	Business, Commerce and Management
04	Communication Studies and Language
05	Education, training and Development
06	Manufacturing, Engineering and Technology
07	Human and Social Studies
08	Law, Military Science and Security
09	Health Sciences and Social Services
10	Mathematical, Physical, Computer and Life Sciences
11	Services
12	Physical Planning and Construction

### 3.7.5. Standards

The SAQA, 1995 (Act 58 of 1995) defines unit standards as the :

- Registered statements of desired education and training outcomes and
- Their associated assessment criteria, describing the quality of the expected performance together with
- Administrative and other information specified in the NSB regulation.

The purpose of the unit standards is to provide guidance to the:

- Assessor - as to the evidence that must be gathered during assessment.
- Learner - as to the learning outcomes that must be achieved.
- Provider and/or materials designer as to the learning materials or learning experiences to be prepared to assist learners in reaching competence.

### 3.7.6. The Qualifications

Learning is recognised when a learner achieves the required number and range of credits at a specified level of the NQF. When a learner meets these requirements, he/she obtains a qualification.

The NSB regulation (452 of 28 March 1998) describe qualifications as:

- Representing a planned combination of learning outcomes with a defined purpose/s, including applied competence and a basis for further learning.
- Enriching the qualifying learner by providing status, recognition, credentials and licensing; it improves marketability and employability; and opens up routes to additional education and training.
- Benefiting society and the economy by enhancing citizenship, increasing social and economic productivity, providing specifically skilled and/or professional people, and transforming and redressing past inequities.
- Complying with the objectives of the NQF contained in section 2 of the act.
- Promotes life-long learning.

- Being internationally comparable.
- Incorporating integrated assessment.

This specific and clear breakdown of qualification creates a valuable frame to guide both public institutions and promote quality in qualification.

#### 3.7.7. Credit System

The SAQA uses a credit system based on the idea that one credit equals 10 notational hours of learning. Notational hours of learning refer to the learning time that it would take an average learner to meet the outcomes defined. It includes contact time, structured learning in the workplace, individual learning and assessment.

The bodies responsible within SAQA for the implementation of the standards are the NSB and SGB, following is a brief synopsis of their functions

#### 3.7.8. National Standards Bodies (NBS)

The NBS is responsible for:

- The establishing of education and training qualifications and /or standards,
- Specific functions relating to the registration of national qualification and/or standards.

The compositions are made up of national stakeholders with a key interest in the field. Normally there are 36 members in the NSB. Members are nominated from State, Labour, Business, Education and Training, Critical interest groups and Community learners.

The NSB functions as articulated by SAQA are as follows:

- To define and recommend to SAQA the boundaries of the field.

- To define and recommend a framework of sub-fields to be used as a guide for SGB's.
  - Establish SGB's in sub-fields; ensure their work meets SAQA requirements.
  - Recommend the registration of qualification and standards.
  - Liase with ETQA's through SAQA.
  - Define mechanisms for the moderation of qualifications.
- (SAQA, 2000:10).

### 3.7.9. Standards Generating Bodies

The SGB's are registered bodies responsible for the generation of qualifications and/ or standards. It is made up of key education and training stakeholders in the sub-field drawn from interest groups and specialists. The SGB's normally comprise about 25 members.

The functions of the SGB'S are as follows :

- Generate qualifications and standards.
- Update and review standards.
- Recommend qualifications and standards to the NSB.
- Recommend criteria for the registration of assessors and moderators or moderating bodies.
- Perform such other functions as may from time to time be delegated by the NSB (SAQA, 2000:12).

### 3.7.10. Education And Training Quality Assurance Bodies (ETQA)

The ETQA's are established by SAQA in each of the sectors described to monitor and audit achievements in terms of national qualifications and standards.

The establishment of the ETQA occurs in the following manner:

An organisation/ group of organisations can seek accreditation as an ETQA in one of the following sectors: A social sector, an economic sector (e.g. SETA) and an education and training sub-system sector (e.g. Higher education, FET).

The functions of the ETQA is as follows :

- Promote quality among providers.
- Accredite providers for specific qualifications and standards registered on the NQF.
- Evaluate assessment and facilitation of moderation among providers.
- Co-operate with relevant bodies appointed to moderate across ETQA's.
- Register assessors for specified registered qualifications and standards in terms of the criteria established for this purpose.
- Monitor the quality of provision.
- Take responsibility for the certification of learners.
- Maintain an acceptable database.

The ETQA together with the NSB's and the SGB's create a sound framework for the development of qualification that both public and private institutions would adopt. This benefits the learner and contributes to an effective higher education system. SAQA, has the primary responsibility of the development and implementation of the NQF. However, as a result of lack of capacity in the Department of Education, SAQA was tasked with this initial responsibility.

Following, is a description of this process.

### 3.8. THE PRIVATE PROVIDER

The section begins with clarification of the concept provider: A provider means a body that delivers learning programmes focused on the achievement of specified NQF qualifications and standards. A provider also manages the assessment of learning achievements (Van Rooyen, 2000:2).

A private provider is one who has no support from any public office or government. According to the regulation process, a provider must be accredited. The accreditation process is explained below.

#### 3.8.1. Accreditation

An ETQA may accredit a body that meets the specified criteria, when an application is received. Broadly, accreditation is concerned with the prospective provider's capacity and capability to provide (SAQA, 2000:14)

To achieve the accreditation, specific criteria will be checked.

#### 3.8.2. Criteria for Accreditation

A body may be accredited as a provider when both the ETQA and the provider have the same primary focus. Accreditation also depends on whether the provider:

- Is registered as a provider in terms of applicable legislation.
- Has a quality management system.
- Is able to develop, deliver and evaluate learning programmes which lead to specified registered qualifications and standards.
- Has the necessary:
  - Financial, administrative and physical resources.
  - Policies and practices for staff selection, appraisal and development.
  - Policies and practices for learner entry, guidance and support system.

- Policies and practices for the management of off-site practical or work-site components.
- Policies and practices for the management of assessment.
- Reporting procedures.
- Ability to achieve the desired outcomes, using available resources and procedures considered by the ETQA.

When the recommendations were made by the task group on investigating higher education to regularise private higher education, the Minister requested the SAQA begin the process of regularising private higher education, as the CHE was not yet in place. “SAQA agreed with the request to take on interim accountability for the accreditation of Private Higher Educational Institutions, based on the necessity to ensure that government was able to meet the statutory requirements of the Higher Education Act of 1997 (Naude, 2000:5).

SAQA therefore put into place an interim process which was as follows.

### 3.9. DESCRIPTION OF THE REGULATION PROCESS

To implement the framework in the absence of the CHE and HEQC, the SAQA performed the function of the ETQA for private colleges. The application process was two pronged. The ETQA ( SAQA) was responsible for accreditation and the Department of Education was responsible for granting registration.

The process involved the following steps:

1. The colleges were given a copy of the “blue book”. The “Blue Book” was an evaluative questionnaire requesting information on private providers on various quality assurance issues. (See Appendix One for copy of blue book).

2. Private providers submitted applications according to the requirements, as they understood them at the time. Each learning programme was submitted on a separate application.
3. SAQA administered the document against a checklist to ensure that all information was provided.
4. Thereafter applications were submitted to the evaluators. Sertec (evaluator experts) was used at the time
5. Sertec had “experts” in each field who they submitted applications to fulfil the evaluation requirements. Sertec was the body responsible for quality assurance at the technikons at the time.
6. Once completed, evaluators forwarded responses to Sertec.
7. Sertec forwarded reports on each application back to SAQA.
8. If minor amendments were required, private providers were asked to submit these. The amendments went back to evaluators. If these amendments were acceptable, this went to the next stage.
9. If the programme was acceptable with “minor” amendments needed, it was passed to the next stage with conditions attached.
10. SAQA convened a “Joint Committee” to review the report from the evaluators. The joint committee comprised representation from SAQA, DoE, Sertec, and the Association of Private Providers) the joint committee made a decision to conditionally accredit or not.

11.The college was informed of this decision by fax followed by mail. A brief report was given to the college. Any conditions attached to the conditional accreditation were outlined.

12.The Committees decision was also forwarded to the Department of Education i.e. granting conditional accreditation or not.

13.The DoE then evaluated the legal status, financial stability, physical infrastructure, and as well general quality assurance.

14.Colleges were asked to provide further information if clarity was required.

15. If the DoE was satisfied with the documentation, the college was conditionally registered for that particular learning programme.

The process appeared straight and forward enough however, at the time, the process seemed complex. Lack of clear guidelines or access to explanatory information was a severe constraint. There were distinct processes for registration and accreditation.

### 3.9.1. Registration and Accreditation

Registration and Accreditation were two distinct processes. The process was complex and took a considerable amount of time. Colleges reported taking anything from three months to two years (Cosser, 2001:5).

The SAQA process attempted to address the objectives of the Higher Education Act in the steps that it laid out in the regulation process. This study addresses the implementation of the regulation process, hence it is necessary to look at how the regulation policy was implemented in practice.

A questionnaire has been designed (as will be discussed in following chapter) to identify the perceptions of colleges on the process of implementation. The purpose is to establish a general consensus of the process. A detailed case study was completed to provide the actual “experience” of private providers in the implementation process.

After this description of the regulation process with detail on the process of accreditation and registration, a detailed case study description would be appropriate as it will provide example of the practice. The case study shows how the Department of Education and the SAQA executed its function.

### 3.10. CASE STUDY

The case study is provided as a detailed itemisation of the process of registration. The institution selected is a medium- sized private college. For the purpose of the chapter it will be referred to as “college”.

#### 3.10.1. BACKGROUND OF COLLEGE

The college started in 1994 when opportunities were made available by the changes in legislation. It began as a computer school operating in spacious premises in central Durban. The venue had professionally designed lecture rooms, each fitted with the most up-to-date computer technology. The courses were mostly externally accredited with some programmes accredited internally.

As a result of the increasing need for computer education and training the student numbers in the college grew significantly. This resulted in an increase in full time lecturing staff. The student numbers increased annually until 1997 when it was realised that the present premises was too small. In 1998 the company purchased a large building to serve as the college in central Durban.

The college currently operates from the new premises. The services offered by the college now spans over three sectors:

1. Further Education and Training sector - this sector covers short courses on Management and Beauty. Course duration spans from one week to nine months.
2. General Education and Training: The Matric School: This school offers Full-time and part-time matric classes accredited by the Department of Education. There are approximately 700 students enrolled in 2001.
3. Higher Education - The college has approximately 2500 full time students.

The higher college offer the following higher education courses:

### 3.1. **Management**

#### Human Resource Management

Certificate in Human Resource Management	1 year
Diploma in Human Resource Management	2 year
Higher Diploma in Human Resource Management	3 year

#### Public Management

Certificate in Public Management  
Higher Certificate in Public Management  
Diploma in Public Management

#### Business Management

Certificate in Business Management  
Higher Certificate in Business Management  
Diploma in Business Management

### Marketing

Certificate in Marketing Management

Higher Certificate in Marketing Management

Diploma in Marketing Management

## 3.2 **Computers**

### Information Technology

Certificate in Information Technology

Diploma in Information Technology

Higher Diploma in Information Technology

Certificate in Computer Technical Support

International Diploma in Computer Studies

International Advanced Diploma in Computer Studies

Bachelor of Science / Honours degree

## 3.3 **Hospitality**

Certificate in Food and Beverage Management

Diploma in Food and Beverage Management

Certificate in Professional Cookery

Diploma in Professional Cookery

## 3.4 **Tourism**

Certificate in General Travel

Diploma in General Travel

Certificate in Retail Travel

Diploma in Retail Travel

Cambridge Diploma in Travel

### 3.5 **Business Studies**

#### Public Relations

Certificate in Public Relations

Higher Certificate in Public Relations

Diploma in Certificate in Public Relations

#### Accounting and Business Administration (BA)

Certificate in Accounting and Business Administration

Higher Certificate in Accounting and Business Administration

Diploma in Accounting and Business Administration

#### Executive Secretarial

Certificate in Executive Secretarial

Diploma in Executive Secretarial

#### Journalism

Certificate in Journalism

Higher Certificate in Journalism

Diploma in Journalism

The above list is a 2000/2001-course offering. The courses offered prior to this date varies as it falls within the unregulated period.

One of the significant differences in the courses as compared to past years is its affiliation to external bodies. During the last regulated period, i.e. 1998 and 1999 most private organisations affiliated with specialist/ professional organisations to establish course credibility. Some of these include: PRISA- Public Research Institute in South Africa, SAIM - South African Institute on Management. These institutes have been in operation for decades in South Africa and were seen as reputable by the business world.

The college was successful in establishing itself as a lucrative business. However, at the time, no regulatory bodies were in place to oversee and validate its academic practice. The external bodies (indicated above) each had their quality assurance criteria but these were minimal as focus on all accrediting/ professional bodies were on student enrolments.

The number of students in 1999 was the best the college had known, approximately 3000 in the main campus. Students were not aware of any regulation procedures and therefore never enquired into these.

### 3.10.2. Regulation Process

The researcher has attempted to follow the sequence of events in the process hence the flow from one paragraph to the other appear disjointed. The aim was to provide a description of the process as it unfolded.

In January 1999 SAQA sent a document to all private colleges registered with the Department of Education according to the earlier registration process. This document was called the “blue book” page 70!. The process was not defined and there were no guidelines on how to complete the book. It was stated that this was a draft document. According to the Operations Director and Academic Manager as identified in the interview they did not understand the background to the document and as a result it wasn’t treated with the seriousness it deserved.

In an attempt to complete the documents, copies of the document were made and given to each subject lecturer. Subject lecturers were young and ignorant of such processes. As a result the documents were filled without a good understanding of the process. Much of the information needed focused on quality assurance in teaching and learning. It emphasised strongly the academic qualification of staff, the use and integration of the library, curriculum and governance.

As there were no library facilities at this time it was left unanswered. The governance structures comprise the CEO and the Operation Director.

The blue book was completed for 14 Courses, five certificate courses and nine diploma courses. The deadline for the completion was 31 May 1999. The college met this deadline. A Courier was contracted to deliver the document to the SAQA. Little information or communications followed from the SAQA, however, articles appeared in the media drawing public awareness to a regulation process by the Department of Education.

On the 23rd December 1999, the college received a letter from SAQA, which stated that on evaluation of the programmes, too many quality improvements were needed and the accreditation had been refused. It stated further that a letter from the joint committee would follow, which would provide further details. The college was advised that they could resubmit by the 31 March 2000. This letter did not follow as was indicated, consequently the college was at a loss on where to begin.

On the 4 January 2001 the report was received from the Department of Education refusing registration. No details were provided on which areas were lacking and required improvement. The college decided to appeal against the decision of SAQA according to Section 54 (2)(b) of the Higher Education Act. A letter to this effect was sent to the Minister and the Director General's office.

The college made a number of requests telephonically to the SAQA but no response was received. On the 12 January 2001, at the expense of the college, management flew up to Pretoria for a meeting with the Chief Director - Higher Education to explain the difficulties and lack of assistance. Management explained that:

- It was not adequate to refuse registration without providing details on how to assist the situation.
- Details on areas requiring improvement should be provided, as management was confident that they could meet all the requirements.
- They are also concerned about the media releases from the Department to the public.
- The college suffered prejudice by honouring the Departments deadline as other colleges that did not respond to the deadline were given an extension and were thus “saved” by the implications of publicity.

On 13th January 2001, SAQA requested the college to make a re-submission. An academic person was called in to assist in the completion of the blue book in one learning offering.

This was submitted to SAQA on 19 January 2001. On 24 January 2001, management of the college met with SAQA officials and was assured that the process will be speeded up to assist the institution.

In the meanwhile, with regard to the running of the college this was the most crucial registration period for the year. The college had a number of students who were preliminarily registered students. Having read in the media about the registration issue and that the college was not registered students cancelled their application for registration. This placed incredible stress on the college as it had great infrastructure costs to maintain and a compliment of full time staff members.

With little other recourse the college sought assistance from anyone it could. The Association of Private Colleges were contacted. No assistance was forthcoming from this body. Another physical trip to Pretoria to seek assistance was made, no assistance was forthcoming. Letters were sent to the Deputy Director General's

office, explaining the situation, and the procedure that has been followed. Another two letters were sent to the Ministers office seeking a response to the appeal.

- On 3 February 2001, the Head of SAQA called to say he would be doing a site visit.
- On 4 February 2001, The Head of SAQA and the Head of Sertec arrived for an inspection of the college. They requested a number of documents, which were all forwarded.
- On 9 February 2001, the response from SAQA and Joint Committee arrived explaining the areas that required attention.

Two further letters were sent to the Ministers office for urgent attention. The stress was critical at the college as there were about 1000 calls per day from concerned parents and students.

Finally on 14 February 2001, a letter arrived from SAQA conferring conditional preliminary accreditation. A document was forwarded to the college with a number of conditions, which was accepted, signed and returned. This status was conditional until 30 July 2000.

This gave the college some “breathing space” to work on the re-submissions. The preliminary conditional accreditation gave the college a sense of legitimacy and credibility.

This experience of a typical Private higher Education Institution in Kwa-Zulu Natal is an indication of the difficulties Private providers had experienced. The difficulty to get the assistance, lack of available guidelines to guide the process and lack of stakeholder support had contributed to difficulties experienced.

The media drew attention to the regulation process. The Department of Education published the information on ‘conditionally’ registered colleges. The following is a summary of media reports:

### 3.10.3. Media Reports that Impacted on the Case Study Example

A few articles appeared in the papers during the latter part of 1999.

•	<u>DATE</u>	<u>PAPER</u>	<u>TITLE</u>
•	4/02/00	Mercury	Govt. clamps down on fly-by-night colleges
•	19/01/00	Ilanga	Registered and unregistered colleges
•	19/01/00	Evening Post	Registered colleges
•	19/01/00	Business Day	Institutions scramble to register
•	21/01/00	Mercury	Private colleges vow to fight back
•	21/01/00	Mercury	Private colleges clean-up gets snarled in red tape
•	26/01/00	Unknown	Colleges left out in the cold
•	26/01/00	Business Day	Govt. plans law to protect Universities
•	27/01/00	Business Day	Bumpy registration ride
•	26/04/00	Business Day	Australian university swims against SA stream
•	24/07/00	Business Day	Registration ruling may have set a precedent
•	21/08/00	Business Day	Tertiary institutions object to bill
•	30/08/00	Sowetan	More higher education institutions registered
•	1/09/00	Financial Mail	Curbing the growth of private and foreign colleges
•	Undated	Sunday Tribune	Unregistered colleges still taking new students
•	Undated	Business Day	Private institutions await fate
•	Undated	Business Day	Reality is too bitter a pill to swallow
•	Undated	Business Day	July deadline for outcomes-based tertiary education
•	Undated	Business Day	High anxiety in higher education

The Department of Education in all media releases directed the public to the Department's web-site where a regularly updated list of registered college appeared. It was two weeks after conditional registration that the college was finally reflected on the web-site.

Evidently, this experience took its toll on the colleges. The registration was conditional until 4 July 2000. The task of the college was to immediately save its reputation, which suffered serious damage as a result of the media releases. Student registration was slow and drastic measures were required to save the college.

The college began a rigorous marketing campaign clarifying its registration status. Concurrently, it began work on the re-submissions of all its programmes. Two full time staff were employed with strong academic backgrounds and experience in Academic development.

Hard and detailed work followed on each submission. Strict quality assurance mechanisms were instituted. The following areas were worked on extensively:

- Library resources
- Staff qualifications
- Staff development
- Student development
- Governing body
- Management structures
- Experiential learning
- Industry linkages
- Curriculum development

Re-submissions were completed by mid-March. These were sent to SAQA. The submissions were sent via courier and were delivered to the door at SAQA. Thirty-two submissions were made for each learning offering, i.e. each year had to be submitted separately.

The Academic Head at the college confirmed with SAQA that the submissions were received. Every two weeks SAQA was contacted to check if any progress had been made on the evaluations. On each instance the Academic Head was informed that the submission had gone to the evaluators (Sertec).

By 4 July 2000, having not heard a single response, the Academic Head contacted the administrative person responsible for the administration of submissions at SAQA and asked for an immediate probe into why after almost five months no response was forthcoming.

The next day, the college called SAQA again and was told that the submissions were “found” under a table at SAQA and had not gone to Sertec. This spelt an impending disaster as the “deadline” for registration was 30 July 2000. The Academic Head immediately flew up to Pretoria, and met with the Head of SAQA, Quality Assurance Division and explained the predicament. She took the submissions personally to Sertec and spoke to the administrator confirming their receipt of all submissions. Sertec promised to try and expedite the procedure. The weeks following were again stressful for the college. Responses from Sertec were slow as each submission had to be given to the subject specialist.

By the end of July 2001, no response was forthcoming. The college name was removed from the Department web-site of registered colleges. An article again was published in the media, which reflected the college as unregistered or rejected.

Students at the college were volatile and demanded to see confirmation of registration documents. A number of telephonic calls and letters were forwarded to SAQA and the Department of Education but to no avail. The college was victim of a situation in which they had no control.

Finally one submission was received from the evaluators, which was tabled at the Joint Committee (only met on Fridays). The document granting accreditation was forwarded to the Department. Contact with the Department revealed that the process within the Department was a long one, and required going through many departments culminating in the Director General's office for his final signature.

By mid-August, the students were threatening a boycott on account of the college being unregistered. A full student boycott followed. Management flew again to Pretoria and met the Chief Director, Higher Education, to explain how the college was a victim of circumstances beyond their control. The Chief Director promised to look into the matter and provide feedback the following day.

In the meantime to allay student fears and to quell a rather stressful situation, local political youth leaders were called to reassure students. The leaders came into the college telephoned SAQA and the Department of Education and other Department political heads, including the Director General to ascertain the college status with regard to registration. They were assured by all the bodies that procedure had to be followed and that the college would be granted registration. Having heard this, the leaders then reassured the students and urged them to get back to class.

The situation, however, was tenuous. It was only on 4<sup>th</sup> of October 2000 that the letter was finally received from the Department of Education. This certificate although for one learning offering, granted registration to the college.

Since this first certificate, all other courses had gone through similar processes. Some required amendments to be made and were completed and returned. During September 2000, the institution was advised that the HEQC (Higher Education Quality Council) would be taking over the evaluation of programmes and not Sertec. Programmes already submitted would still go through SAQA and Sertec.

Since then, the college has had 90 % of its courses accredited and registered with the

Department. The only courses not registered were courses offered by the Seta itself. The college had the highest number of registered courses in South Africa. This is an excellent achievement given the strictness of the document.

### 3.11. CONCLUSION

This chapter began with the Ministers concern on private providers. It sets the context and the need for such a regulatory policy. The background of higher education and special reference to private higher education development saw the growth and impetus of private college prior and post 1994.

The increased growth has raised concern for public authorities and students, which led to the regulation process. The chapter also defined the stakeholder bodies, their roles and responsibilities as they pertain to the regulation process.

The SAQA had a pivotal role in the early stages of regulation, a focus period of this study. Their role and a definition of the process were outlined. This is followed by a reality experience of the case study.

Evaluating the intension of the stakeholder bodies namely the Department of Education and the SAQA, it appears that it was logical to begin the process highlighting areas relating to quality assurance. The request for such information as criteria to grant accreditation and registration would have met greater success if it were grounded in good communication. Given that private providers operated in an environment that had no accountability and reporting, it would have been appropriate to create channels of communication to explain the process of regulation that was to unfold. Support materials would raise private providers awareness to issues surrounding quality assurance.

The apparent lack of awareness appears to be a consequence of lack of information on the process which contradicts policy implementation as discussed in the earlier chapter.

### 3.12. PROJECTION OF THE NEXT CHAPTER

This chapter begins with the investigation referred to above. The research chapter outlines the research methods to be used. It also contextualises this study within defined research parameters.

The chapter goes further to describe in detail how the different research methods will contribute to the study.

## **CHAPTER FOUR**

### **RESEARCH METHODOLOGY**

#### **4.1. INTRODUCTION**

This chapter brings focus to the study by clarifying the process and procedures in achieving the objectives at the start of this research, namely:

- (i) Identifying factors contributing to the implementation of the regulation process within the higher education sector.
- (ii) Understanding the objective and purpose of the regulation policy and implementation process.
- (iii) Investigating the impact of the regulation policy and implementation process on private colleges delivering higher educational programmes.
- (iv) Identify the role and functions of the different stakeholder bodies involved in the regulation process.
- (v) Identify the strengths and weaknesses of the regulations process.

The population of this study is a select group of ten private colleges in the Kwa-Zulu Natal. The ten selected were colleges of varying sizes all of whom engaged in the registration process. These colleges all offered higher education programme, however, their focus was on business. This impacted on the study in the following ways:

- ✓ Research and research development have been non-existent in this sector.
- ✓ Operating on the business principles, the business information is closely guarded.

- ✓ There is extreme spirit of competitiveness between colleges.
- ✓ Communication across the sector is minimum. The only common forum is the Association of Private Colleges. Participation is cursory and superficial.
- ✓ Academic practices have emerged as focus areas mainly as a result of the regulation process.
- ✓ There is a general lack of academic culture within institutions.
- ✓ Research generally, and research in this particular time creates insecurities within institutions.

Given the above, the researcher needed to be particularly careful in selecting appropriate research methods that did not violate the institutions participating due to the competitive nature of the sector.

#### 4.2. THE RESEARCH DESIGN

The design focussed on answering the research questions. The implementation process based on the regulation process has been complex and problematic. In an attempt to capture the essence of this impact: Case study analysis was identified as the best method. This allowed the researcher access into the fabric on the institution management. A description follows in this chapter on details of the case study and its relevance.

To support this method and to provide more general details on the impact of this policy and to establish the private colleges participation in the policy process, questionnaire was identified as the suitable method. This would be the most appropriate method in accessing information without threat to the institution.

To facilitate participation in answering the questionnaire, the researcher supported this with interviews with senior management in each sample to explain the nature of the research. The merits of both the questionnaire and interviews are discussed later in this chapter.

#### 4.3. POPULATION AND SAMPLE

The population is private colleges in Kwa-Zulu Natal. This area has a large number of private colleges offering wide-ranging services. These colleges offered programmes in further and higher education. The size of the different providers were diverse, ranging from providers in small premises to large campus's with student numbers from 50 to 3000. The researcher therefore had to be selective in choosing an appropriate sample. The following criteria was used:

##### 3.3.1. Criteria

- i. Given it was a policy to regulate higher education, only colleges offering "higher education" programmes were selected. This narrowed down the population.
- ii. To measure the implementation process, the researcher had to select those colleges engaged in this process with the relevant bodies.
- iii. The researcher did not include the franchised operations that operated in Kwa-Zulu Natal. These franchisees were not engaged as indicated above.
- iv. The Association of Private Colleges is the body representing the colleges in Kwa-Zulu Natal. The researcher used this membership as a starting point. The private college to engage in the registration process used this forum extensively.

This narrowed the field to ten colleges which formed the sample.

#### 4.4. DESCRIPTION OF THE SAMPLE

The sample therefore was private college which had engaged with the Department of Education in this policy process. Each sample varies in size, with student numbers ranging from 50 to 3000. These colleges offer higher education courses from level 5 on the National Qualifications Framework. Most importantly, these are all “owner” driven sites.

The case study sample was selected on a similar basis. The researcher selected the college that had the most courses registered with the Department. Each college was given a copy of the questionnaire. The researcher contacted the senior manager in each college for an interview. He requested that the manager reviews the questionnaire before the interview. The objective of the interview was to probe areas that were not adequately addressed in the questionnaire.

#### 4.5. SITE OF DATA COLLECTION

The case study was executed in several visits to the institution. The time was used to interview the senior managers, peruse all data, i.e. application and response documentation. Any information relating to the regulation process was explored.

The questionnaires were given to the Senior Manager of the colleges who were requested to complete them. This was supported by interviews.

Given the above overview of the research methodology the following is a description of the theoretical framework that underpins this research chapter.

#### 4.6. METHODS USED IN THIS STUDY

The methods used in this study are: 1. a case study; 2. Questionnaires; and 3. Interviews. The case study was used as the primary research method to identify a detailed study of

the impact of the implementation. The questionnaires were used to collect information from the sample on the impact and process of the regulation. There were two sets of questionnaires, the first set, was issued to the private providers whilst the second set was issued to one senior member from the regulatory authorities. The interviews were used to encourage and probe responses on the questionnaire.

In identifying these methods it is apparent that this is a qualitative study. A framework for this qualitative study is established.

#### 4.7. QUALITATIVE RESEARCH FRAMEWORK

Qualitative research is grounded in the assumption that features of the social environment are constructed as interpretation by individuals and that these interpretations tend to be transitory and situational. Researchers develop knowledge by collecting primarily verbal data through the intensive study specific instances of a phenomenon, the cases, and subjecting these data to analytic induction. Qualitative research is multi –method in its focus, involving interpretive, naturalistic approach to its subject matter. This means that qualitative research study things in their natural settings, attempting to make sense of or interpret a phenomena in terms of meanings people bring to them. Merriam (1988) characterizes qualitative research as an umbrella concept covering several forms of inquiry that help to explain the meaning of social phenomena, with as little disruption of the natural setting as possible and in which the focus of the study is on interpretation and meaning.

The following are generally accepted characteristics of qualitative research (Denzin and Lincoln 1994:92).

##### 4.7.1. Qualitative Research

Where as quantitative research takes apart a phenomenon to examine component parts, which then become the variables of the study, qualitative research can reveal how all the

parts work together to form a whole. Qualitative research builds abstractions, concepts, hypothesis or theories rather than testing existing theory. It is often undertaken expressly because there is lack of theory or existing theory fails to explain a phenomena adequately. Thus, there may be no hypothesis deduced from theory to guide the investigation. Qualitative researchers build toward theory from observations and intuitive understandings gained in the field. In contrast to deductive researchers, who ‘...hope to find data to match a theory; inductive researchers hope to find a theory that explains their data. Typical findings are the form of themes, categories, typologies, concepts, tentative hypotheses or theory, which have been deduced from the data.

#### 4.7.2. The Emic Perspective

Central to qualitative research is gaining the emic or insiders perspective, that is, the perspective of the participants in the research study.

#### 4.7.3. Researchers Perceptive

The emphasis on understanding the emic perspective is not incompatible with the inclusion of the etic or outsider perspective. The perspective of the researcher helps him or her to make conceptual or theoretical sense of the phenomenon in terms of the researchers professional experience.

#### 4.7.4. The Researcher - Primary Instrument

Data are mediated primarily through the human instrument as distinct from an inventory, or computer analysis. The human researcher is characterized by responsiveness to context and sensitivity to non-verbals, and by the ability to consider the total context, adapt techniques to the circumstances, process data immediately, clarify and summarize as the study evolves and explore anomalous responses.

#### 4.7.5 Narrative and Descriptive End Product

The product of a qualitative study is richly descriptive, expressed in words and pictures rather than numbers. Descriptions of the context, the participants, the activities of interest as well as the participants own words, are typically included.

Other characteristics which are more or less to most forms of qualitative research are that the design is emergent, flexible and responsive to changing conditions of the study in progress: the sample selection is usually non-random purposeful and small; and the researcher spends considerable time in the natural setting of the study, often in intense contact with the participants.

Five research purposes for which qualitative studies are particularly useful, understanding the meaning, for participants in the study, of the events, situations and actions they are involved with, and of the accounts they give of their lives and experiences; understanding the particular context within which the participants act, and the influence this context has on their actions; identifying unanticipated phenomena and influences and generating new, grounded theories about them; understanding the processes by which events and actions take place; and developing causal explanations.

#### 4.7.6. Characteristics of a Qualitative Researcher

The following are characteristic of a Qualitative Researcher

##### 4.7.6.1. Researcher Attributes

There is a general consensus that certain researcher attributes are especially important, in some instances critically so, for successful qualitative research. These include the tolerance of ambiguity, sensitivity to context and data, and good communication skills ( Merrium, 1988). A lack of rigid structure, absence of set procedures and protocols, and possibilities for emergent data and study conditions are hallmarks of qualitative research, to include case studies. These represent what makes qualitative research appealing to

certain types of researchers, but they require adaptation to unforeseen events and willingness to change direction in pursuit of meaning. This is likened to the role of a detective. At first everything is important, and it takes time and patience to search for clues, which become leads, which eventually yield meaning.

Researchers who work best in a structured situation and have no tolerance for ambiguity are not ideally suited to carry out qualitative research.

#### 4.7.6.2. Researcher Sensitivity

The second characteristic is sensitivity to the context and all the cues and nuances in it, including physical setting, people, overt and hidden agendas, verbal and non-verbal data, as well as personal biases. Qualitative research is distinguished partly by its admission of the subjective perception and biases of both participants and researcher into the research frame. The final product is the emic perspective as filtered through the research perspective, and this calls for sensitivity to how his or her own biases and subjectivity may affect the study and findings.

#### 4.7.6.3. Researcher Communication Skills

Qualitative researchers must also possess superior communication skills in order to empathise, establish rapport, elicit richly descriptive interview responses, and listen effectively. The interviewer must be able to establish an atmosphere of trust in order to obtain meaningful information. He or she must listen to what is said, what is implied and what is not said. Researcher communication skills also extend to writing because not only is the final product a narrative but also the conduct of the study requires written notes, memoranda and very possibly a journal or annotated log of field work.

#### 4.8. CASE STUDY

Case study research excels at bringing us to an understanding of a complex issue or object and can extend experience or add strength to what is already known. Case studies emphasize detailed contextual analysis of a limited number of events or conditions and their relationships.

A qualitative research method designed to examine contemporary real-life situations and provide the basis for the application of ideas and extension of methods. Yin (1984) defines the case study research method as an empirical inquiry that investigates a contemporary phenomenon within its real life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used? (Yin, 1984).

The case study is an ideal methodology when a holistic, in-depth investigation is needed. Yin, and his contemporaries who have wide experience in this methodology have developed robust procedures. When these procedures are followed the researcher will be following methods as well developed and tested as any in the scientific field.

The unit of analysis is a critical factor in the case study. It is typically a system of action rather than an individual or group of individuals. Case studies tend to be selective, focusing on one or two issues that are fundamental to understanding the system being examined.

Case studies are multi-perspectival analyses. This means that the researcher considers not just the voice and the perspective of the actors, but also the relevant group of actors and interaction between them. This one aspect is a salient point in the characteristic that case studies possess.

Single case studies such as this research can be used to confirm or challenge a theory. Single cases are also ideal for revelatory cases where an observer may have access to a phenomenon that was previously inaccessible.

As in all research, considerations must be given to construct validity, i.e. internal validity, external validity and reliability. This study uses multiple sources of evidence, surveys, interviews and documents. Internal validity is ascertained by random questioning of students, staff and management. External validity is more difficult to obtain in a single case study. External validity could be achieved from theoretical relationships and from these deductions can be made.

The methodology used in this study based on seminar work by Yin (1984). This study explores the implementation process of the regulation policy by the Department of Education to private providers. The author has listed six sources of evidence for data collection in the case study protocol: documentation, archival records, interviews, direct observation, participative observation and physical artifacts. Not all need to be used in every case study. This study uses four, namely, documentation, archival records, interviews and physical artifacts.

As illustrated earlier, this study, the researcher used the methodology devised by Yin(1984). Each stage of the methodology will consist of a discussion of procedures recommended in the literature followed by a discussion of the application of these procedures in the proposed study:

1. Design of the case study protocol:
  - a) Determined the required skills
  - b) Develop and review the protocol
2. Conduct the case study:
  - a) Prepare for data collection
  - b) Distribute questionnaire
  - c) Conduct interview

3. Analyse case study evidence:

a) Analytic strategy

4. Develop conclusions, recommendations and implications based on evidence.

Following is an elaboration of each stage listed above, in order in which they were executed in this study.

1. Design the Case Study protocol

The first stage in the case study methodology is the development of the case study protocol. This stage is composed of two sub-headings: Determine the required skills and review the protocol. These are presented as follows:

1.1 Determine the required skills

The researcher must possess or acquire the following skills: the ability to ask good questions and to interpret the responses, be a good listener, be adaptive and flexible so as to react to various situations, have a firm grasp of issues being studied, and be unbiased by preconceived notions. The investigator must also function as a senior researcher.

1.2 Applications of recommended procedures

The researcher has had 15 years of experience as an educationalist and 10 years experience within the tertiary environment and was thus adequately prepared for the investigation.

### 1.3 Recommended protocol and review

A draft protocol should be developed by the researched. This follows extensive relevant readings on the topic, which would help in developing the draft questions.

The development of rules and procedures in the protocol enhance the reliability of the case study research.

The protocol should include the following sections:

- An overview of the case study project – this will include objectives, case study issues and presentations about the topic under study.
- Field procedures, credentials for access to data sources, and location of those sources
- Case study probes the questions that the investigator must keep in mind during the data collection
- A guide for the case study report: the outline and the format of the report.

The discipline imposed on the investigator by the protocol is important to the overall progress and reliability of the study. It helps keep the investigator focus on the main task and goals, while the process of development brings out problems that would only be faced during the actual investigation. The overview of the project is a useful way to communicate with the investigator, while the field procedures are indispensable during data collection. The case study questions are those under study, not those contained in the survey instrument.

### 1.4 Application of recommended procedures

There are three conditions for the design of case studies:

- a) The type of research question posed.
- b) The extent of control an investigator has over actual behavioural events.
- c) The degree of focus on contemporary events.

Some of the questions for this study include:

- What has been the college attitude from the initial registration process?
- What degree of co-operation was available between the stakeholders?
- What forums or mechanisms were available to guide providers through the process?
- What impact did this policy have on the people/personnel themselves?
- What financial implications did this have on the college?
- Who are the key role-players in the process?
- Why was the process so complex?
- Do you think that the process is necessary?
- Has this process impacted on the college's daily practices?
- Was there adequate sharing of resources?
- What impact did the implementation process have on the image of the industry?

The researcher has no control over the behavioural events, which are characteristic of case studies. Much of the events are contemporary although historic information was used.

## 2. Conduct the study

The second stage of the methodology recommended which were used in the current study is the conduct in the case study. There are two tasks in this stage that must be carried out for a successful project: these are preparation for data collection and conducting the interview. These sections are presented together in the following sections as they are related. In this phase, the primary activity is the data collection. Data collection should be as a design issue that will enhance the construct and the internal validity of the study as well as the external validity and reliability. Most of the field methods described in the literature treat data collection in isolation from the other aspects of the research process, but that would not be productive in case studies.

There are six primary sources of evidence for this case study research. The use of each of these might require different skills from the researcher. Not all sources are essential in every case study, but the importance of multiple sources are essential in every case study, but the importance of multiple source of data to the reliability of the study is well established. These are:

- Documentation
- Archival records
- Interviews
- Direct observation
- Participative observation
- Physical artefacts

No single source has a complete advantage over the others; they might be complementary and could be used in tandem. Thus, a case study should use as many sources as relevant to the study. The following table indicates the strengths and weaknesses of each type:

Sources of evidence	Strengths	Weaknesses
Documentation	Stable-repeated review Unobtrusive-exist prior to Case study Exact names Broad coverage-extended Time span	Irretrievability-difficult Biased selectivity reporting bias-reflects author bias Access may be locked
Archival records	Same as above Precise and quantitative	Same as above Privacy might be inhibit access
Interviews	Target-focuses on case Study topic	Bias due to poor questions Response bias

	Insightful-provides Perceived causal inferences	Incomplete recollection Reflexivity-interview expresses what interviewer Wants to hear
Direct observation	Reality-covers events in Real time Contextual-covers event Context	Time consuming Selectivity-might miss facts Reflexivity observer's presence might cause change Cost-observers time
Participant observation	Same as above Insightful into interpersonal behaviour	Same as above Bias due to investigators actions
Physical artifacts	Insightful into cultural Features Insightful into technical Operations	Selectivity Availability

During the research a series of documentation were collected. These included application forms, departmental responses, and letters from all parties, internal memoranda and minutes of staff meetings.

Document included letters, memoranda; agendas study reports, or any items that could add to the database. The validity of the documents should be carefully reviewed so as to avoid incorrect data being included in the database. One of the most important uses of document is to corroborate evidence gathered from other sources. The potential for over reliance on documents as evidence in case studies has been criticized. There could be a

danger of this occurrence if the investigator is inexperienced and mistakes some types of documents for unmitigated truth.

Archival records could be useful in some studies since they include service records, maps, charts, and lists of names, survey data and even person records such as diaries. The investigator must be meticulous in determining the origin of the records and their accuracy.

Interviews are based on the most important source of case study information. The interview could take one of several forms: open-ended, focused, or structured. In an open-ended interview, the researcher could ask for the informant's opinion on events or facts. This could serve to corroborate previously gathered data. In a focused interview, the respondent is interviewed for only a short time, and the questions asked could have come from the case study protocol.

The researcher interviews addressed the sequence and development since the college received the questionnaire from the South African Qualifications Authority. She made notes as the sequence was outlined. Different managers were interviewed in an attempt to get the correct sequence.

Physical artefacts could be any physical evidence that might be gathered during a site visit. That might include tools, art works, notebooks, computer output and other such physical evidence.

The three principles of data collection for case studies are:

1. Use multiple sources of data.
2. Create a case study database.
3. Maintain a chain of evidence.

The rationale for using multiple sources of data is the triangulation of evidence. Triangulation increases the reliability of the data and the process of gathering it. In the

context of data collection, triangulation serves to corroborate the data gathered from other sources. The cost of using multiple sources and the investigator's ability to carry out the task should be taken into account prior to deciding to use this technique.

The data that are collected during this phase need to be organized and documented just as it is in experimental studies. The two types of databases might be required are the data and the report of the investigator. The design of the databases should be such that other researchers would be able to use the material based on the descriptions contained in the documentation. All types of relevant documents should be added to the database, as well as tabular materials, narratives and other notes.

In recommending that a chain of evidence be maintained, it provides an avenue for the researcher to increase the reliability of the study. The procedure is to have an external observer follow the derivation of evidence from the initial research questions to ultimate case study conclusions. The case study report would have citations to the case study database where the actual evidence is to be found.

The second method was the use of questionnaires.

This was selected as an appropriate research method as it would be the most non-threatening method given the level of competition and gate keeping in the industry. This would allow the researcher access to information, which is protected. The researcher would support this with interview based questions (Frery 1998:3).

#### 4.9 QUESTIONNAIRES

##### 4.9.1. Questionnaire Development

1. The first step was the design of the questionnaire. Well-defined goals are the best way to assure a good questionnaire design. This begins with a good mental discipline. The researcher defined precisely the information desired and wrote a few questions that define this (Survey Software, 2000:3).

The researcher followed the guidelines provided to establish the sequence in the development of the questionnaire.

2. The second step needed for the development of the questionnaire was to obtain feedback from a small representative sample of these questions. The researcher used the Association of Private Provider meeting as a forum to “test” these questions. The purpose of this was to test the relevance of the questions and the extent to which there may be problems in obtaining responses. This also added to researcher confidence in the questionnaire.
2. The selection of items and type of questions are discussed in the next chapter in the analysis. It is omitted here to avoid duplication.
3. Considerations were given to the analysis of the questionnaire. The researcher identified how each question will be analysed.
4. The researcher considered the covering letter mindful that the respondents first impression should not be underestimated. It provides an opportunity to persuade the respondent to complete the questionnaire. The covering letter included clear and concise instructions on how to complete the questionnaire. These must be easy to understand, using short sentences and basic vocabulary. The language used is direct, with the wording simple and to the point. The items were brief, as it would reduce any misunderstandings.
5. Considerations were given to allow adequate space for respondents to answer, especially open-ended questions. Leaving spaces also makes the questionnaire appear less intimidating.

6. The questions designed to hold the respondents interest. Placing important items across the questionnaire created this. The questionnaire format was varied in the type of items used. This also prevented respondents from falling into “response sets”. The responses were also placed into coherent categories which created smooth flow from one to another.
7. Professional production methods were used for the typesetting. The researcher used a person proficient in MS office to offer support in this area.  
(Frary 1998:7).

With a framework to develop questionnaires, a balanced look at it as a method forwarded the following advantages and disadvantages.

#### 4.9.2. Advantages

The following advantages of using the questionnaire in this study was identified:

1. Questionnaires are easy to analyse. Data entry and tabulation can be easily done with computer software packages.
2. Questionnaires are familiar to most people. There would not be apprehension in completing a questionnaire as everyone has completed a questionnaire at some stage in his or her life.
3. Questionnaires reduce bias. There is uniform question presentation and no middleman bias. The researchers own opinions will not influence the respondents to answer questions in a certain manner. There are no visual or verbal clues to influence the respondent.
4. It allows the respondents flexibility to complete the questionnaire in his free time (Survey Software, 2000:5)

#### 4.9.3. Disadvantages

1. The researcher perceived that the questionnaire did not give opportunity to probe responses. The decision to supplement the questionnaire with an interview counteracts this disadvantage.
2. Almost all communication is visual. Gestures and body language will not be available. Interviews will assist in reducing this disadvantage.
3. Some respondents might not be skilled to articulate the responses appropriately on paper. Again the interview minimises this disadvantage.
4. Low response rate is also a potential disadvantage. However, the sample size is small and the researcher will have contact with each institution in the study. (Survey Software, 2000:7)

In order to maximise the response on the questionnaire, the researcher used interviews.

#### 4.10. INTERVIEWS

Interviews provide in-depth information about a particular research issue or question. Interviews as used in this study are described as a qualitative research method as it gathers a broad range of information on a small subject (Watts, 1993:23).

When interviews are analysed one looks at how all the statements made by the interviewee are inter-related. It identifies any contradictions and consistencies. It establishes the “big picture” the interviewee is trying to make.

Information from the interview is not objective data as in quantitative research methods. A good interview is the art and science of exploring the subjective knowledge, opinions and beliefs of an individual.

The researcher followed the following guidelines in the preparation and the process of the interview:

#### 4.10.1 Structured And Unstructured Interviews

A structured interview consists of a list of specific questions. The interviewer does not deviate from the list or inject any extra remarks into the interview process. The interviewer may encourage the interviewee to clarify vague statements or to further elaborate on brief comments. Otherwise, the interviewer attempts to be objective and tries not to influence the interviewer's statements. The interviewer does not share his or her own beliefs and opinions. The structured interview is mostly a "question and answer" session. (Programme Evaluation Report, 2001).

The "unstructured" interview is more free-wheeling. The interviewer may ask the same sort of questions as in the structured interview, but the style is free-flowing rather than rigid. It is more conversational. The interviewer adjust the questions according to how the interviewee is responding. He / she may even inject your own opinions or ideas in order to stimulate the interviewee's responses. Therefore, the unstructured interview requires much more skill, is much more complex, and is a far more fascinating process (Programme Evaluation Report, 2001).

Although a structured questionnaire was used in this study the researcher as interviewer adopted the style of an unstructured format.

#### 4.10.2 The Content versus the Process of the Interview

The "content" of the interview is WHAT the interviewee says. This is the easiest component of the interview to study.

The "process" of the interview is a much more elusive but powerful component of the interview. It involves reading between the lines of what the interviewee says. It involves noticing HOW he or she talks and behaves during the interview. HOW the interviewee responds will give you more insights into the content of what he or she says. The interviewer observations of the interview process may confirm, enrich, and sometimes even contradict the content of what the person says. (Watts 1993:36)

To explore the interview process, the following sorts of questions are considered:

- When does the interviewee sound confident or uncertain, confused or clear, convincing or doubtful, rational or illogical?
- Does the interviewee ever contradict himself or herself?
- How do the pieces of what the interviewee says fit together?
- At what points does the interviewee show enthusiasm and emotion, and what kinds of emotion?
- What is the interviewee's body language; when does it change?
- How does the interviewee speak: slow or fast, soft or loud, clear or mumbly, with simple or elaborate language?
- Does the interviewee's appearance or surroundings (e.g., his or her office) provide any insights? (Watts, 1993:37).

One important source of information about the process of the interview is how the interviewer personally reacts to the person. In a sense, the interviewer acts as a "barometer" to assess the interviewee. As an interviewer ask yourself these questions:

- What thoughts and feelings get stirred up in you: irritation, affection, excitement, boredom, inspiration, anger, jealousy, confusion,?
- Do any pictures, memories, or daydreams flash through your mind?

- How do you find yourself behaving during the interview?
- Can you pinpoint exactly when your thoughts, feelings, and behaviours change in reaction to the interviewee?
- Do you react differently to different interviewees? What might these differences tell you about the interviewee's response to the interview (and what do they tell you about yourself)?

Following the above, the following are practical step in conducting the interview followed by the researcher

1. Establish Rapport: Introduce yourself. Be polite, friendly, but also professional. Establishing good rapport will help the interview along. Casual chit-chat (about the weather.) at the very beginning of the session is usually O.K.
2. Describe The Project: Tell the person who you are: In this case that the researcher is a doctoral student at UDW, what requirements the interview fulfils for you, what professor is working with you on the researcher, why you are interested in this area of research. Tell the person what your research is about, what the interview entails, and the purpose of the interview for the research.
3. Obtain Informed Consent: To stick to the ethical standards for research, you should obtain informed consent from the person. Clarify what the interview entails and how the information from it will be used in your research.
4. Go Ahead With The Interview: The goal is to get the persons to express their ideas about particular issues. Everyone is different and everyone reacts to an interview differently. As the interviewer, your learning how to deal with these differences is an ART. You will be trying to help the interviewees to: (1) open up and express their ideas, (2) express their ideas clearly, (3) explain and elaborate on their ideas, (4) focus on the issues at

hand rather than wander to unrelated topics. (Programme Evaluation Report, 2001).

The following basic techniques and statements was used by the researcher to help interviewees to open up and clearly express their ideas:

Clarification: Getting the interviewee to clearly explain himself.

Reflections: Reflecting back on something important that he/she just said in order to get them to expand on that idea.

Encouragement: Encouraging them to pursue a line of thought.

Comment: Injecting the researchers idea or feeling to stimulate the interviewee into saying more.

Spur: Saying something to tease, spur, or challenge the person (in a friendly way) to say more.

Summary: Try to summarize the her/him ideas to see if researcher really understood what he or she was saying (Watts 1993:42)

#### 4.10.3. Ending the Interview.

Be sensitive to the person's schedule and time limits. Try to "wind down" rather than end abruptly. See if you can summarize their major points. Ask them again if they have any questions about the project. Let them know how to contact you if they need to. Thank them for their help.

#### Take Notes

The researcher noted responses on the questionnaire to support the already written responses.

The analysis section of responses on the interview was analysed in the questionnaire analysis section and will be discussed in the next chapter.

#### 4.11. CONCLUSION

This chapter explored the methodology to be used in addressing the research question. It focussed on the following methods: questionnaires, case study and interviews. Using these questionnaires the researcher is confident that all the research questions will be addressed.

The researcher has also identified and drew attention to possible limitations of each method. This was done to limit the problem areas in the research.

#### 4.12. PROJECTIONS FOR THE NEXT CHAPTER

The next chapter deals with an analysis of data collected using the methods outlined in this chapter. The analysis is a detailed process and clearly defined.

The questionnaire analysis begins with a question by question analysis. It includes a qualitative and quantitative analysis. Although the questionnaire required open-ended responses, a content analysis was done on these open responses to assist in the analysis.

The questionnaire analysis has integrated within it the responses from the regulatory authorities. This offers support to the responses of the questionnaire.

The case study and questionnaire comparison follows. The findings of all three methods are brought together to provide a holistic analysis in the chapter.

## **CHAPTER FIVE**

### **RESEARCH ANALYSIS AND INTERPRETATION**

#### **INTRODUCTION**

This chapter explores the analysis and research findings. The analysis includes two questionnaires and the case study. The interview responses were included in the responses to the questionnaire. As indicated previously, no separate schedule was used.

The Questionnaires: Two sets of questionnaires were used. One was designed to be completed by private providers. The questions probe the implementation process of the regulation policy. To supplement this, a second questionnaire was designed for the regulation authorities. This questionnaire was targeted at a senior manager from the regulation authorities.

The case study supplements and complements the questionnaire and vice versa.

Analysis of these methods will be handled as follows:

SECTION ONE: Questionnaire analysis of questionnaire to private colleges. Intermittently and where necessary, responses from the second questionnaire (from regulation authorities) will be included.

SECTION TWO: A comparison between the case study and the questionnaire I.

#### **SECTION ONE**

The responses from the regulation authorities will be provided where necessary in different font type (*italics*). This makes it easily distinguishable from the respondents to the questionnaire for private colleges.

## **QUESTIONNAIRE ANALYSIS**

*As an introduction, the regulation authorities were asked what they understood by the regulation process and what motivated such a process?*

The responses were as follows:

*I understand the regulation process as an action to bring private institutions within quality framework or regulatory framework in order to protect the learners.*

*This process is motivated by:*

*History of non-regulation*

*Higher Education Act stated that regulation must happen*

*There were complaints from learners on “fly by night” colleges.*

### **5.1. PART ONE: BASIC VALUES AND PRINCIPLES GOVERNING PUBLIC ADMINISTRATION AND IMPLEMENTATION**

#### **5.1.1. Reason for Including Part One**

The constitution is the “founding” document of the state. All persons operating within the country are required by law to respect and abide by the dictates of this document. It is included as a separate part because would like to see to what degree the Department of Education as a government office respected the rights enshrined in the constitution.

This part comprises three questions. Each questions has a “yes/no” response followed by explanations. A percentage analysis is done for the first part. The number of “yes” and “no” responses will be presented in a percentage.

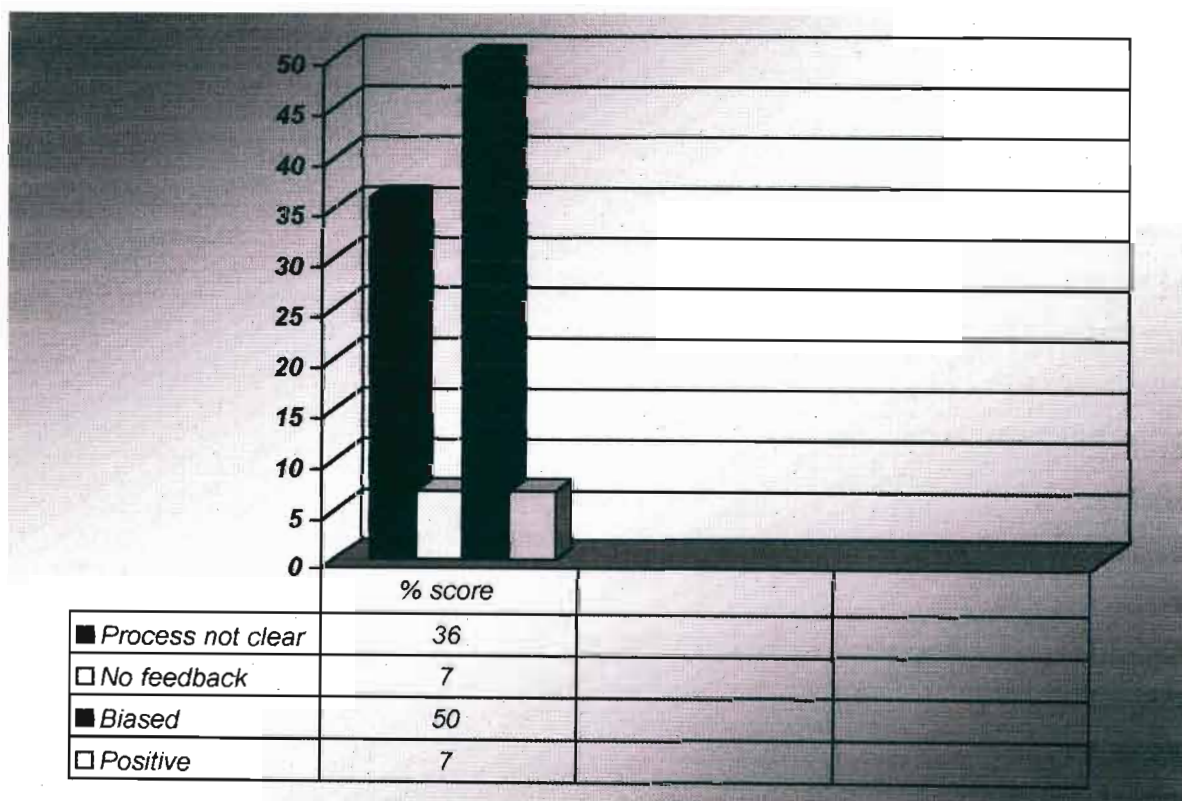
The second part to each question i.e. the explanation will be analysed through a content analysis. The responses will be placed into common categories. Frequency in each category will be represented as a percentage score and presented in graphically.

An interpretation of this score will follow.

#### 5.1.1.1 QUESTION ONE

*Based on the principles of democracy (as enshrined in the Constitution) would you regard the implementation process by the Department of Education to regulate private higher education to be democratic, impartial, fair, equitable and without bias?*

1. 75% of respondents answered negatively.  
25% did no respond to this item



Graph One: Principles of Democracy

### Content Analysis of this Question

The highest percentage score reflect that many respondents felt that the process was biased and not clear. This is a concern in the context of this study, within the realm of public management, the fundamental principles of democracy appear to have been ignored.

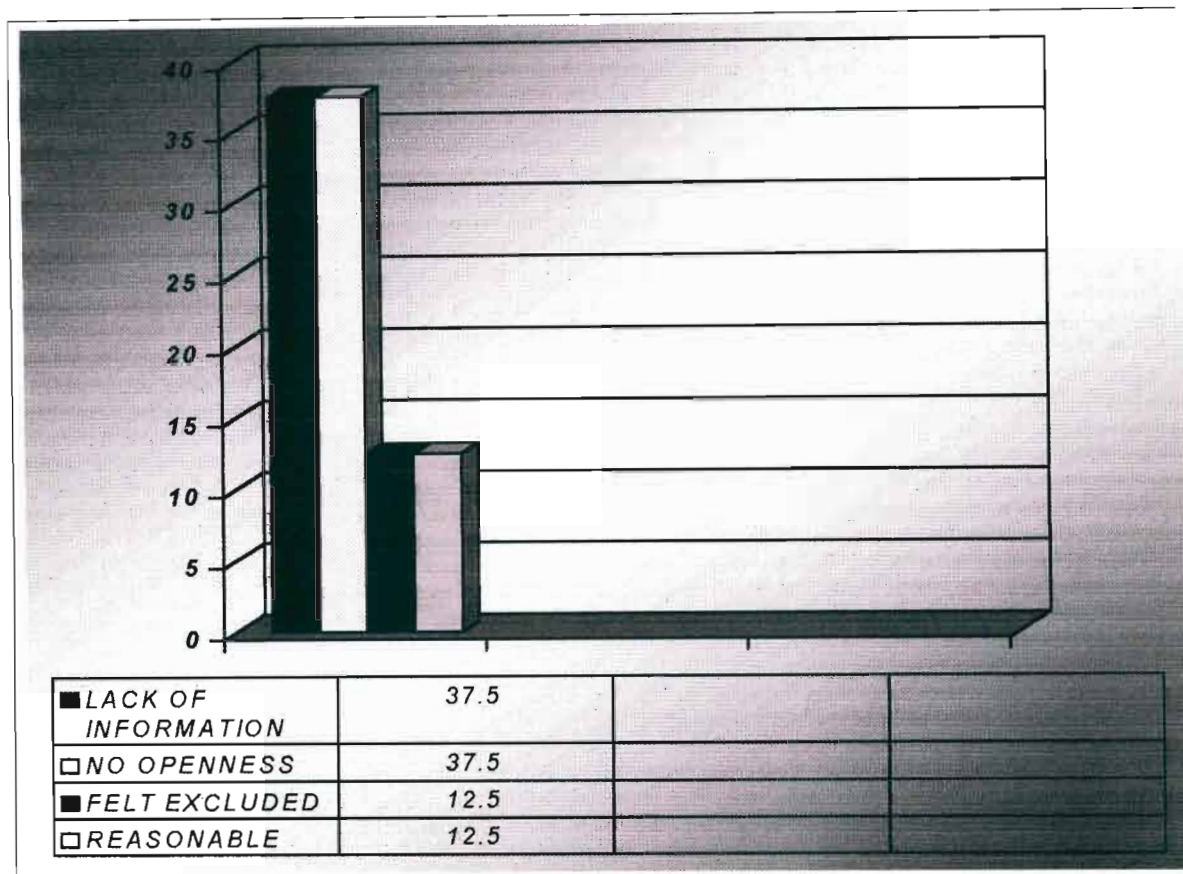
#### 5.1.1.2. **QUESTION TWO**

***Has the Department of Education been transparent in this process? Explain your response.***

75% of respondents felt that there was no transparency in the process.

12.5% responded that there was reasonable transparency

12.5% left this part blank.



Graph Two: Principle of Transparency

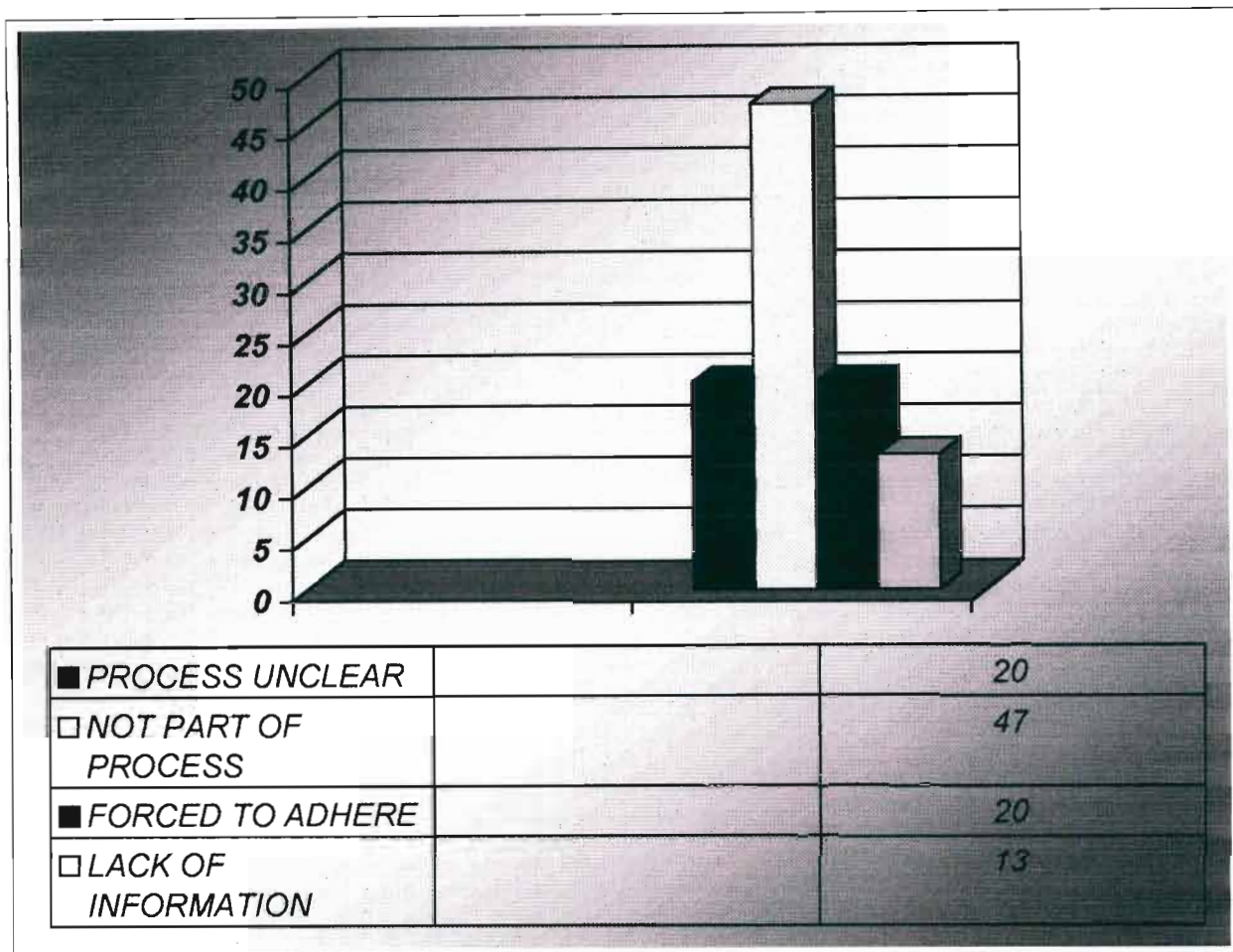
75% of the respondents said that the process showed a lack of openness and lack of information. This is a significantly high score and shows consensus scoring. This response carries the same trend as question one in this section.

#### 5.1.1.3. **QUESTION THREE**

*Were you given an opportunity to participate in the policy making process? Explain your response.*

75% were not given an opportunity to participate in the policy making process.

25% left this aspect blank, however they provided comments, which have been included in the content analysis.



Graph Three: Participation in the Policy Making process

Categories 1,2 and 4 with the combined score of 80% indicate their lack of participation in the process. Apart from not being part of the process, 53% responded that they were also given little access to information thus contributing to the process being unclear.

The responses in this question follow the negative trends of the first two questions.

**Question: Were private providers informed of the process before the implementation process began?**

*I believe so. A tour was held before the process. I am not sure if this was adequate.*

### **5.1.2. Summary – Part One**

Within the context of public management the principles of democracy, transparency and participation are fundamental to the policy process, which includes implementation of the policy. The analysis in this part reveals that these principles have been ignored. This goes against the basic values and principles governing public administration and implementation.

## **5.2. PART TWO: THE BILL OF RIGHTS AND IMPLEMENTATION**

### **5.2.1. Reasons for including Part Two:**

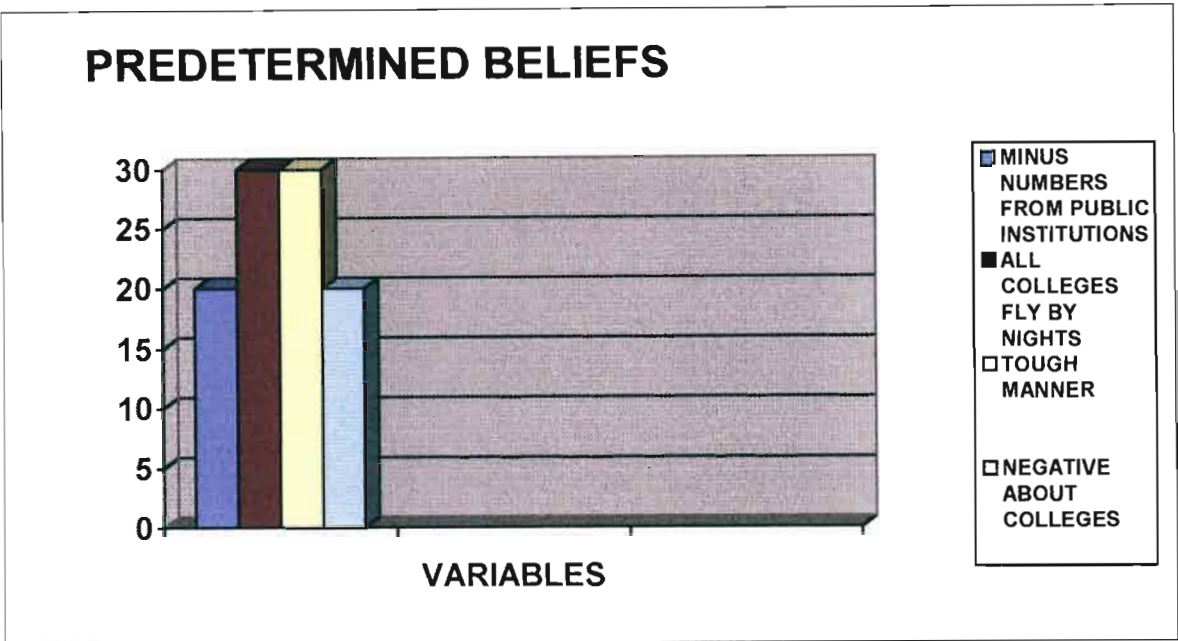
The Bill of rights respects the rights and value of each South African Citizen, whether working for a government body or not. This section probes responses from private providers on whether the Department of Education valued the principles in the Bill of Rights.

This part consists of five questions. Question 4,6,7 and 8 require a “yes/no” response followed by explanations. Question 5 is a further probe from question 4. The analysis follows:

#### **5.2.1.1. QUESTION FOUR**

**The Bill of Rights assures equality of treatment. Have you had reason to believe that the Department of Education had a predetermined belief on private providers? Explain your response.**

75% of respondents felt that the Department had predetermined beliefs on private providers. 25% felt that there were no predetermined beliefs.



Graph Four : Predetermined Beliefs

50% of respondents in Categories 2 and 4 combined felt that department had a negative image of private providers. 50% of respondents felt that the predetermined belief is seen in their “tough manner” and that colleges are taking student numbers away from public institutions.

Responses to this question are consistent with responses in the first part of the questionnaire. Having predetermined beliefs goes against the policy making process. The principles indicated in part one apply.

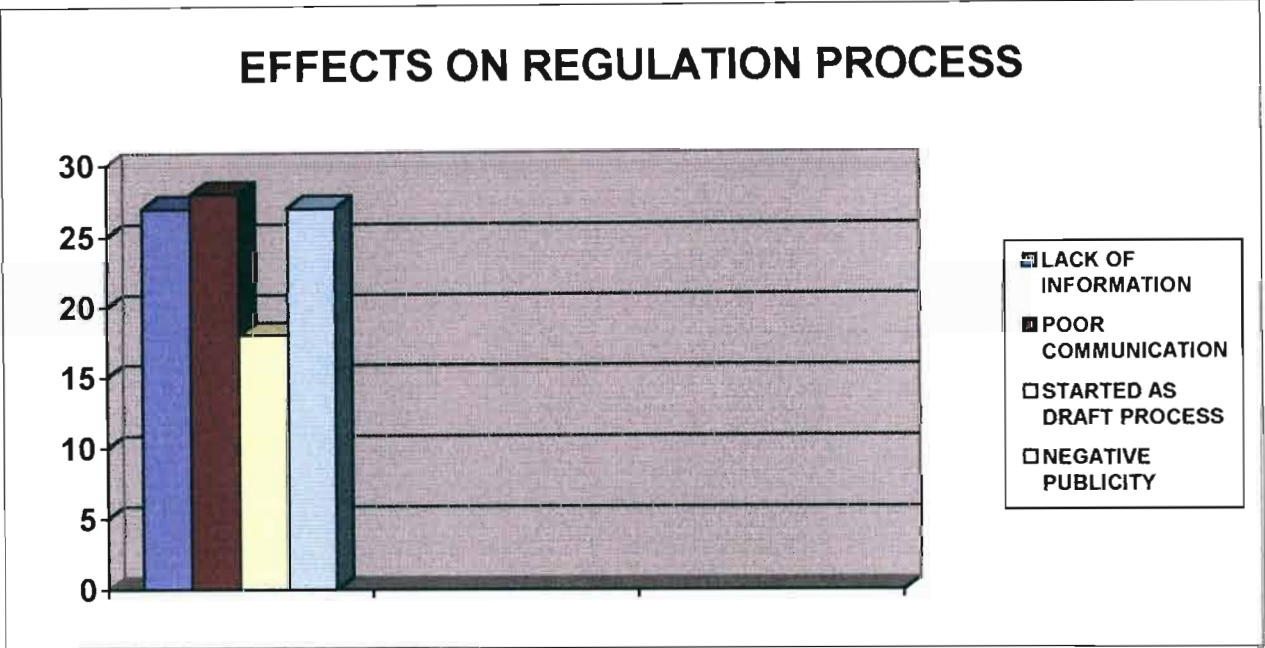
*Question : To your knowledge were there any predetermined beliefs on private providers? If so what were they based on?*

There was insufficient information on private providers as there were no regulation.

*There was no means to gather such information. The reports and complaints on private providers were of concern. There was no standard. Private providers were known to be profit based.*

5.2.1.2.                      QUESTION FIVE

***If yes to (4) above, explain how this could have or has affected the regulation process?***



Graph Five: Affects on the Regulation Process

55% of respondents felt that the lack of information and the poor communication has been a result from the predetermined belief identified in question four. A significant aspect is the response that this was a draft process, which was taken as final. This comes out consistently through the questionnaire. 27% also identified the negative publicity as a consequence of the predetermined belief. This is significant if seen with the case study example. This negative publicity seriously affected the whole industry negatively. The

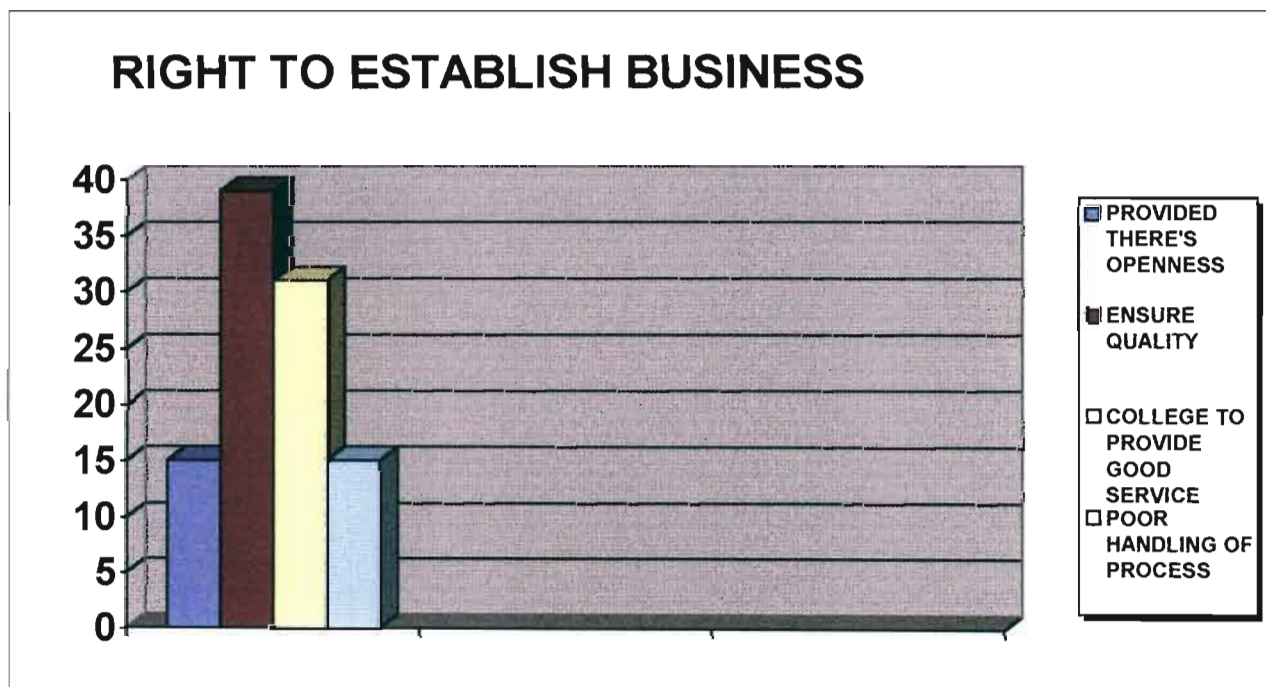
private colleges were seen as “fly by night” colleges with little distinction made between good and poor providers.

5.2.1.3. QUESTION SIX

***Everyone has the right to establish and maintain at their own expense, independent educational institutions.” Do you find this right being compromised in this process? Explain your response.***

87.5% of respondents believed that their right was not being compromised.

12.5% did not respond here.



Graph Six: The Right to Establish Business

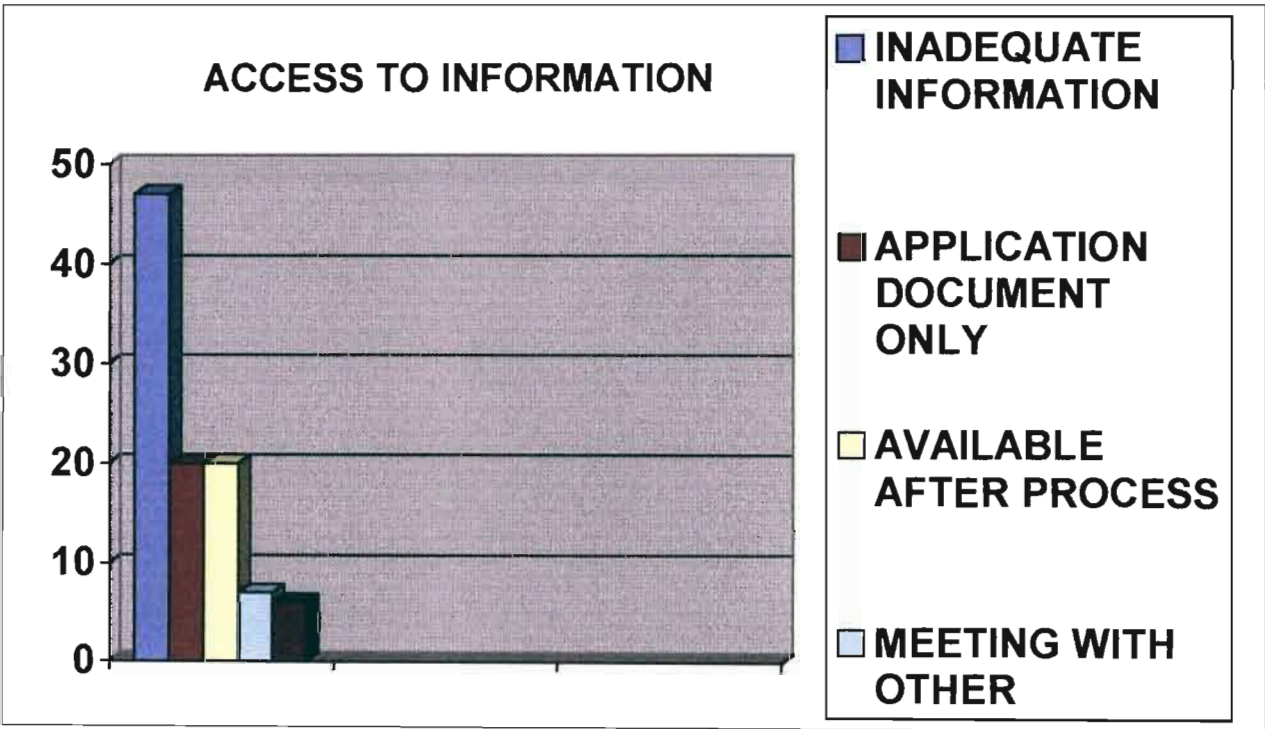
70% of respondents believe that it is up to the colleges to offer a good service and quality. 30% felt that the rights would not be compromised if there were a sense of opinions and if the process is handled in a proper manner.

This reveals that colleges are not opposed to the process to regulate private colleges; the responses to question 1-5 indicate that the problem lay with the manner that the policy was implemented and the manner in which respondents were treated.

5.1.2.4. QUESTION SEVEN

***As a private provider, were you given access to adequate information to understand the regulation process***

75% were not given adequate information to understand the process.  
12.5% did not state “yes or no”. Their comments are included in the content analysis. These comments indicate dissatisfaction.  
12.5% indicated they had adequate information.



Graph Seven: Access to Information

87% of respondents were not given adequate information. They were given the application document without adequate supporting material.

7% and respondents received support on the process from meetings with other private providers.

2% also indicated that information became available after the process and application documents were submitted.

This response is consistent with the earlier questions in this part. Information sharing is a fundamental aspect of effective public administration and public management. It is a prerequisite for effective policy making and policy implementation.

5.2.1.5. **QUESTION EIGHT**

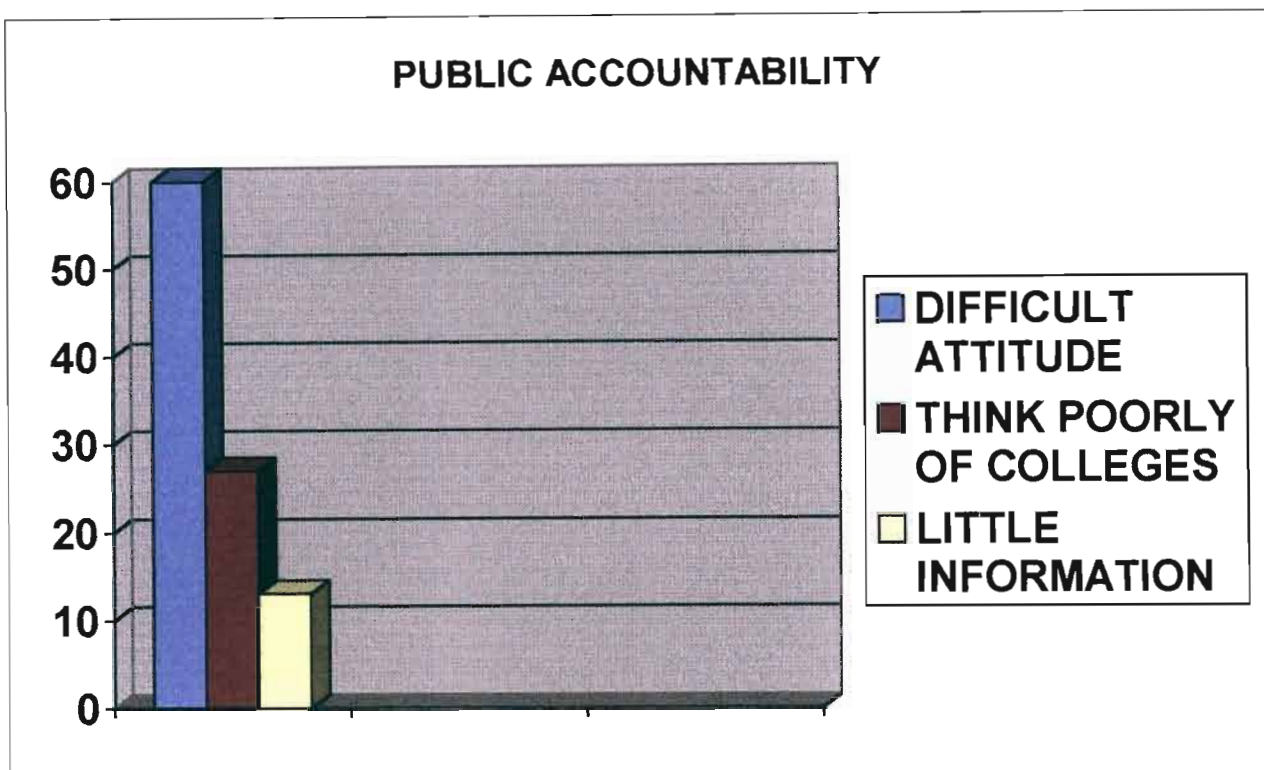
***Has the Department of Education displayed a sense of public accountability in the process ?***

***Explain your response.***

75% of respondents indicated that the Department of Education did not display a sense of public accountability.

12.5% did not answer “yes or no” however their comments indicate dissatisfaction.

12.5% said the Department of Education did display a sense of public accountability.



Graph Eight : Public Accountability

87% of respondents confirm that the lack of accountability is seen in the attitude and the negative image department has of private colleges.

13% indicate lack of information is an indication of department's lack of accountability.

Accountability is an important principle in public administration and management. It is a fundamental principle in the government's "Batho Pele" principle.

The negative responses received on accountability are consistent with negative scores in previous questions.

#### **5.2.2. Summary Of Part Two:**

Questions 4,5,7 and 8 indicate negative on the implementation process by the Department of education, the Bill of Rights is integral to the constitution of the land. Negative responses in this section reveal that these values and principles were not abided by and

were not respected. Department of Education is a government department and are therefore obliged to accept and honour the Constitution and Bill of Rights.

### **5.3. PART THREE : THE PROCESS OF IMPLEMENTATION**

#### **5.3.1. Reason for including Part Three :**

This study deals with the implementation policy of the Department of Education. The process had gone wrong, many private providers were visibly unhappy. Many law suits followed as a result of the manner in which providers were treated. This part of the questionnaire attempt to come to grips with what went wrong.

This section comprises seven questions.

Question style varies in this section to avoid monotony in responses.

Question 9 – is open ended and responses.

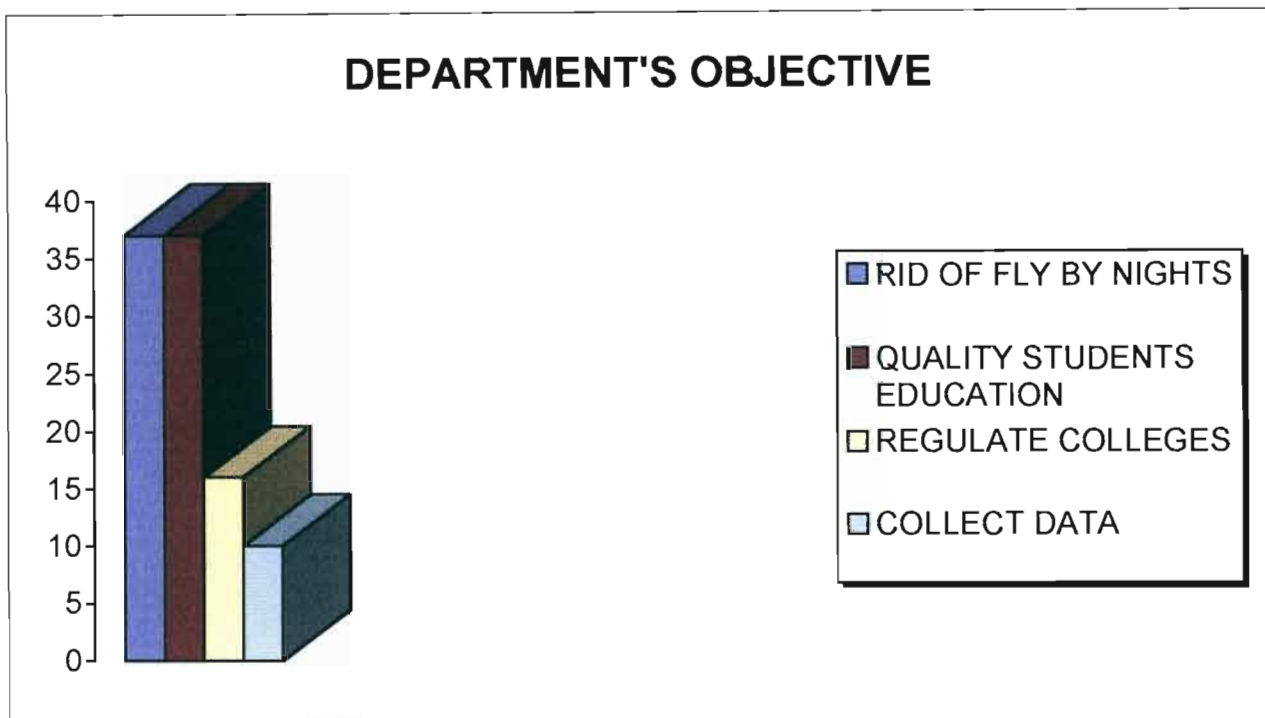
Questions 10,12,13 (i) and (ii) requires “yes or no” responses followed by explanations.

Content analysis is presented on the explanations.

Questions 14 and 15; respondent’s rate capacity on various qualities. Each quality is analysed and given a percentage rating.

#### **5.3.1.1. QUESTION NINE**

***Given the recent implementation, what do you think were the Department of Education’s objective in this process?***



Graph Nine: Department's Objective

90% of respondents felt that the process was to get rid of fly by night colleges and instill quality in the sector by regulating colleges. 1% of respondents felt that is a data collection exercises to identify the size and shape of the private sector.

These objectives identified by respondents show that they have a good understanding of the objectives and Department.

***What are the objectives of the implementation process?***

*The objectives of the implementation process were as follows:*

*Quality Assurance*

*Ensure the legal status of providers*

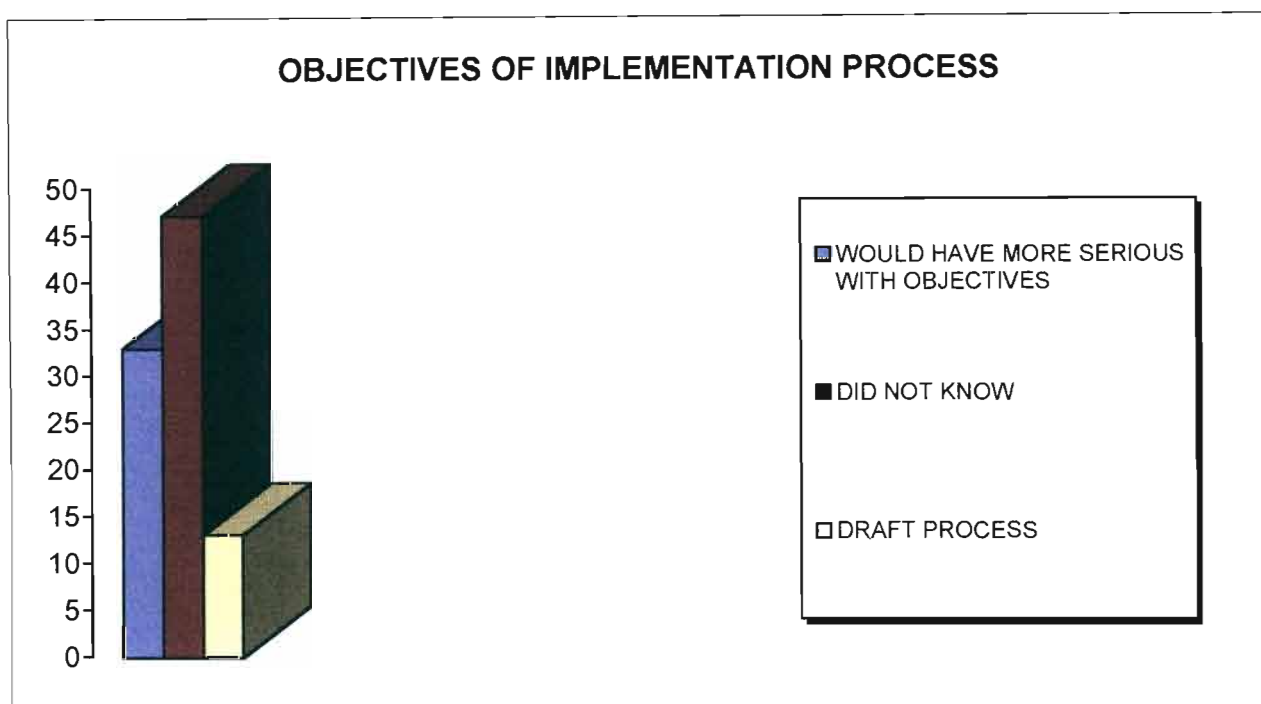
*Aligned with University and Technikons to promote greater articulation.*

5.3.1.2. **QUESTION TEN**

***Were you aware from the outset of the objectives of this implementation process?***

75% of respondents said that they were not aware of the objectives of implementation process.

25% of respondents said that they were aware.



Graph Ten: Objectives of the Implementation Process

80% of respondents were not aware of the objectives in the initial stages of the process. 33% of these respondents indicated that they would have taken the process far more seriously had they realised the objectives.

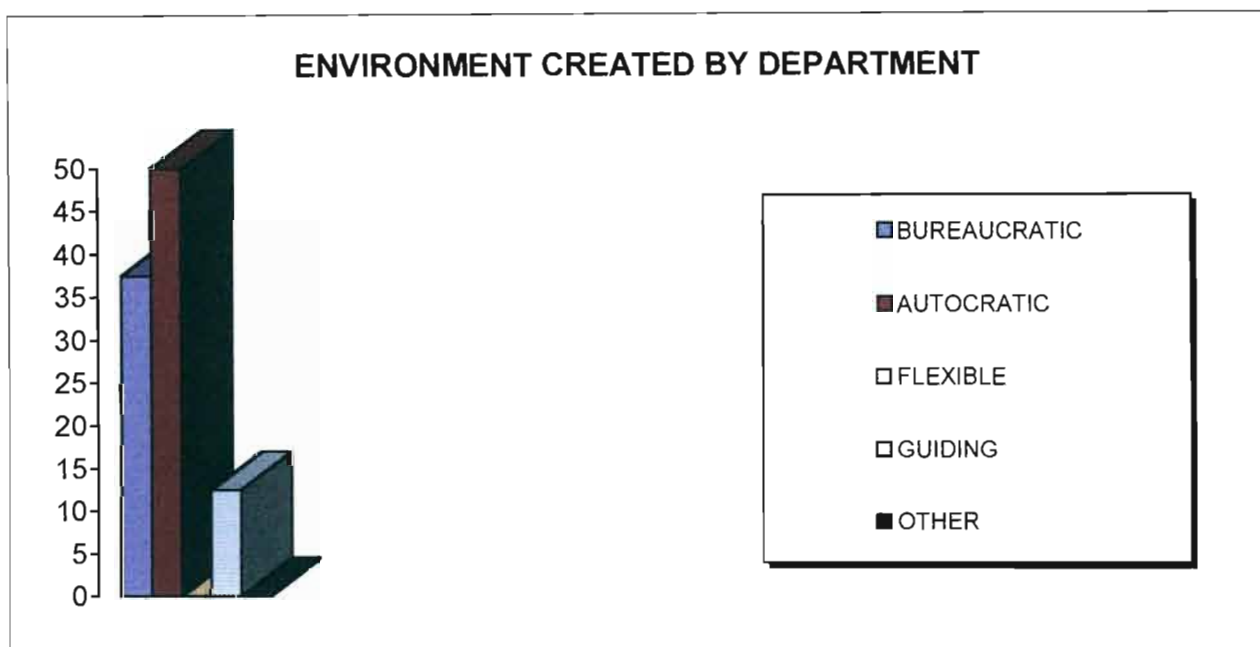
13% responses identified that this was a draft process and this coupled with lack of information resulted in a lack of seriousness.

7% respondents also believed that it was an exercise to create a database of providers.

5.3.1.3. **QUESTION ELEVEN**

Would you regard the overall environment created by the Department of Education to be:

- a. Bureaucratic
  - b. Autocratic
  - c. Flexible
  - d. Guiding
  - e. Other
- 



Graph Eleven :Environment Created by the Department

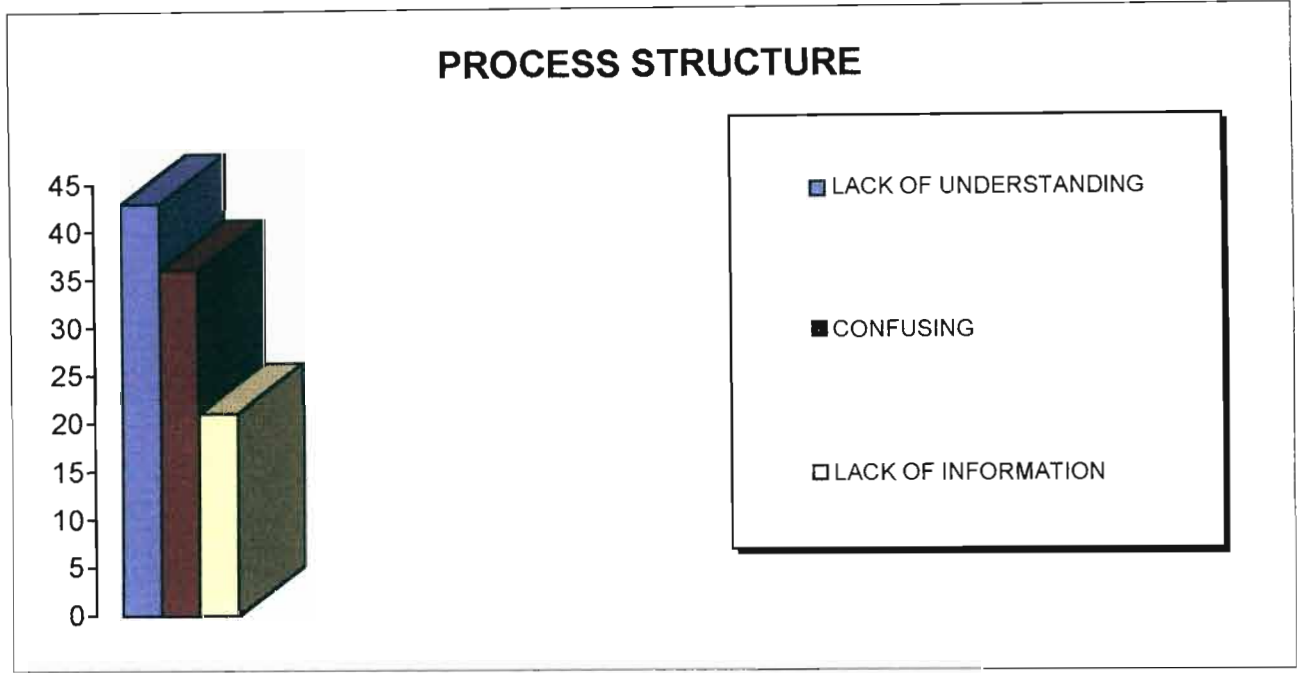
87.5% of respondents identify the overall environment created by the department as Bureaucratic and Autocratic.

These responses is consistent with responses this far i.e. lack of information, transparency and accountability. The lack of such principles is indicative of a bureaucratic and autocratic environment.

Unfortunately this response does not auger well for Department of Education, as it is a public office, which is responsible to the people of the land.

5.3.1.4.            QUESTION TWELVE

***Did you find the process structured and easy to follow and respond?***  
***Explain***



Graph Twelve : Process Structure

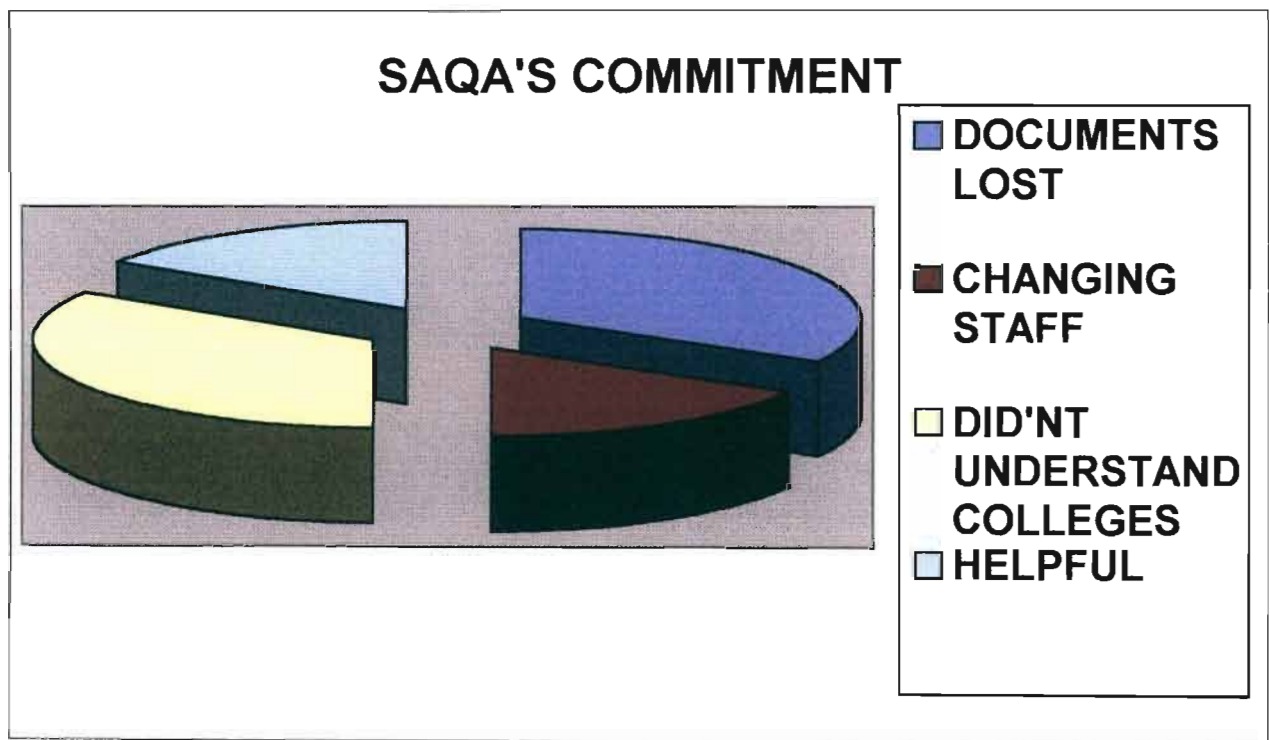
100% of respondents indicated that the process was not structured and easy to follow.  
100% of respondents indicated that the Department of Education did not clarify the process; consequently there was a lack of understanding and confusion.

5.3.1.5.            QUESTION THIRTEEN

***Based on your communication through the different stages of the implementation process, do you believe staff were committed to the implementation process:***

- (i) **at SAQA:**  
**Why do you say that?**
- (ii) **At the Department of Education:**  
**Why would you say that?**

Responses in this question have been separated between the two bodies that formed part of the regulation process. Responses separated also because the researcher would like to identify if there were significant differences in treatment of colleges between SAQA and Department of Education.



Graph Thirteen (a) : SAQA'S Commitment

SAQA:

63% of respondents felt that staff was not committed to the implementation process.

37% felt positively.

33% of respondents indicated that submissions were lost in the process

34% indicated that SAQA didn't understand private higher education institutions. This is a significant as this process was designed for colleges therefore an understanding is imperative before the process even started.

17% of respondents indicated a high turnover of staff. This could be a factor for submissions being lost.



Graph Thirteen (b) : Department's Commitment

87.5% of respondents felt that Department staff was not committed to the implementation process.

12.5 responded positively.

54% of respondents indicated that staff from the Department did not understand the process and had a poor attitude to private colleges. This is a reasonable response as, a poor perception/ co-operation will get little initiative will be taken for effective delivery.

39% of respondents indicated that there were severe time delays. This is consistent with the two previous categories and previous questions on predetermined beliefs on colleges.

8% of respondents identified that staff were often in meetings. This also shows correlation to time delays.

5.3.1.6. **QUESTION FOURTEEN**

***How would you rate the Department of Education's capacity in handling the implementation process in terms of:***

***(Please indicate on the likert scale for each item.***

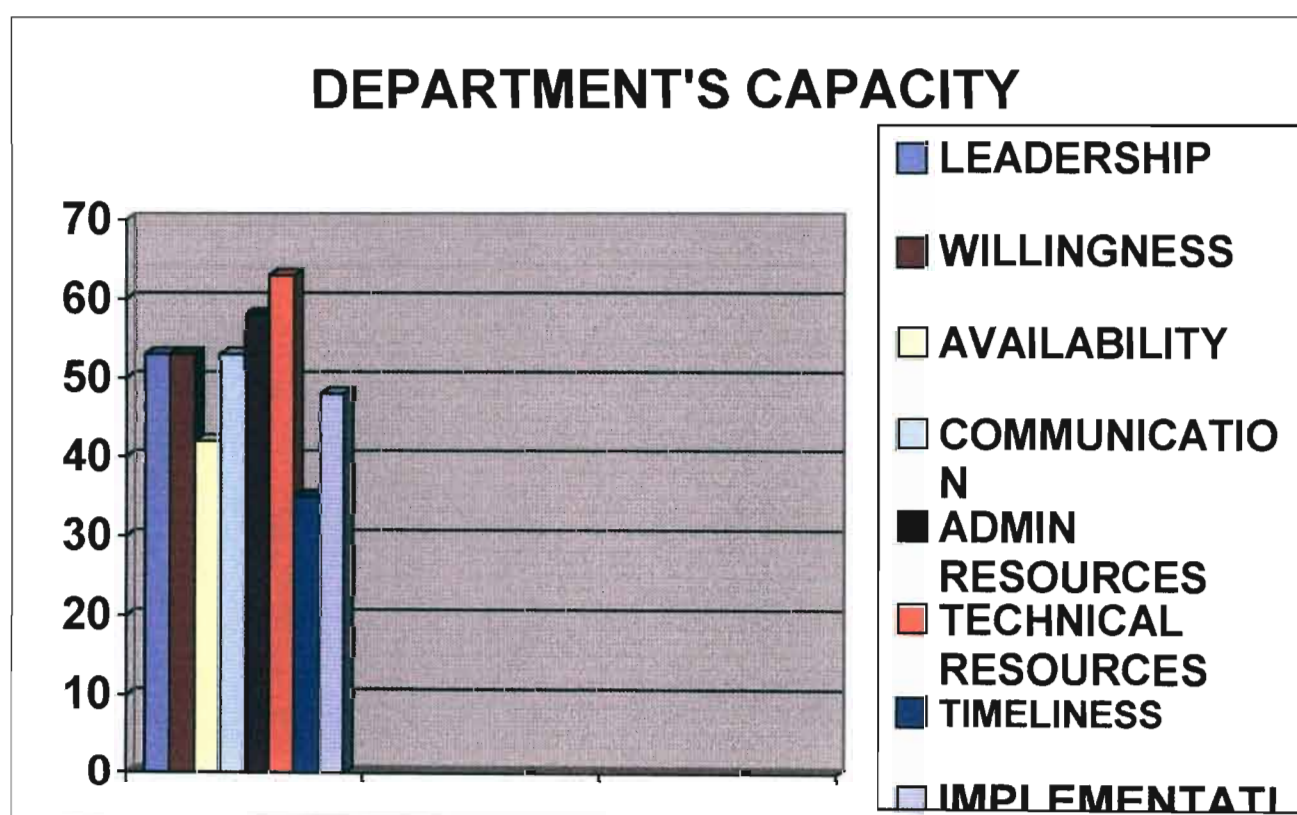
***1 – very weak***

***2 – weak***

***3 – average***

***4 – good***

***5 – very good***



Graph Fourteen : Department's Capacity

**(a) LEADERSHIP:** DoE: 53 SAQA: 68

This is a fundamental quality in policy making. Strong leadership is required for successful policy and successful implementation. DoE score of 53% is much lower than

SAQA. 53% is an overall low score according to established training norms. This low score is consistent with the responses received in previous questions.

SAQA score is an average score. One would expect a score of over 75% for both DoE and SAQA on Leadership as both bodies carry a fundamental leadership role.

(b)     **WILLINGNESS**     DoE 53                      SAQA:            63

DoE score on willingness is a low score according to established norms expected in training. As a policy making and policy implementing bodies, willingness ought to be high to assist given that this is a new policy. SAQA score is also below average. A score of 75% and over will be expected.

©        **AVAILABILITY**     DOE: 42                      SAQA            65

A score of 42% for DOE is very low. It is however consistent with score in previous questions. Staff meetings have been cited as a reason for lack of availability. This score is of concern given that respondents indicated that there was a poor provision of information and support. SAQA score is better compared to DoE as the body responsible for the implementation their availability should be 75% given that this is a new policy.

(d)     **COMMUNICATION**     DOE: 53                      SAQA: 65

Department score is average. Communication is vital and an essential part of policymaking and policy implementation. A low score is consistent with previous responses. This also links with availability and responses and are consistent. Communication should also be rated at over 75%. Although SAQA had 65%, it is below expectation.

(e) **ADMINISTRATIVE RESOURCES**     DOE: 58     SAQA: 63

Department score is 58%, although this score is the second highest rating in the question, it is still low in terms of acceptable level of performance. SAQA, with a score of 63 is average. A point to note on this question is that this is a policy implementation process from government department, one would expect that adequate resources is made available for successful implementation of this policy.

(f) **TECHNICAL RESOURCES**     DOE:63     SAQA: 63

This is the highest rating in Department. This is an average score for SAQA. Technical resources are available for successful policy implementation and average score indicates that respondents saw this area as an area of concern.

(g) **TIMELINESS**                     DOE: 35     SAQA: 63

This quality has the lowest rating for both Department and SAQA. A score of 35 is unacceptable in a government. An acceptable score would be 70%.

(h) **IMPLEMENTATION KNOW-HOW**     DOE: 48     SAQA: 55

Department showed a below average rating. This is an important aspect as a low score indicates a fundamental problem, as this is what the process is all about. A low score indicates a lack of confidence in the Department on their knowledge of the implementation process. SAQA score is also below average. This ought to have been the highest rating.

5.3.1.7.                     **QUESTION FIFTEEN**

*Did your Department have adequate capacity to reach its objectives in the implementation process?*

On the issue of capacity, SAQA had adequate capacity to deal with the responses.

*Basics such as space was not always available.*

*Open plan offices did not provide space to meet with providers on a one-n-one.*

*Staffing was not adequate but was improved later in the process.*

#### 5.4. PART FOUR: PRINCIPLES OF BATHO PELE

##### 5.4.1. Reason for including Part Four:

The Department of Education is a government department operating within the public sector. Consequently, they are expected to implement the principles of Batho Pele. The private providers claim to have experienced great difficulty with the implementation of the regulation policy. This section explores the Department Of Educations expression of the Batho Pele principles.

This part consists of 10 items, which form part of question 16. Each item covers a Batho Pele principle. Although there are eight principles, Kwa-Zulu Natal has included two further principles, which are indicated in 16.9 and 16.10.

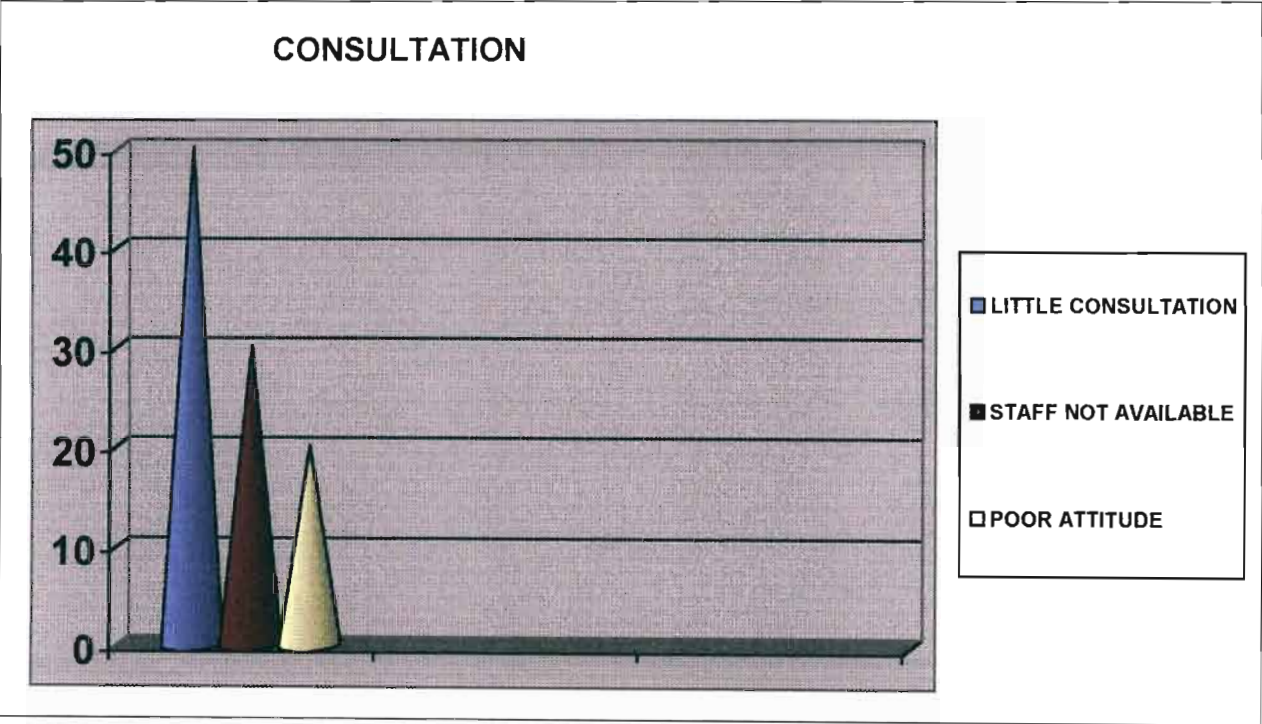
Respondents were asked to respond using the likert scale rating 1 to 5. Score were converted to percentages. The rating were as follows:

1=	0%
2=	25%
3=	50%
4=	75%
5=	100%

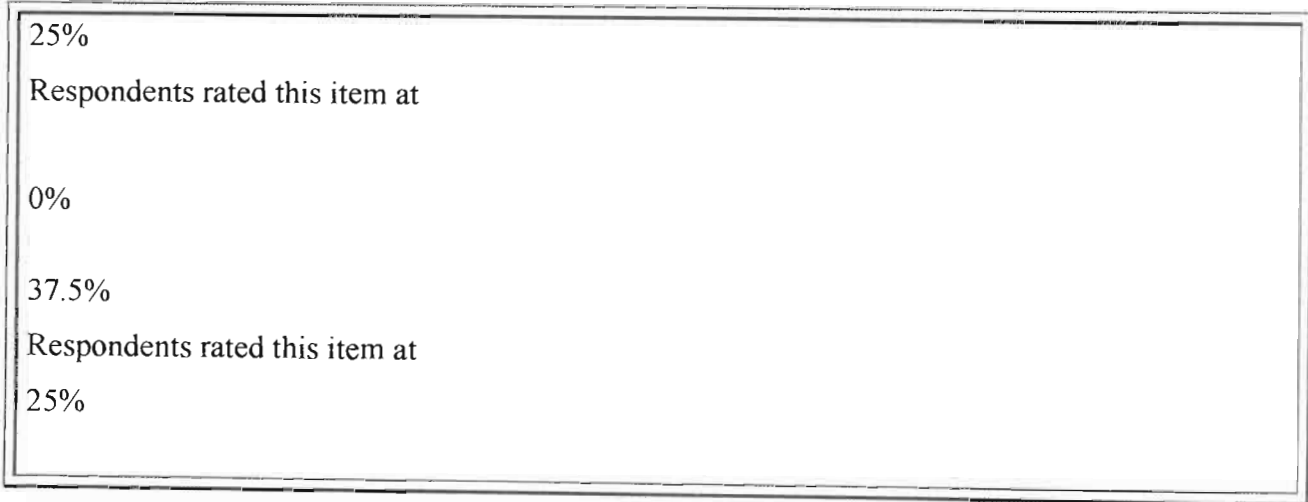
5.4.1.1. QUESTION SIXTEEN

***Based on the following ten Batho Pele principles which all public service departments must adhere to, evaluate the service delivery (as a citizen) you received from the Department of Education.  
(1= very weak; 2 weak; 3 average; 4 good; 5 very good)***

16.1.



Graph Sixteen (a): Consultation



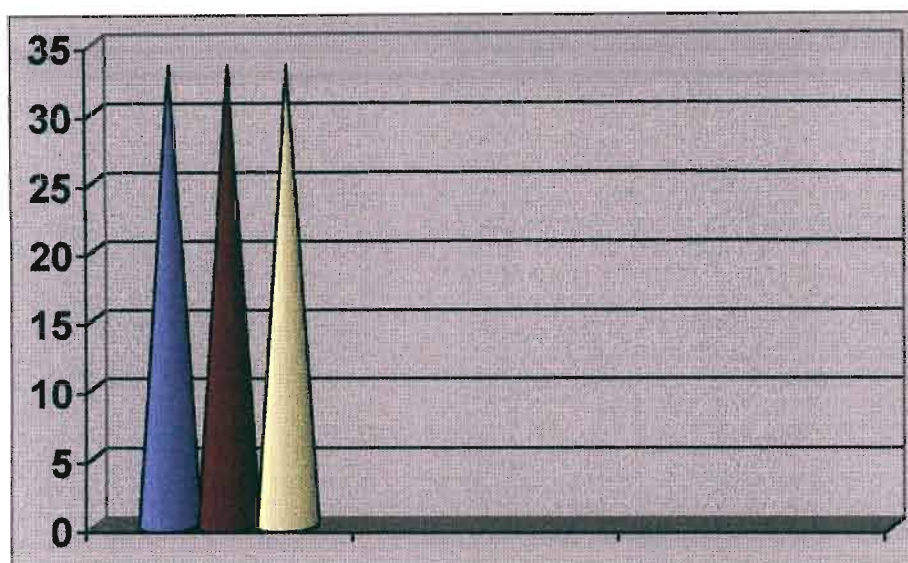
37.5%

Respondents rated this item at

50%

16.2.

## SERVICE STANDARDS



■ POOR ATTITUDE

■ CALLS NOT RETURNED

□ POOR COMMUNICATION

25%

Respondents rated this item at

25%

12.5%

Respondents rated this item at

50%

37.5%

Respondents rated this item at

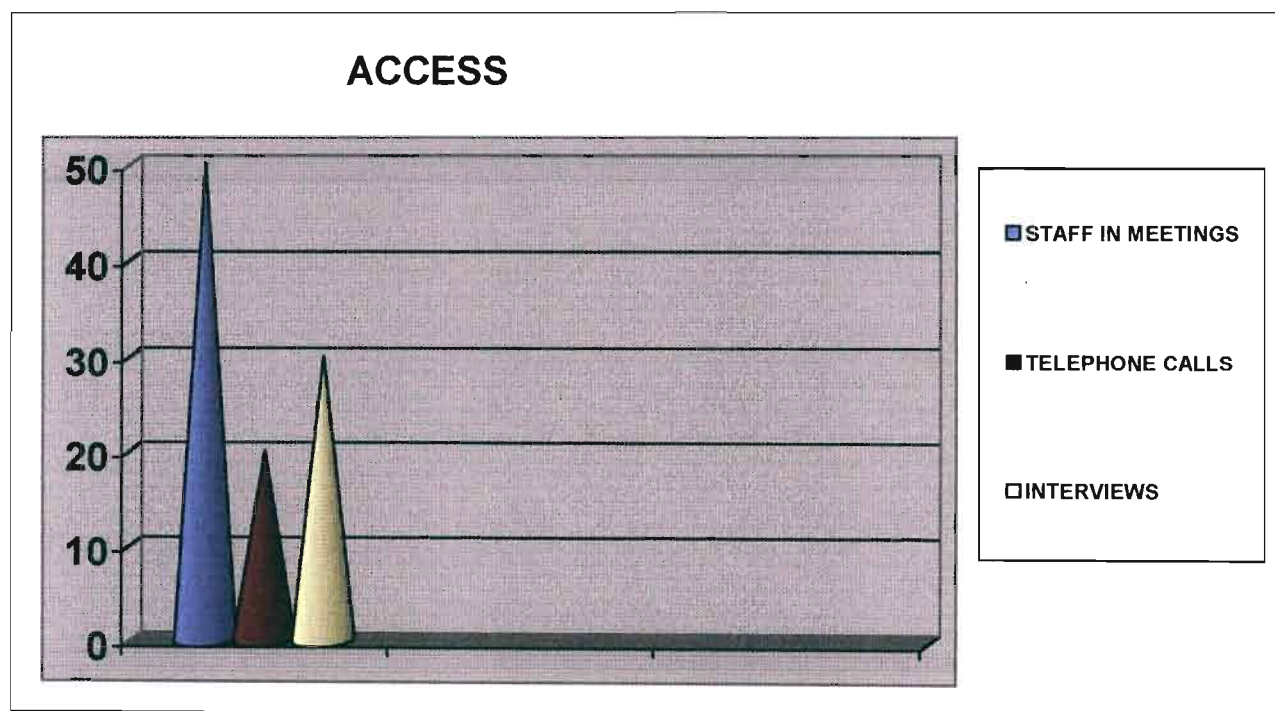
75%

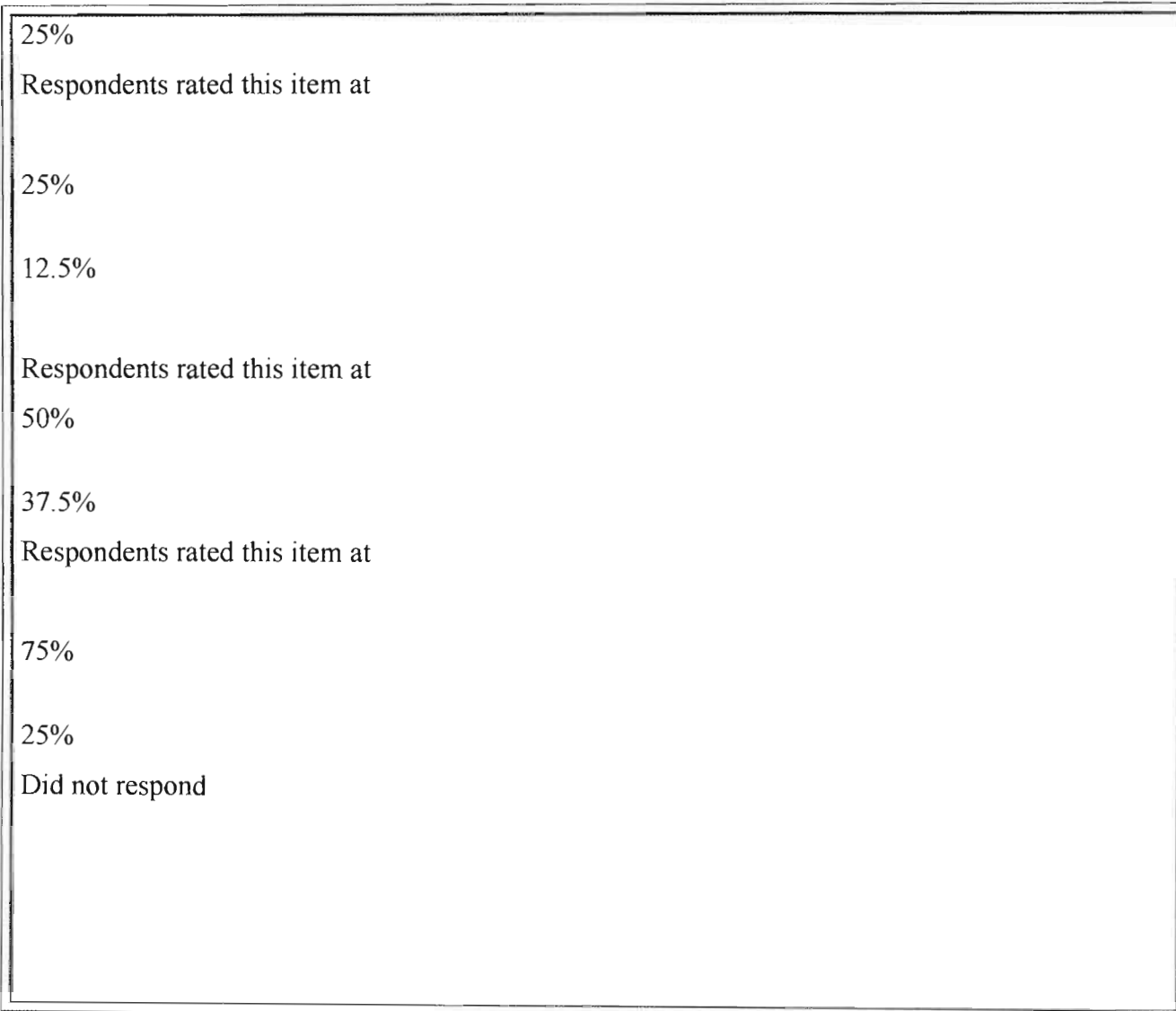
25%

Did not respond

Graph Sixteen (b) : Service Standards

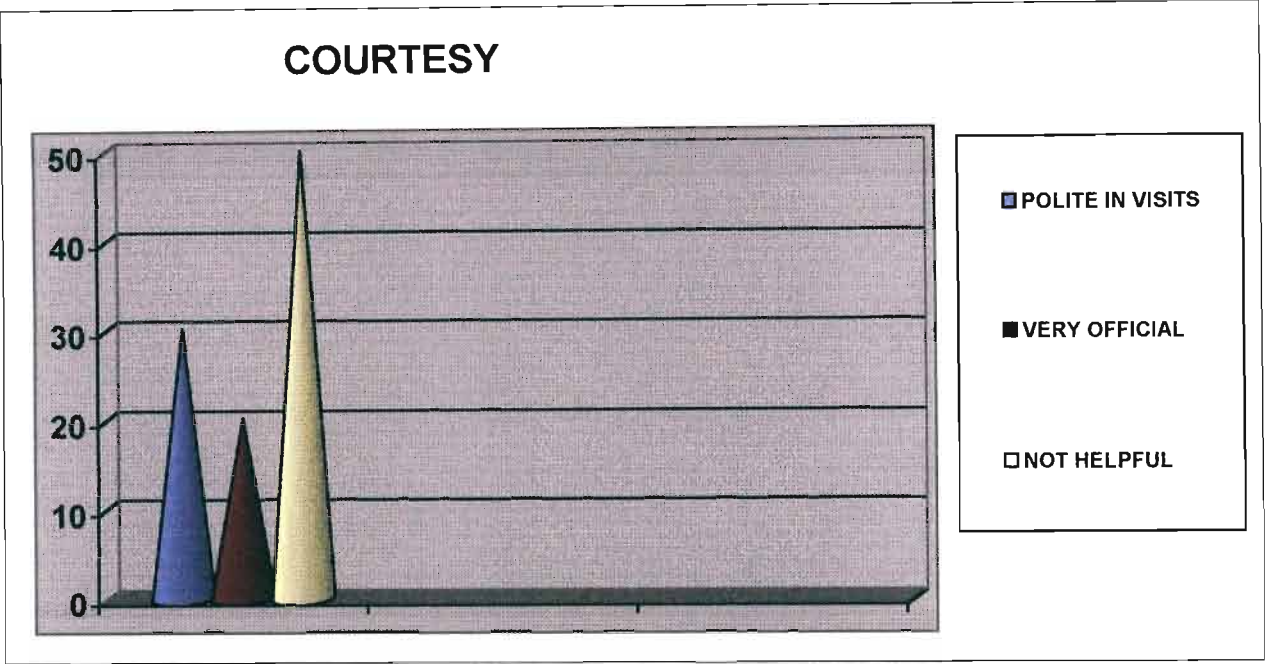
16.3





Graph Sixteen © : Access

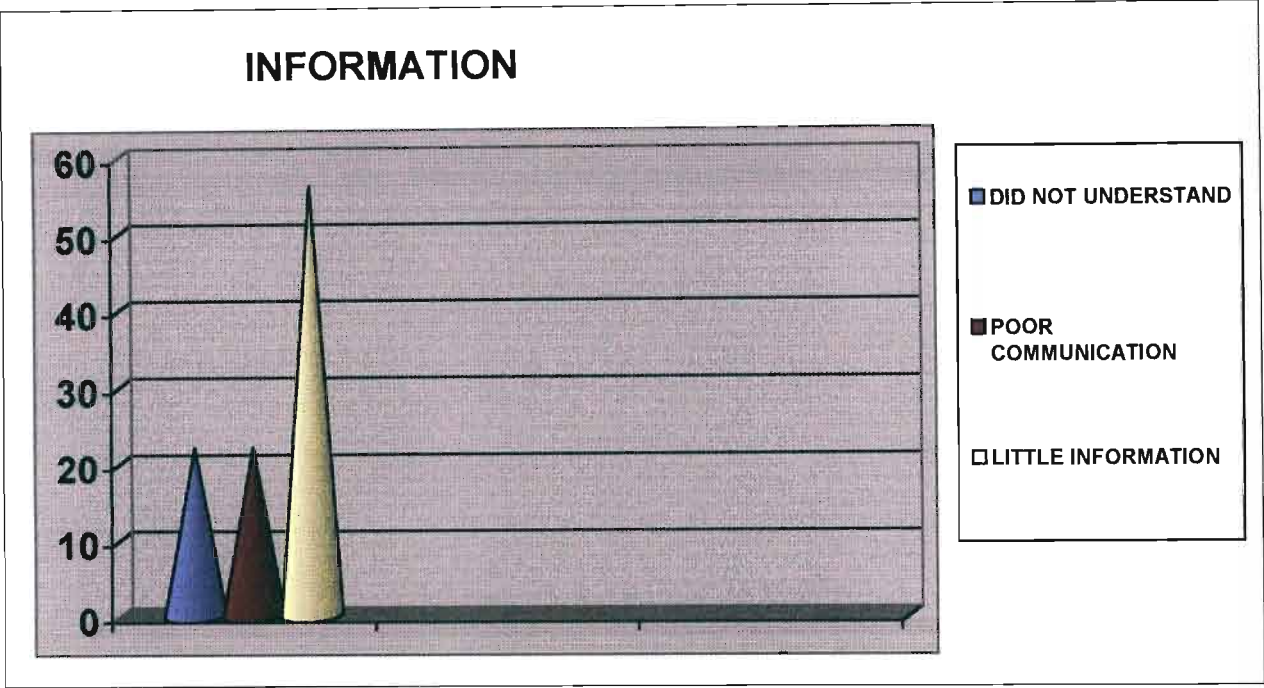
16.4.



12.5%	Respondents rated this item at	0%
25%	Respondents rated this item at	25%
37.5%	Respondents rated this item at	50%
25%	Respondents rated this item at	75%

Graph Sixteen (d) :Courtesy

16.5

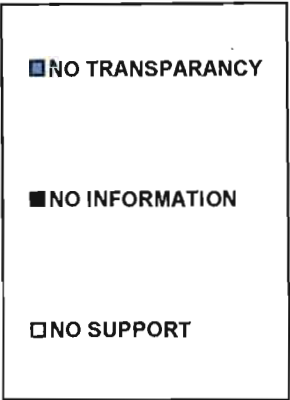
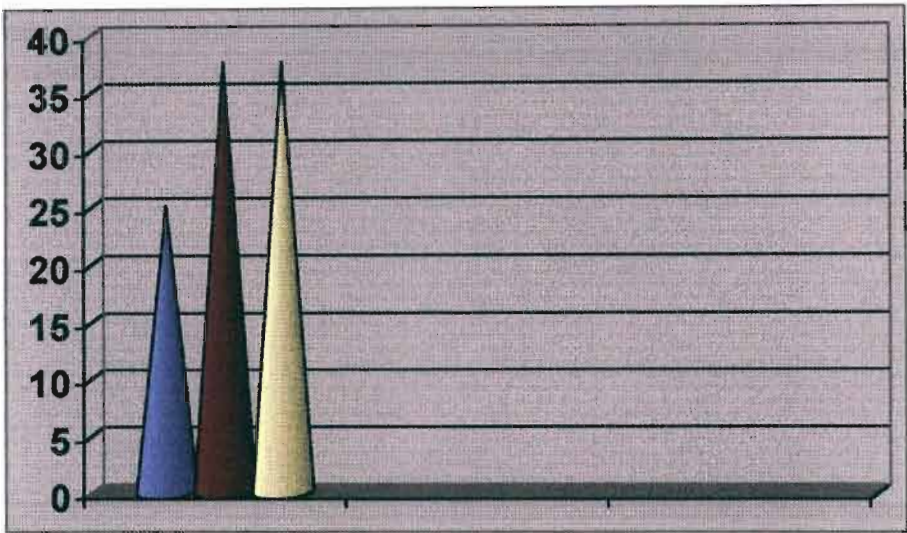


12.5%	Respondents rated this item at	0%
25%	Respondents rated this item at	25%
37.5%	Respondents rated this item at	50%
25%	Respondents rated this item at	75%

Graph Sixteen (e) : Information

16.6.

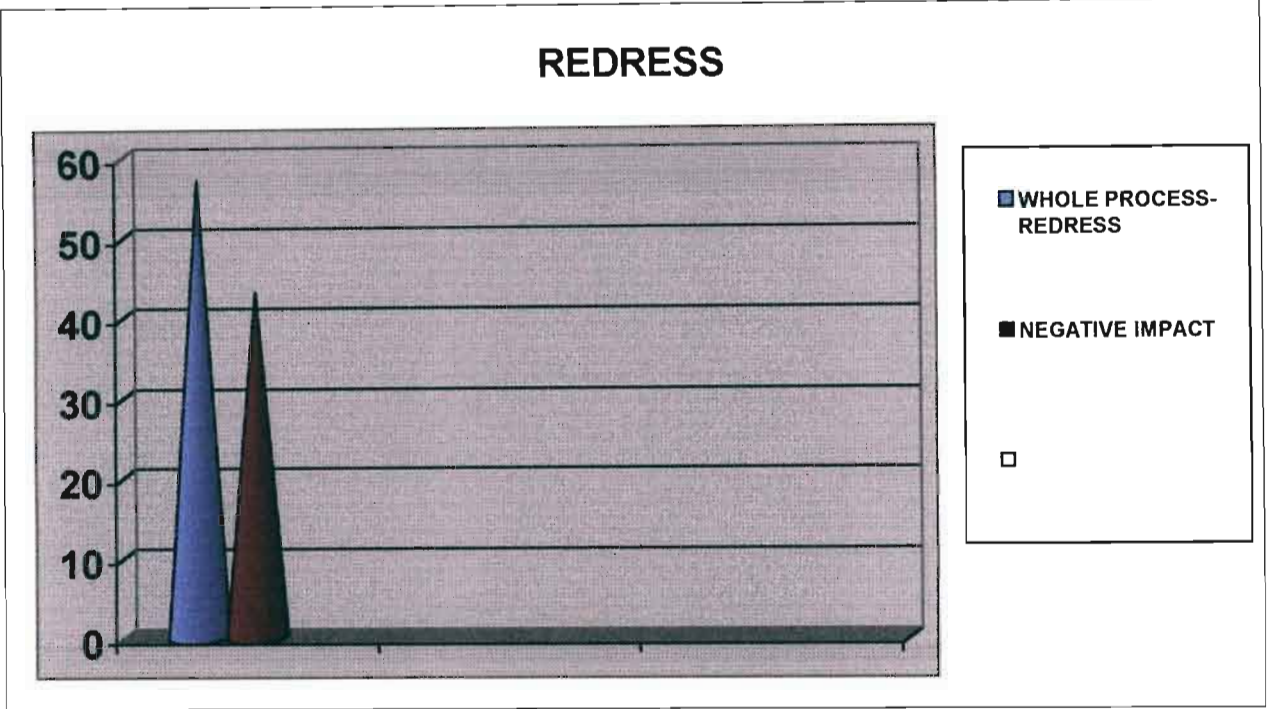
OPENNES AND TRANSPARANCY



50%	Respondents rated this item at	25%
37.5%	Respondents rated this item at	50%
12.5%	Respondents rated this item at	75%

Graph Sixteen (f) : Openness and Transparency

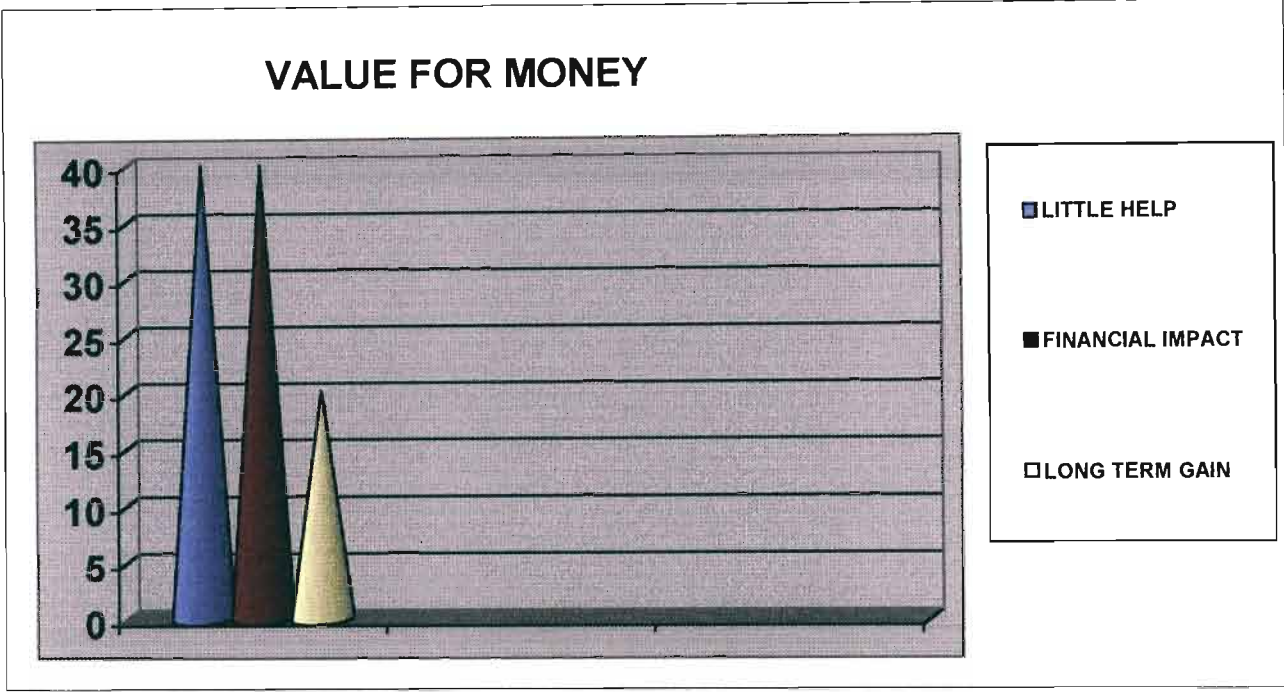
16.7.



25%	Respondents rated this item at	25%
12.5%	Respondents rated this item at	50%
37.5%	Respondents rated this item at	75%
25%	Did not respond to this item	

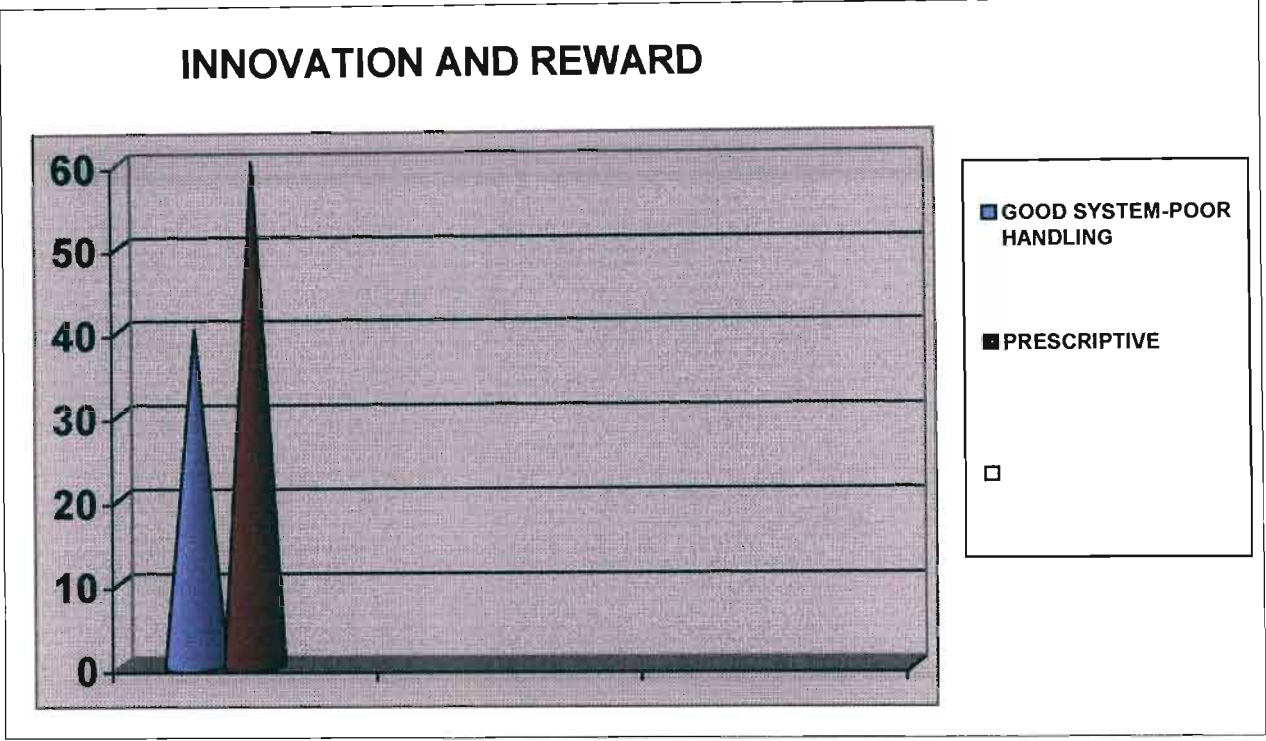
Graph Sixteen (g): Redress

16.8.



12.5%	Respondents rated this item at	0%
25%	Respondents rated this item at	25%
25%	Respondents rated this item at	50%
12.5%	Respondents rated this item at	75%
25%	Did not respond to this item	

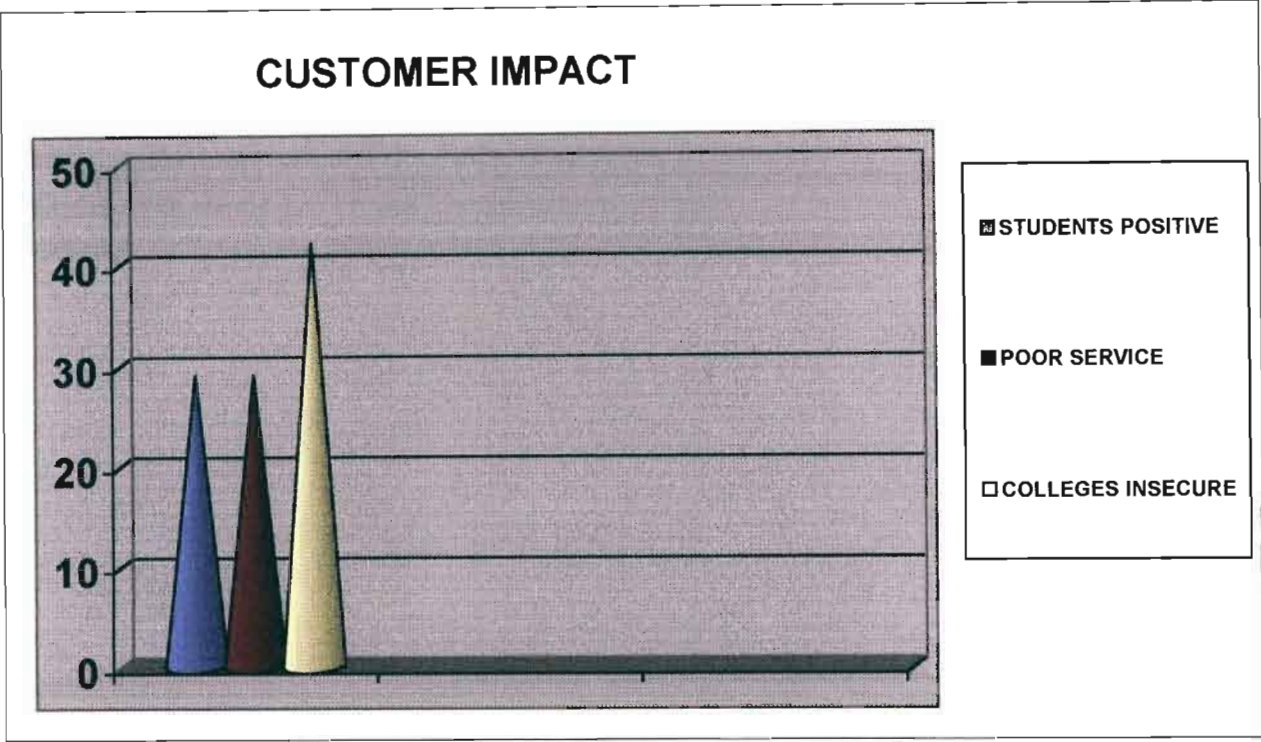
Graph Sixteen (h): Value for Money  
16.9.



12.5	Respondents rated this item at	0%
12.5%	Respondents rated this item at	25%
62%	Respondents rated this item at	50%
12.5%	Did not respond to this item	

Graph Sixteen (i) : Innovation and Reward

16.10.



25%	Respondents rated this item at	0%
25%	Respondents rated this item at	25%
50%	Respondents rated this item at	50%

Graph Sixteen (j) : Customer Reward

5.4.2. Summary Responses For Part Four

The Batho Pele principles are fundamental to public Administration and Management of any Government office in South Africa. All items in this section have scored below average. These scores however are consistent with the negative trend on the first three parts of the questionnaire.

## **5.5. PART FIVE: THE PRIVATE PROVIDER AND IMPLEMENTATION**

### **5.5.1. Reason for including Part Five:**

This part is intended to investigate the private providers role in the implementation process. If there were problems in the process, then to what degree did private providers contribute. It creates a balance in addressing the other side to the process. The Department of Education was concerned that private providers were wanting in quality delivery. The responses in this part reflect the commitment of private providers.

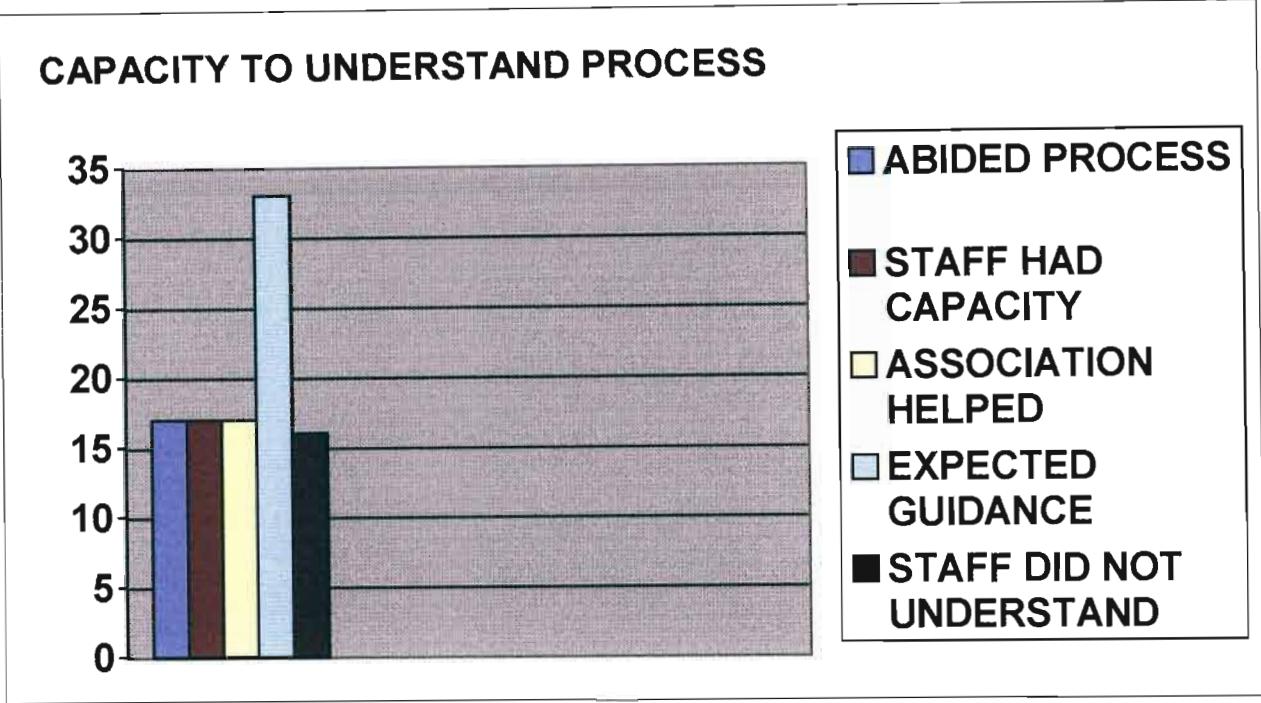
This section comprises 7 questions. Question 17 and 20 are consistent in previous question style. Question 18 asks respondents to rate in percentages quality management that was in place prior to the implementation process. This is linked to question 17 in that if responses were high in question 18, one would expect a high rating in question 17.

Question 19 probes linkages with other colleges. No graph presented as all respondents indicated some linkages with other bodies.

Question 23 is a summary question and concludes the questionnaire with a summary question.

#### **5.5.1.1. QUESTION SEVENTEEN**

***The implementation process probed descriptions of quality management systems within your college. Were you or did you have adequate capacity within your college to understand and respond to this process? Discuss***



Graph Seventeen: Capacity to Understand Process

50% of respondents said that this was a draft process and they abided accordingly.

33% of respondents indicated staff did not understand and the meetings with other colleges assisted in their understanding. 16% indicated that staff did understand the process.

*Based on the responses from private providers, would you say they understood the process?*

No, not in all cases. About 60% of providers did not understand.

5.5.1.2. **QUESTION EIGHTEEN**

***Based on some of the quality management mechanisms required in the "blue book", what average percentage of these mechanisms did you have in place before the implementation process?***

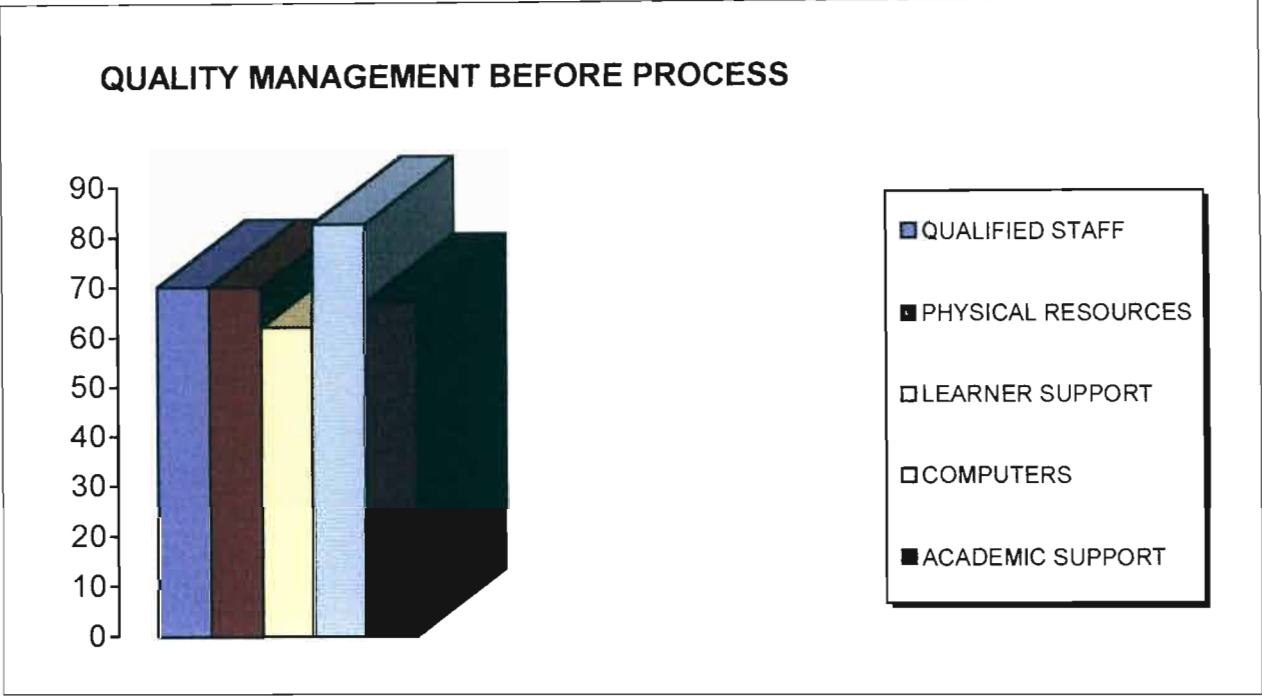
***Qualified staff*** \_\_\_\_\_ %

**Physical resources** \_\_\_\_\_ %

**Learner support** \_\_\_\_\_ %

**Computers** \_\_\_\_\_ %

**Academic support** \_\_\_\_\_ %



Graph Eighteen : Quality Management Before The Process

(a) Qualified Staff

This is a reasonable score as it probes staffing before the implementation process. The regulation and minimum staff qualifications were available as a result of the regulation process.

This question provides a link to question 17. Although 70% average for staff qualifications only 17% of respondents said staff understood process in question 17. This indicates that although staff are qualified, the process was not structured and easy to follow.

**(b) Physical Resources**

70% of respondents believed that physical resources now were available before the implementation process. The physical resources are within the context of private colleges.

**© Learner Support**

Learner support has taken impetus after the regulation process. 62% is an average scope and it indicates an area for growth in colleges. Private colleges did have a more business focus and accounts for this percentage.

**(c) Computers**

It is no surprise that this is the highest rating in this question. Many private colleges had invested most expenditure in computers. This was one area in which public institutions were slower to respond given the high costs of computers. This area was seen as a niche area and development computer training programmes.

**(d) Academic Support**

Academic Support and development has also been a relatively new development in private colleges. Researcher believes that this is a high score given that most mechanisms for academic support began after regulation.

Based on the initial responses were there evidence generally that private providers had quality mechanisms in place?

*Yes, the comparison of before and after showed that it was not too different. Not all colleges has it in place.*

5.5.1.3. **QUESTION NINETEEN**

***Did your college have linkages with any academic or professional bodies including public institutions? Please provide examples of the nature of linkage.***

No details analysis was done on this question as all private colleges agreed to having some form of linkage. A detailed breakdown is not necessary for this study.

The linkages were with the following categories:

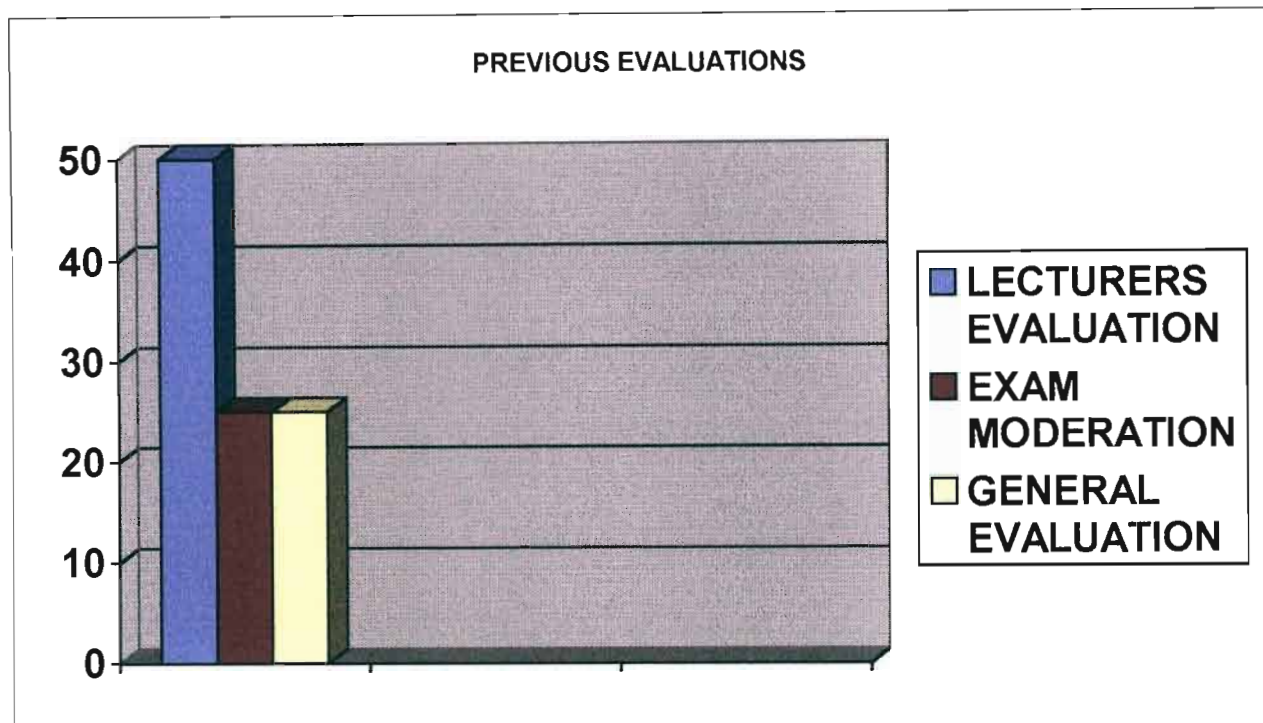
Public institutions e.g. UNISA, Technikon South Africa

International Linkages e.g. NCC (London)

Professional Bodies e.g. PRISA, IMM, SAIM etc.

5.5.1.4. **QUESTION TWENTY**

***Prior to this process, did you evaluate the level of quality in your service delivery? Please explain:***



Graph Nineteen: Previous Evaluations

100% of respondents indicated that they had evaluated the level of quality in their service delivery.

50% of respondents executed this evaluation in the form of lecturer evaluations.

50% evaluations focused on exam moderation and more general type evaluations.

Many providers offer course from professional bodies nationally and internationally.

Certain evaluation procedures were a requirement from these professional bodies.

#### 5.5.1.5. QUESTION TWENTY ONE

***Describe your commitment to this process through the various stages in the implementation process.***

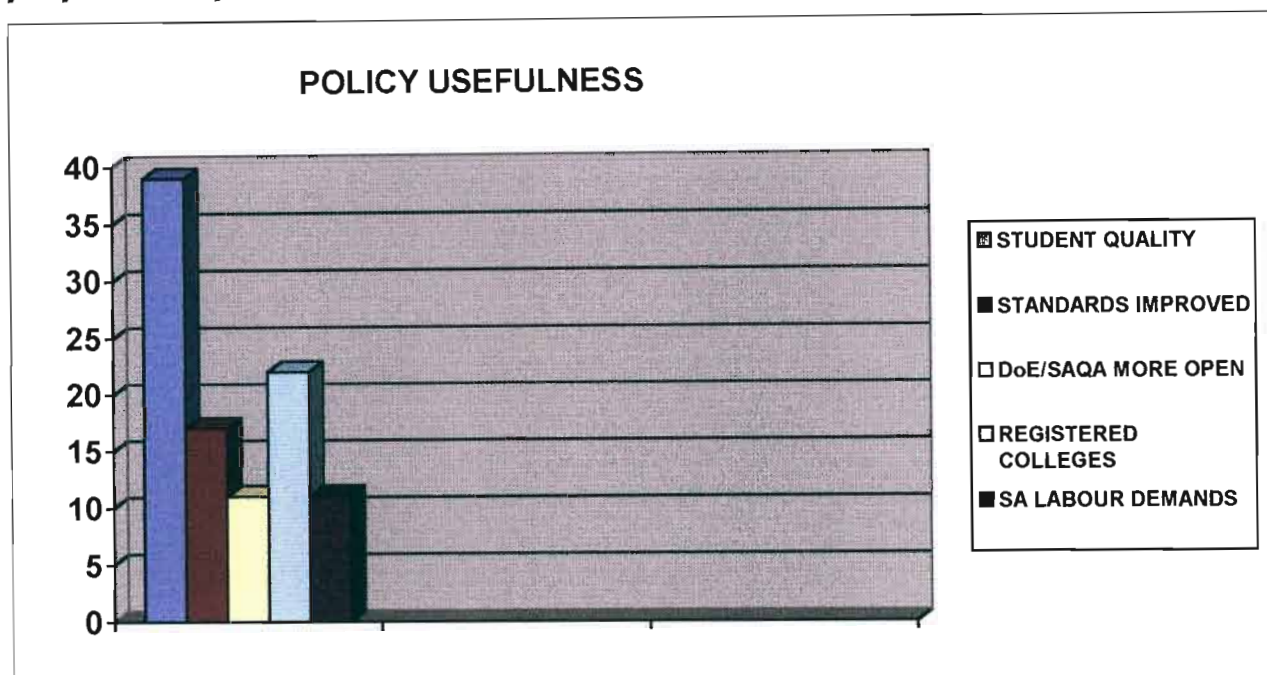
All respondents indicated that they have 100% commitment to the process through the various stages in the implementation process.

*How would you rate the attitude of private providers in co-operating with the process?  
(Using the Likert scale of 1-5)*

Response: 4 = 75%

#### 5.5.1.6. QUESTION TWENTY TWO

***In hindsight, do you believe this policy is needed and will have a useful purpose? Explain.***



Graph Twenty : Policy Usefulness

100% respondents indicated that they believed this policy is needed and will have a useful purpose.

56% of respondents said this impacted positively on quality and standards.

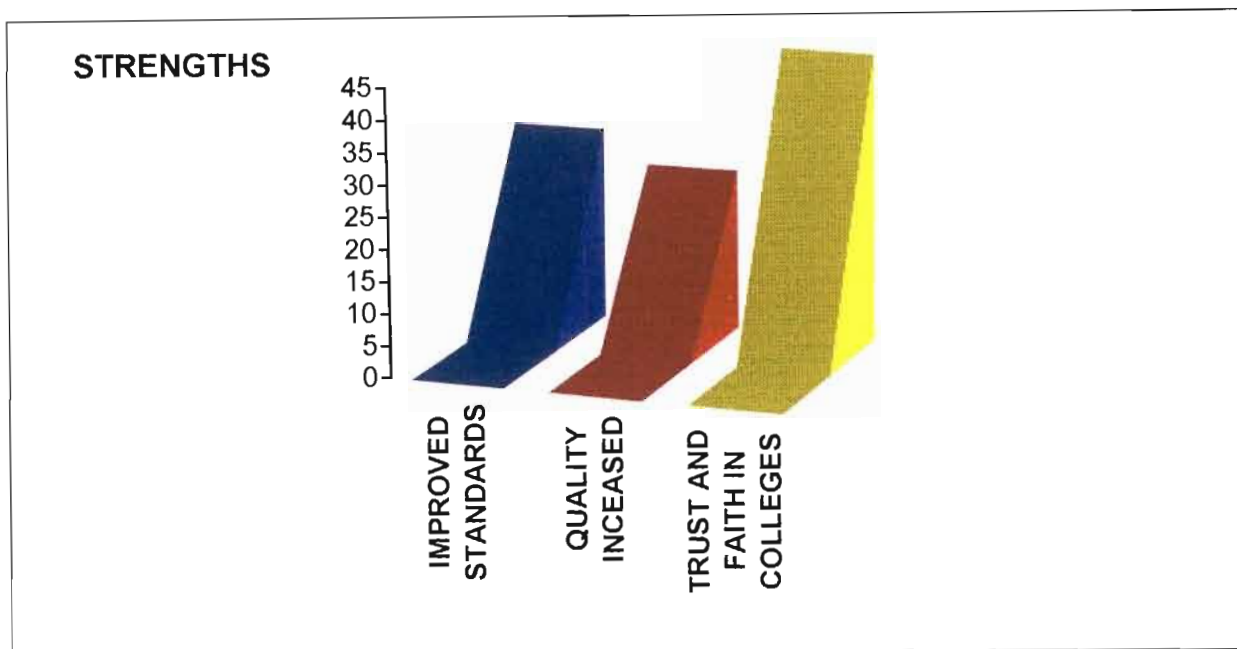
22% indicated that it has positive developments for private colleges.

11% saw it more broadly and indicated that it will contribute towards labour/ skills development in South Africa.

11% qualified that it would be useful if there were greater openness from Department of Education and SAQA.

5.5.1.7 QUESTION TWENTY THREE

***What would you say were the strengths, weaknesses, opportunities and threats of this policy?***



Graph Twenty One: Strengths

**STRENGTHS**

55% of respondents indicated that improved quality and better standards are strengths. 45% indicated that this would have positive spin-offs and have increase public trust and faith in the private college sector.

As a result of the negative publicity there appears to be a negative image of the sector. All respondents agree that this process has definite and significant strengths.

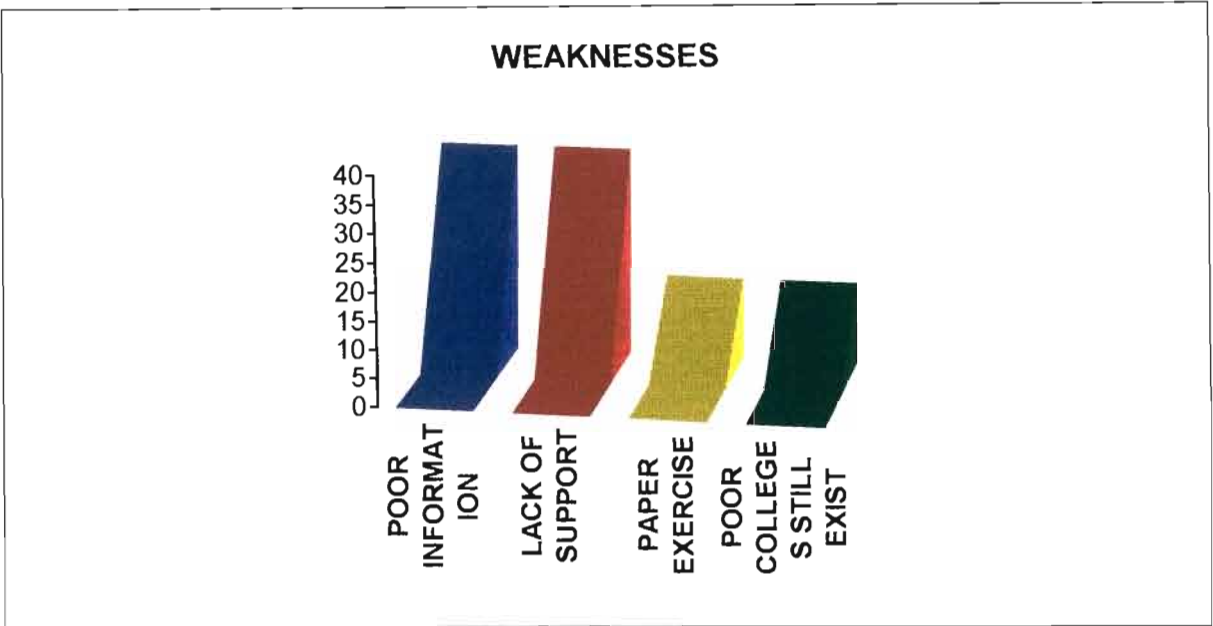
***In terms of the overall perspectives what did you identify as the implementation process: Strengths***

*Bring private institutions into a quality framework*

*Bring a sense of legitimacy and value*

*Security to learners*

*Students to follow recognised qualifications*



Graphs Twenty Two: Weaknesses

**WEAKNESSES**

72% of respondents indicate a significant weakness as the lack of information and support.

14% of colleges also cite that this exercise is a paper driven one and this is a weakness.

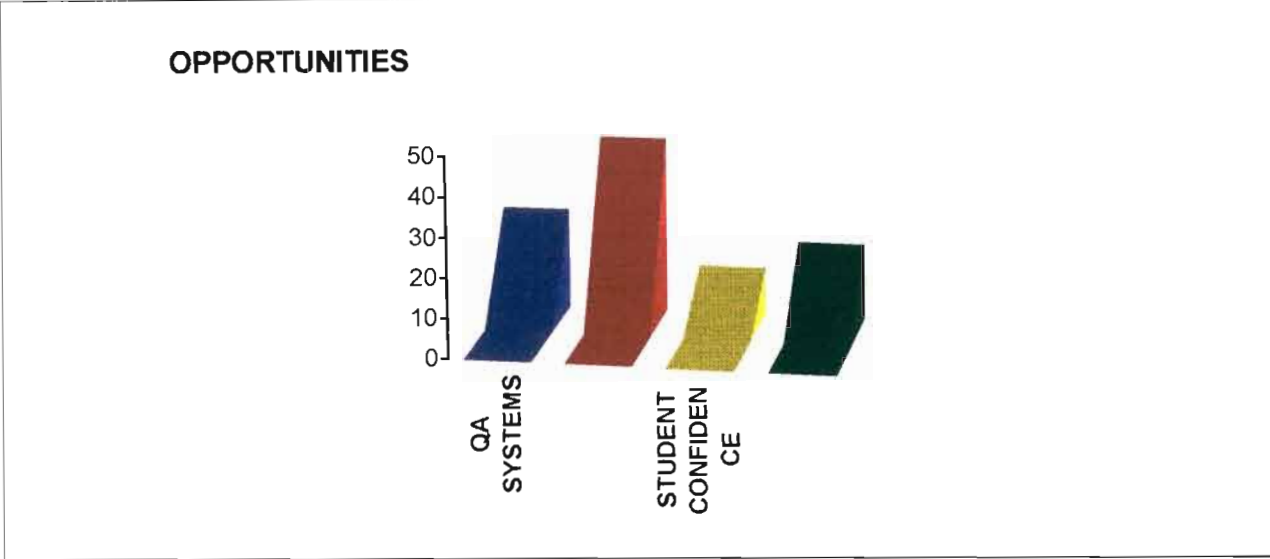
14% also question the continued existence of “fly by night” colleges who have not entered the regulation process.

***Weaknesses***

*The information flow*

*Lack of understanding of the process.*

*The volume of work was unforeseen.*



Graph Twenty Three: Opportunities

**OPPORTUNITIES**

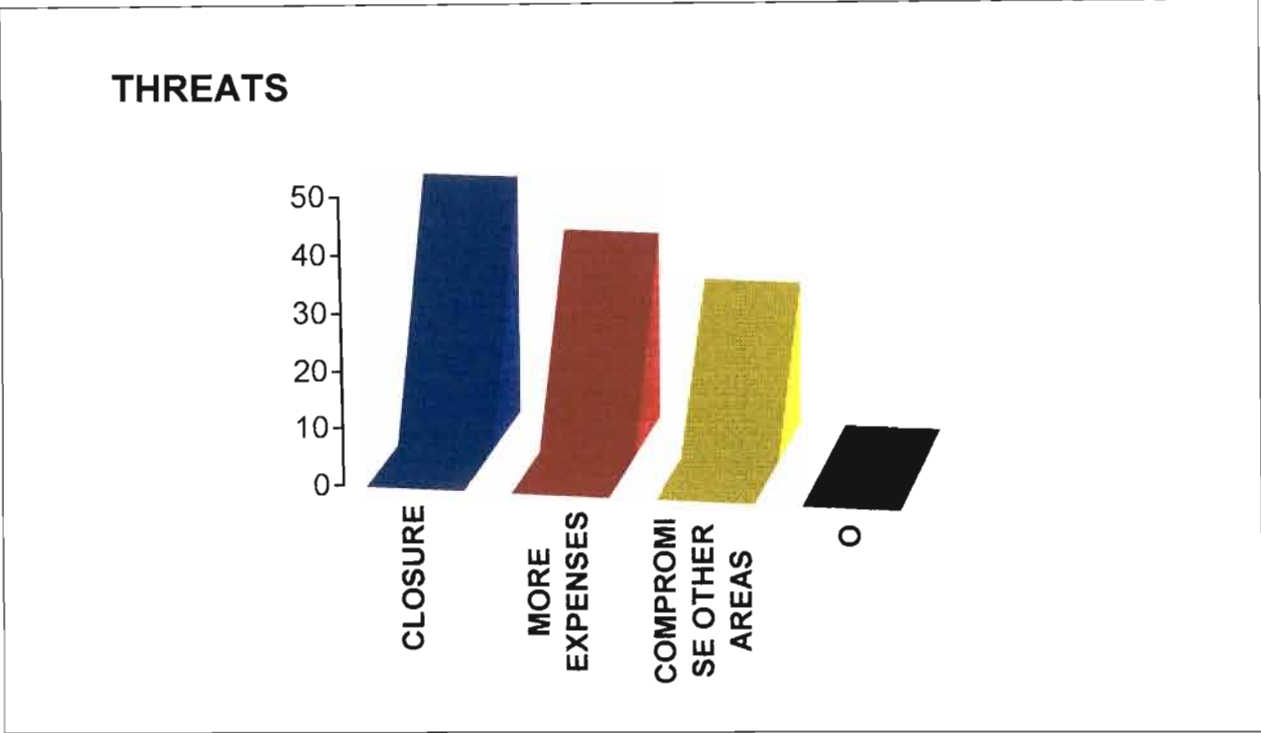
44% of respondents identify this process and its consequences will have positive impact on the industry and “good” colleges will be given the recognition they deserve.

25% saw this regulation as an opportunity to develop quality management systems within their organisations.

19% indicate that this will have spin-offs into positive skills developments in South Africa

***Opportunities***

- Upgrade and enhance process*
- Introduced continuous improvements*
- This was a learning process for all*
- Private Higher institutions sensitised to learner needs.*



Graph Twenty Four : Threats

***Threats***

The most significant threat is that 42% of respondents indicate fear of closure of their colleges. Department has the power to close down colleges if it is not satisfied. Although many colleges have been through the process their future is still insecure.

33% fear far greater expenses will be required. This industry does not get any funding subsidies from government and will have to bear greater costs.

25% of respondents believed that this might force management of colleges to look to other areas to “save” or to redirect expenses to quality management systems.

***Threats***

Some private providers tried to stay out of the process. This is a threat to the system and to providers.

## **5.6. COMPARISON OF CASE STUDY AND QUESTIONNAIRE**

The case study follows the negative trend in the questionnaire. A comparison will be done taking each part of the questionnaire and comparing it to the findings in the case study.

### **5.6.1. Part One: Basic Values And Principles Governing Public Administration and Implementation**

There is close correlation between the findings in the case study to that of the questionnaire. The college was not part of the policy making process and was not consulted on the implementation. Based on the principles of transparency , the college has a similar negative trend.

The college also believed that they were treated unfairly. This correlates with the questionnaire negative findings on bias and fairness.

### **5.6.2. Part Two: Bill Of Rights And Implementation**

The case study showed that there were predetermined beliefs on private colleges. This is reinforced by the comments from the regulatory authorities. This affected the process in the time delays that it took to have registrations processed.

The colleges faced great stress from the Departments action refusing to grant registration at a critical registration time. There is no doubt that the timing on the part of the Department was deliberate. Further, the negative publicity in the department showed a lack of co-operation. Private providers who abided by the process were victims of the negative publicity.

Given this treatment at a crucial period of registration, showed the department to be unfair and biased.

### 5.6.3. Part Three: The Process Of Implementation

The college support the process of regulation as it is useful and will have long term benefits to the college however the manner in which the college was treated by the regulatory authorities show that their objectives might have been punitive to private providers. It seems that both SAQA and the Departments viewed private colleges negatively.

This is evidenced in the number of visits that the college had to make to Pretoria in an attempt to get assistance. There was occasion when a group of students went up to the Department to get assistance in the registration as documents were with the department for at least three months. If the objectives of the policy were to promote quality education and standards, then the students were also victims of this process. The college had to endure a student boycott as they were not convinced the college was successful in its registration as the documents took so long in reaching the college.

The attitude displayed by the Department has been autocratic. The college felt at total mercy to the Department. As a public office, such power wielding contradicts the very principles of Batho Pele.

The college felt the implementation process to be difficult. The college didn't understand the process initially as very little directives were given. As a result the questionnaire was given to junior staff to complete. The college did not take to much ownership of the process at this stage. It was only after the rejection was received that the college realised that the process is significant. The college then applied its capacity and took full ownership of the process and was the most successful in its subsequent applications. This indicated that the colleges do have the capacity, staff and resources to fulfil such policy, however the manner in which it was articulated and forwarded to colleges lacked clear direction.

The college did not receive too much assistance from other providers as there was a general lack of information.

#### 5.6.4. Part Four: Principles Of Batho Pele

The experience of the college showed a negative impact on each of the principles. The lack of information and little support were the primary issues that led to serious impact on the college.

The level of service providers by both Department and SAQA was very limited. Due cognisance is given to the fact that this was a new process and all stakeholders were learning as the process matured. This is acceptable as a reason if an attitude of support was prevalent. The attitude was very high handed. Staff were often inaccessible and often in meetings. This shows an ignorance of the principles of courtesy, access, openness and transparency and customer impact. If the media articles were intended as an act at openness then it compromised its objective as the openness was not shown to the very body on which it reported.

#### 5.6.5. Part Five: The Private Provider And Implementation

This is a leader in its size of colleges. It has achieved one of the highest number of accredited courses. This is an indication that the college had many of its quality management mechanisms in place. The problem lay in the manner in which the submission and the document was structured. If the college reached this stage within two months is an indication of its quality management systems within two months. This is an indication of its capacity for improvement. The quality management system was not articulated as such as was required by SAQA. The mechanisms were in place but not defined within a context of quality management system.

## 5.7. CONCLUSION

This chapter brings together the evidence in addressing the research chapter. The evidence indicate there were problems in the implementation process of the policy. The responses on the questionnaire were overall very negative.

This study addresses the policy process within the field of public administration and management. This highlights the nature of the problems. Each part of the questionnaire articulates an aspect within public administration. If the responses are negative it raises some pertinent questions on the process and delivery on the part of the public departments in this study.

The degree to which public departments are expected to behave within the science of public administration is defined by the principles of Batho Pele. If the policy makers are ignorant of the academic issues on policy making, surely they are bound by the tenets and principles of Batho Pele.

## 5.8. PROJECTIONS OF THE NEXT CHAPTER

The next chapter discusses these findings and contextualises the responsibilities or lack of responsibilities that have contributed to the current state of frustration that many private providers find themselves in. The question that arises is , where to from here, do private providers still incur the negative attitudes and impact of the past. Has there been enough to build their capacity to make them established players in higher education?

## **CHAPTER SIX**

### **DISCUSSIONS AND RECOMMENDATIONS**

This final chapter rounds up the research by discussing the finding and posing recommendations based on the research.

#### **6.1. DISCUSSIONS**

The Higher Education Act (101 of 1997) has as one of its provisions: to provide for quality assurance and quality promotion in higher education. In meeting this objective it has to provide for the registration of private higher institution. (DoE, 1999)

The objective of the registrar of private higher education institution designated to Department of Education met this challenge. SAQA was tasked with the interim responsibly which was later handed to the CHE. All private providers in this study believed firmly in this process and committed themselves a hundred percent to the regulation. There has been no argument on the regulation usefulness. All providers believe that the regulation offers greater opportunity and gives registered colleges a sense of credibility and legitimacy.

However, in the analysis of the questionnaires and the case study it is very apparent that private providers were not happy and there is a resultant frustration and sense of disillusionment. I believe this comes from the process of implementation of this policy. As a study grounded in public administration and management it becomes acutely apparent that public policy procedures were not adequately addressed.

Chapter two addresses the theoretical perspectives underpinning the study. This chapter provided an understanding of the dichotomy that governs private and public

administration as “it brings into public domain as inherently private business”. The chapter addresses policy and the policy process, as it highlights that policymaking and policy implementations are distinct phases in the policy process.

This study sees a very good policy i.e.: the regulation of private higher institutions experiencing problems, as the policy process was not adequately handled. The policy statement was in place, what appeared lacking was the process of consultation, through the policy process. Most providers were not aware of consultation.

One of the problems could be that the Department of Education spoke to groups of private providers independently as a result of a lack of a well-organized forum for private providers. This however would have been reasonably acceptable at the time if it were supported by a good flow of information.

According to the questionnaire responses to the lack of information was a serious concern. Expecting information to be sent through a weak forum “Association of private colleges” was inappropriate. The Department of Education had on record the list of providers as this list was forwarded to SAQA.

Good faith would have been if Department of Education communicated policy intention to providers in individual letters.

After a significant part of the process was completed and after most colleges have completed their application process, the Department of Education sent for comment the “draft regulation on the Registration of Private Higher education”. This document spelt out the regulation process. The Department of Education, SAQA and the Council on Higher education have good background documents on the regulation and the larger transformation of higher education. These documents were not available at the time of registration.

Given then, that policy documents were not in place before the implementation process; the implementation process should not have had such a punitive impact.

The principles of Batho Pele were found to be seriously lacking with the exception of “redress”, which is seen to be part of transformation; all other principles were lacking. Guidance and information sharing at the start of the process would have obviated many consequences. Most providers believe that Department of Education had predetermined beliefs that manifest in the manner in which the implementation process unfolded. Given the lack of information, this perception is understandable.

For policy-making, “a number of functions have to be performed viz. identification of dysfunctional situations on which policies have to be made and investigations of the matters requiring new policies or policy adaptations. This will be a lengthy task requiring investigations by officials, research and communications” (Chapter 2 of this study). This was adequately addressed by the task group.

Chapter three of this study identifies the background and the need for the regulations. The next step was to establish top institutions/ functionaries and the directives which will determine: “what must be done, by whom, which organisational units to be involved, how action will be taken, financing and control of activities. Chapter three outlines the various bodies ie. SAQA, ETQA’s (CHE), SGB’s etc. The mechanisms were in place, clear defined directives I believe were lacking. More importantly a though understand of the sector was ignored.

At this point, the lack of capacity of Department of Education is apparent. If Department or SAQA did not have adequate capacity the process should have been addressed in accordance. The authorities of the process admit that they did not realise the colossal task this would be. This reflects very negatively on the Department of Education as a policy maker. Cloete and Wissink (2000) suggests that lack of capacity can be accommodated in various ways including redesigning, alternate service deliveries etc.

The implementation phase was therefore fraught with difficulties. As policy makers, the attitude displayed by the Department of Education show (through the questionnaire

analysis and case study) to be very bureaucratic. The core staff in Department of Education responsible for “handling” private colleges were very few. The process also was unfolding and the policymakers themselves were often unclear. Cloete and Wissink (2000) recommendations include the use of smaller, more flexible organisations rather than public bureaucracies.

What this calls for is “a movement from closed bureaucracy- dominated work environment in the public sense to a more transparent, accountable and participatory public policy process where direct, vertical, regulatory, bureaucratic control of service quality is replaced by indirect, horizontal, export quality control by empowered customers/ consumers, citizens or partners in policy network” (Cloete and Wissink, 2000)

In conclusion, as a policy maker the DoE appears to have been neglectful of the policy process especially that of implementation. Evidence indicates that there was a sense of deliberateness on the part of Department of Education to disadvantage private providers.

## 6.2 **CRITIQUE OF METHODS AND LIMITATIONS OF STUDY**

This study used three methods: questionnaire, case study and interview.

The case study was very useful in providing a holistic picture of what impact the registration regulation had on the industry. The researcher has access to all information, the case study was going to be the most important method of the study. However in retrospect, the questionnaire showed to be more useful in providing a wider perspective and was more inclusionary within the context of public administration.

The case reports, discussions etc. was very emotive in the case study. The policy impact on private providers left the sector very frustrated, contributions were fraught with experiences showing anger and frustration. The researcher found it difficult to distance herself from the setting.

The questionnaire ended up being the focus of the study. After analysis of the questionnaire the usefulness of the case study was minimised as it provided support to the findings of the questionnaire. As a positive case to establish validity of findings the case study was useful.

The questionnaire was also very detailed, some providers seemed to lack adequate capacity to answer in the depth that was required. Although the questionnaire was given to only senior staff, the researcher in the interview had to probe and often explain the question to get more focused responses. Nonetheless, the questionnaire was very valuable method in gathering evidence.

The interview was invaluable in establishing support to the questionnaire. Clarity in responses was achieved in interviews.

A further limitation was the competitive nature of the private college industry. The recent history and very competitive business focus has resulted in a sense of suspiciousness and insecurity. The regulation process has assisted in creating a more academic focus.

### **6.3 CONCLUSIONS AND IMPLICATIONS FOR PRACTICE**

The questionnaire analysis did indicate that private providers did lack adequate capacity at the initial stages of the regulation process to understand and engage effectively. The willingness to participate however, was more fundamental. One can infer through this, that capacity could also have been limited in providing a positive, academic learning environment. This lack of academic focus, taken with too much of a business slant, resulted in some providers being referred to as fly by night colleges. Students paid thousands of rands and received little development. This led to the private industry being labelled. There are however, some providers offering good quality education.

Where does one lay blame? Do we point it at the private providers who found niche opportunities and were none the wiser about their academic practice or do we point at the educational authorities and law makers who allowed such a free system to operate.

In essence they share responsibility. During the interview sessions, it became clear the private providers lacked the exposure to academic environment and exposure. Quality assurance as we understand it today, was not the focus nor was it a term used as it is today. The implication of this regulation process has been very positive for private providers who have shown commitment to the process.

The regulation process was about introducing a quality management system into private higher education. As a result of such a system albeit the poor implementation, it guided many providers into what constitutes good acceptable standards.

From the onset of the process, private providers began integrating and adapting their practices to what has been expected. On a number of occasions (as was gathered from the case study and interview) private providers reported what the Department wanted to hear and see. Only later, was the practice addressed. This effect is a positive one although a little skewed in its practice.

The regulation process is currently almost through the first cycle and providers registered provisionally or conditionally are now nearing the end of their registration cycle. Colleges are expected to apply for re-accreditation.

Chapter three begins with a quotation from the Minister on private providers, many of these concerns have been addressed in the two years since implementation. The single co-ordinated system for quality assurance both private and public institutions is a reality. The Council on Higher Education with the Higher Education Quality Commission are currently setting up structures to create a single co-ordinated structure.

This has implications for private providers. The public institutions have had years of guided practice led by many seasoned, experienced academic who provided a framework and model for good practice. Infrastructure and available financial resources allowed access to international often first world standards and exposure.

Private providers on the other hand, have a short history in South Africa. Its history focused on the college as a business. Exposure, opportunity and benchmarks were not available. Consequently, an immediate expectation for colleges to be on par in terms of quality assurance and delivery is indeed a tall order.

To have the best standards, is what we (the public) want for students, and providers especially private need to address and deliver. However, I believe a phase in, developmental approach is required. The HEQC founding document does outline such an approach, but in practice, the two directorates (from HEQC) accreditation and audit, have same criteria for public and private.

Given the size of private sector in providing higher education, one would expect a separate directorate to focus on the private sector. This would provide the developmental slant that would promote the spirit of co-operation, support and development.

Quality assurance, the effective implementation of quality management systems will no doubt be the focus. There is great diversity in private higher education, ignoring this would not serve the industry nor the national goals.

A quality management system for private providers before they articulate on equal platform with public organisation requires a boost of support and development. Some of the areas that require development include:

- i) The creation of a quality culture, integrated into the fabric of each institution.
- ii) The development of resources within institutions. E.g. Library/ Reference rooms. Although many providers are small or offer programmes on the NQF level 5, the need for this facility is urgent. Joint local libraries, amalgamation of resources – all offer opportunity to empower providers.
- iii) The development of the cadre of staff at private colleges as teachers. The use of the Occupationally Directed Education and Training unit standards from level 4 provides opportunity for such development.
- iv) The training of lecturers as assessors and moderators using ETDP standards provides an opportunity to draw awareness to continuous assessment and its value as opposed to past systems
- v) Instilling in colleges a quality approach to teaching and learning. Points (iii) and (iv) above will also provide opportunities. Policy developments in each of these areas will draw attention to these crucial functional areas.
- vi) Provide support to providers to guide them into an acceptable accreditation process.
- vii) Guidelines to providers to developing the full personal potential of each learner contributing to national goals.
- viii) Guiding curriculum development so that qualifications are relevant, useful and maximises resources.
- ix) Guide providers in providing a quality management system that effects good administrative, human resource and financial management.
- x) Allow colleges to develop positive mechanisms for information management
- xi) Development of student development activities. This includes psycho-social empowerment.
- xii) Facilitate effective performance appraisal to measure the effectiveness of the organisation to establish standards.
- xiii) Develop adequate review and monitoring mechanisms in all areas of quality management : teaching, learning, administration etc.

If public institutions are to be used as benchmarks for good practice, it becomes apparent that there is a need for forums for private providers to articulate with public institutions. Private providers should be allowed onto academic and professional bodies focusing in each field. Private providers can significantly build their capacity by being allowed to participate in conferences, and seminars.

Management forums would empower both parties. Public institutions are noted for huge fee deficits. Practices and mechanisms used by private providers may be useful as they have managed to survive despite the negative economic climate.

In conclusion, the private sector itself, needs to engage in a serious analysis of its status. It needs to organise itself into appropriate structures to add legitimacy to its forums. The current alliance of private providers needs to be more inclusive and carry a more focused developmental role.

This body needs to take more ownership and guide the sector into a new era of quality. The alliance should be able to provide the Ministry, and the sector itself information, through research on size and shape issues.

If this is implemented correctly and executed in collaboration with the sector, the public regulatory authorities will have renewed faith in its structures. The sector although still strong in business, needs to move beyond the competitive reins that separate and create barriers in the sector. The need for a culture of academic and active participation will be fostered.

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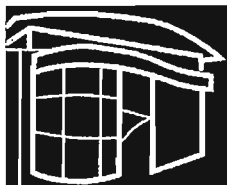
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# APPENDIX ONE

SAQA  
BLUE BOOK



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27 March 2003

Prof D. Sing  
Public Administration Department  
University of Durban Westville  
Private Bag X 54001  
Durban

**CONFIRMATION OF LANGUAGE EVALUATION**

Dear Prof Sing

This is to confirm that I have edited the thesis titled: The Implementation of the Department of Education's Policy on Regulating Private Higher Education by Tholsiavellie Naicker.

The changes required are as indicated on the document.

My background in English teaching extends 25 years as Head of Department in English and External Examiner for the Department of Education (English).

Yours sincerely

.....  
Mr S. Pillay  
(BA,B.Ed,NTD-English)

## APPENDIX A2(I): Information for programme level evaluation

This *pro forma* information must be completed with a view to the evaluation of the quality of each programme for which the institution is seeking preliminary accreditation and must be submitted to SAQA.

Please note that information must be forwarded for each *field* of learning for which the institution is seeking preliminary accreditation. The information must contain details relating to each level of certification offered within that field.

NAME OF INSTITUTION: .....

DATE OF APPLICATION:.....

### PARTICULARS OF PROGRAMME(S):

#### 1. FIELD AND LEVELS OF LEARNING:

FIELD: .....

LEVELS OF CERTIFICATION: (Insert the name of each qualification in this field)

Doctoral: .....

Master's: .....

Bachelor's: .....

Higher Diploma: .....

Diploma: .....

Higher Certificate: .....

Certificate: .....

**2. RESEARCH POLICY (where appropriate)**

Documentation regarding research policies and rules must be attached.

**2.1 Policy and rules**

2.1(a)

- (a) What is the research policy of the institution and what rules are applied in respect of such policy?

2.1(b)

- (b) Are there exceptions that apply to this particular field and/or level? What are they?

**2.2 Committee/s**

2.2

List programme related quality committees for research with names, designation and titles of all members

**2.3 Publications:**

2.3

List numbers and details of papers, publications and presentations emanating from persons attached to the institution in this field, over the last three years.

Please use a suitable bibliography format.

**2.4 Financing:**

List the sources and amounts of research funding for each of the last three years for this field of learning.

Include funding from the institution, statutory research councils, other research bodies, and the private sector.

Source/s of funding	Year 1 199_	Year 2 199_	Year 3 199_

**3. RESOURCES CENTRE/S: SUPPLY AND INTEGRATION****3.1 Staff provision**

(a) Professional staff:

(b) Subject referees:

Name, title and qualification	Level	Primary responsibilities	Years of service

**3.2 Supplies and services:**

(a) Describe the supply and accessibility of *books* for this field.

(a)

(b) Name all relevant *journals* in the centre/s.

(b)

(c) List other media at the centre/s (e.g. CD-ROM, visual, audio, etc.)

(c)

(d) List all Inter Library Loan services.

(d)

(e) List any network search facilities

(e)

**3.3 Integration into programmes:**

Give details of the integration of resources centre/s within each programme

**3.4 Utilisation:**

(a)

(a) How are records of centre/s utilisation kept?

(b) How is this information utilised in the institution and for the field?

(b)

#### 4. EVALUATION OF LEARNER ACHIEVEMENTS

(Please note this section does not apply to research based higher degrees)

#### 4.1 Procedures for determining year/semester marks (if applicable)

Give details of rules, procedures, exemptions that apply to allocation of year / semester marks.

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#### 4.2 Admission to culminating assessments (examinations)

Give details of rules for admission to final assessments and/or examinations and any exemptions that apply.

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#### 4.3 Appointments of assessors/examiners and moderators

- a. Rules & procedures for appointment of assessors/ examiners and moderators. (a)

(a)

- b. Rules & procedures for instructions to assessors/ examiners and moderators

#### 4.4 Assessment methods and techniques

Specify assessment methods and techniques used for each of the following categories, where appropriate.

- a. Theory
- b. Practicals
- c. Resource centre utilisation
- d. Experiential learning, where applicable
- e. Projects

If a category is not used, clearly indicate this and give a rationale for its exclusion

- Theory
- Practicals
- Resource centre utilisation
- Experiential learning, where applicable
- Projects

**4.5 Rules and procedures for marking**

List the rules and procedures for:

(a) marking

(b) remarking

(c) recording of marks

(a)

(b)

(c)

**4.6 Rules and procedures for re-assessment of learners**

List the rules and procedures for

(a) re-assessments or re-examinations;

(b) re-evaluation of marked assessments and/or re-marks

(a)

(b)

**4.7 Relationship of assessment of learners achievement to programme of learning**

Give details of the relationship between learner assessments and offerings in respect of:

(a) content of offering;

(b) standards;

(c) level of offering; and

(d) cognitive skills and other critical outcomes (see below)

(a)

(b)

(c)

(d)

**4.8 OPTIONAL: Critical cross-field and specific outcomes (as per SAQA definitions)**

List and give details of NQF outcomes identified within the programme of learning.

(a) Critical cross-field outcomes:

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(b) Specific outcomes:

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**4.9 OPTIONAL: Evaluation of cross-field and specific outcomes**

List and give details of the assessment of the critical and specific outcomes outlined in 4.8 above

(a) Assessment of critical cross-field outcomes:

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(b) Assessment of specific outcomes:

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**4.10 Procedures for the promotion of learners**

State the rules and procedures for promoting learners within programmes

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**4.11 Procedures for the award of certificates**

Rules and procedures for exit assessments and the award of certificates. (Attach examples as an addendum).

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**5. LEARNING ADMINISTRATION, LEARNER SUPPORT AND COUNSELLING****5.1 Administration and administrative infrastructure**

Give details of the infrastructure for administration of learning programme

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## 5.2 Learner support and counselling

Give details of learner support infrastructure, counselling and support services and procedures


## 6. ACADEMIC STAFFING PROFILE

(Information must be supplied separately for each field and member of staff)

## 6.1 FULL-TIME ACADEMIC STAFF

#### 6.1.1 Academic managers in this field (Deans, Head of Departments)

Name and title:

Position and level:

## Programme

Years of service

Qualifications (majors,  
subject distinctions)

---

### Current studies and expected completion

Teaching experience:  
(include details of  
where, when, length,  
level and area/field)

Other experience:

Industry / Commerce

(include details of where, when, for how long, at what level and area/field)

Please insert details of all academic managers, as per the format above, at the end of this pro forma self-evaluation. Clearly mark all these as Section 6.1.1.

### 6.1.2 Academic staff related to this field

Name and title:

Position and level:

Programme:

Years of service

Qualifications (majors,  
subject distinctions)

Current studies and  
expected completion

Teaching experience:  
(include details of  
where, when, for how  
long, at what level and  
in what field/area.)

Other experience:  
Industry / Commerce  
(include details of  
where, when, how  
long, at what level and  
in what field/area)

Please insert details of all full-time academic staff, as per the format above, at the end of this pro forma self-evaluation. Clearly mark these as section 6.1.2.

**6.2 PART-TIME ACADEMIC STAFF –related to this field of learning**

Name and title:

Position and level:

Programme:

Years of service

Qualifications (majors,  
subject distinctions)Current studies and  
expected completionTeaching experience:  
(include details of  
where, when, how  
long, at what level and  
in what field/area)Other experience:  
Industry / Commerce  
(include details of  
where, when, how  
long, at what level and  
in what field/area.)

Please insert details of all part-time academic staff, as per the format above, at the end of this pro forma self-evaluation. Clearly mark all part-time academic staff information as Section 6.2.

### 6.3 RESEARCH PARTICIPATION BY FULL-TIME ACADEMIC STAFF related to this field of learning

**6.3.1 Publications** (Indicate numbers of articles, books, papers published or presented by members of staff for each field. Attach a full list of authors and titles by field as addenda.)

[illegible]

**6.3.2 Other research-related activities** (Indicate numbers completed in the last 5 years and attach a full list of particulars by field, as an addendum)

[illegible]

**6.4.1 Publications** (Indicate numbers of articles, books, papers published or presented by members of staff for each field. Attach a full list of authors and titles by field as addenda.)

[illegible][illegible]

**7. TECHNICAL SUPPORT STAFF PROFILE**

(Particulars of current technical support staff relating to this field of learning)

Name and title:

Position and level:

Years of service:

Qualifications (majors,  
subject distinctions)

Teaching experience:  
(include details of  
where, when, how  
long, at what level and  
in what field/area)

Other experience:  
Industry / Commerce  
(include details of  
where, when, how  
long, at what level and  
in what field/area)

Please insert details of all technical support staff, as per the format above, at the end of this pro forma self-evaluation. Clearly mark all technical support staff information as Section 7.

## 8. PROVISION OF OTHER INFRASTRUCTURE, IN THIS FIELD

### 8.1 Computers

Give details of terminals for academic staff and learners?

Describe the computer hard and software available for academic staff and learners


### 8.2 Research methodology and statistics

Describe the research methodology and statistical support available to staff and learners?


## 9. LABORATORY / PRACTICAL /STUDIO PROVISION AND UTILISATION

### 9.1 Laboratories / practical rooms / studios (please specify type and usage as below)

Type of facility	ASM <sup>2</sup>	Capacity (number of places)	Present usage (weekly in hours)	Anticipated usage (weekly in hours)

### 9.2 Equipment

Describe the facilities and equipment.


<sup>2</sup> ASM stands for Assignable Square Metres that are effectively utilised (excluding walkways and corridors).

**9.3 Integration**

Describe the integration of *in vivo* practices in learning programmes.


**10. PROGRAMME OF LEARNING DESIGN AND CONTENT** (curriculum and learning offerings). **(Not applicable for research based higher degrees)****10.1 Curriculum**

Describe curriculum (attach copies of relevant current curriculum as an addendum).


**10.2 Syllabus**

Describe the contents of learning offerings and attach copies of core syllabi as an addendum.


**10.3 Relevance of programme outside of the institution**

Describe the relevance of the curriculum to the needs of the career/learning pathway or vocation. Indicate and name employer responses.


**11. SELECTION OF CONTENT (SUBJECT) MATTER (FOR EACH LEVEL IN THIS FIELD OF LEARNING)**

(Not applicable for research based higher degrees)

**11.1 Programme**

Name and levels




### 13. CRITERIA FOR ADMISSION TO LEARNING PROGRAMMES

### 13.1 Describe admission criteria at each level

Education Level	Percentage
Doctoral	0.000000
Masters	0.000000
Bachelors	0.000000
Higher Diploma	0.000000
Diploma	0.000000
Higher Certificate	0.000000
Certificate	0.000000

**14. EXPERIENTIAL LEARNING** (where applicable)  
(Not applicable for research based higher degrees)

### 14.1 Documented guidelines

Describe the guidelines for experiential learning, where applicable

#### 14.2 Administration of experiential learning (where applicable)

Describe the administration of and infrastructure for experiential learning.

### 14.3 Placement of learners for experiential learning

Describe the arrangements for placement of learners

#### 14.4 Recording of experiential learning

Describe the records for experiential learning and their storage.

#### 14.5 Monitoring and evaluation of experiential learning

Describe the monitoring and evaluation arrangements for experiential learning.

### 15. PROGRAMME OF LEARNING ADVISORY COMMITTEES

(Not applicable for research based higher degrees)

#### 15.1 Role in relation to the learning programme

Describe the committee, composition and role in the programme or curriculum process.

#### 15.2 Role in relation to experiential learning (where applicable)

Describe the roles of such committees with respect to *monitoring* experiential learning.

### 16. GOVERNING BODY

#### 16.1 Role in relation to programme approval

Give an overview of the structure and describe its role in the approval of programmes.

**16.2 Role in relation to promotion of learners**

Give an overview of the structure and describe its role in the promotion of learners.


# APPENDIX TWO

## QUESTIONNAIRE TO PRIVATE COLLEGES

# **QUESTIONNAIRE**

Dear Participant

This questionnaire is part of my doctoral studies that explores the implementation process of Department of Education's policy to regulate private higher education. All questionnaires are anonymous, where no details of persons are required.

I would appreciate your assistance in completing this questionnaire as honestly as possible. No participant information will be given to any persons. This research is purely for scholarly purposes.

The questionnaire comprises of five parts as follows:

- Part One : The Constitution and the implementation process
- Part Two : The Bill of Rights and the implementation process
- Part Three : The process of implementation
- Part Four : The Principles of Batho Pele
- Part Five : The Private provider

Kindly complete all five parts.

Should at any point you be interested in the analysis of this research findings please don't hesitate to call me on 0823245416.

To assist your understanding of part four, an explanation on the Batho Pele principles is attached at the end of this questionnaire.

I thank you for your kind assistance, time and participation!

Tholsia Naicker

## **PART ONE:**

### **BASIC VALUES AND PRINCIPLES GOVERNING PUBLIC ADMINISTRATION AND IMPLEMENTATION**

1. Based on the principles of democracy (as enshrined in the Constitution) would you regard the implementation process by the Department of Education to regulate private higher education to be democratic, impartial fair, equitable and without bias ?

Explain your response:

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2. Has the Department of Education been transparent in this process?

Explain your response:

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3. Were you given an opportunity to participate in the policy making process?

Explain your response:

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## **PART TWO**

### **BILL OF RIGHTS AND IMPLEMENTATION**

4. The Bill of Rights assures equality of treatment. Have you had reason to believe that the Department of Education had a predetermined belief on private providers?

Explain your response:

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5. If yes to (4) above, explain how this could have or has affected the regulation process?

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6. "Everyone has the right to establish and maintain at their own expense, independent educational institutions." Do you find this right being compromised in this process?

Explain your response.

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7. As a private provider, were you given access to adequate information to understand the regulation process?

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8. Has the Department of Education displayed a sense of public accountability in the process ?

Explain your response.

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### **PART THREE**

#### **THE PROCESS OF IMPLEMENTATION**

9. Given the recent implementation, what do you think were the Department of Education's objective in this process?

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10. Were you aware from the outset of the objectives of this implementation process?

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11. Would you regard the overall environment created by the Department of Education to be:

- a. Bureaucratic
- b. Autocratic
- c. Flexible
- d. Guiding
- e. Other

\_\_\_\_\_

12. Did you find the process structured and easy to follow and respond?

Explain:

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13. Based on your communication through the different stages of the implementation process, do you believe staff were committed to the implementation process:

(i) at SAQA:  
Why do you say that?

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(ii) At the Department of Education:  
Why would you say that?

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14. How would you rate the Department of Education's capacity in handling the implementation process in terms of:

(Please indicate on the likert scale for each item.

1 – very weak

2 – weak

3 – average

4 – good

5 – very good

a. Leadership	1	2	3	4	5
b. Willingness	1	2	3	4	5
c. Availability	1	2	3	4	5
d. Communication	1	2	3	4	5
e. Administrative resources	1	2	3	4	5
f. Technical resources	1	2	3	4	5
g. Timeliness	1	2	3	4	5
h. General implementation know-how	1	2	3	4	5

15. How would you rate SAQA's capacity in handling the implementation process in terms of: (scale as above)

a. Leadership	1	2	3	4	5
b. Willingness	1	2	3	4	5
c. Availability	1	2	3	4	5
d. Communication	1	2	3	4	5
e. Administrative resources	1	2	3	4	5

f. Technical resources	1	2	3	4	5
g. Timeliness	1	2	3	4	5
h. General implementation know-how	1	2	3	4	5

## **PART FOUR**

### **PRINCIPLES OF BATHO PELE (People First)**

16. Based on the following ten Batho Pele principles which all public service departments must adhere to, evaluate the service delivery (as a citizen) you received from the Department of Education.

This question is based on the premise that the Department of Education is a public service department and are therefore accountable to the same principles.

Rate each principle on a scale of 1-5 on the service delivery that you received from the Department of Education. Provide a detailed explanation on each rating.

(1= very weak; 2 weak; 3 average; 4 good; 5 very good)

#### 16.1. **Consultation** :

1      2      3      4      5

Explain your response.

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16.2. **Service Standards:**

1      2      3      4      5

Explain your response.

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16.3. **Access**

1      2      3      4      5

Explain your response.

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16.4. **Courtesy**

1      2      3      4      5

Explain your response.

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**16.5 Information**

1      2      3      4      5

Explain your response.

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**16.6. Openness and Transparency**

1      2      3      4      5

Explain your response.

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**16.7. Redress**

1      2      3      4      5

Explain your response.

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**16.8. Value for money**

1      2      3      4      5

Explain your response.

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**16.9 Innovation and Reward**

1      2      3      4      5

Explain your response.

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**16.10 Customer Impact**

1      2      3      4      5

Explain your response.

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## **PART FIVE**

### **THE PRIVATE PROVIDER AND IMPLEMENTATION**

17. The implementation process probed descriptions of quality management systems within your college. Were you or did you have adequate capacity within your college to understand and respond to this process?

Discuss

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18. Based on some of the quality management mechanisms required in the "blue book", what average percentage of these mechanisms did you have in place before the implementation process?

18.6. Qualified staff	_____ %
18.7. Physical resources	_____ %
18.8. Learner support	_____ %
18.9. Computers	_____ %
18.10. Academic support	_____ %

19. Did your college have linkages with any academic or professional bodies including public institutions? Please provide examples of the nature of linkage:

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20. Prior to this process, did you evaluate the level of quality in your service delivery? Please explain:

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21. Describe your commitment to this process through the various stages in the implementation process.


22. In hindsight, do you believe this policy is needed and will have a useful purpose?

Explain:


23. What would you say were the strengths, weaknesses, opportunities and threats of this policy?

Strengths:
Weaknesses:
Opportunities:
Threats:

# APPENDIX THREE

## QUESTIONNAIRE TO REGULATORY AUTHORITIES

## **PART FOUR**

### **REGULATION AUTHORITIES**

1. What are the objectives of the implementation process?


2. Did your department have adequate capacity to reach its objectives in the implementation process?


3. Were private providers informed on the process before the implementation process began?


4. What would you say motivated the regulation process?


5. To your knowledge were there any predetermined beliefs on private providers? If so what were they based on?


6. Based on the responses from private providers, would you say they understood the process?


7. Based on the initial responses were there evidence generally that private providers has quality mechanisms in place?


8. How would you rate the attitude of private providers in co-operating with the process? (Likert scale: 1 indicates very weak; 2 indicates weak; 3 indicates average; 4 indicates good; 5 indicates very good)

1	2	3	4	5
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9. In hindsight, what would you say were some of the pitfalls in the process of implementation?
