



KWAZULU NATAL

PROVINCIAL TREASURY

POLICY

ON LEARNERSHIP PROGRAMME


Signed:	 MS N SHEZI
Designation:	ACTING HEAD OF DEPARTMENT
Date:	24 November 2021

TABLE OF CONTENTS

1. Introduction/ Preamble	2
2. Legislative Framework	2
3. Definitions, abbreviations and acronyms	3-4
4. Purpose of the Policy	4
5. Objectives of the Policy	4
6. Principles	5
7. Scope of applicability	5
8. General provisions	5
8.1 Entry requirements	5
8.2 Recruitment & Selection of Learners	5-6
9. Conditions of Service	6
9.1 Learnership Agreement	6
9.2 Learners Allowances	6
9.3 Performance Management of Learners	6-7
9.4 Leave	7
9.5 Period of Agreement	7
10. Roles and Responsibilities	7-9
11. Resolution of disputes	9
12. Communication	9
13. Monitoring and Evaluation	9

Annexure “A” - Procedures

1. INTRODUCTION/ PREAMBLE

South Africa is faced with a problem of unemployment especially among young people. This problem is compounded by a system that discourages access to labour market by using rigid entry requirements as a measure. The lack and scarcity of skills has necessitated the introduction of such intervention in an attempt to bridge the gap.

The Department is devoted to professionally provide quality service to its clients. Hence therefore this framework will guide this Learnership programme that will adequately develop, transfer skills and knowledge to learners.

In order to optimally develop the learners to meet the demand of the labour market, it is essential to provide them with knowledge, skills and practical experience. In terms of the Skills Development Act no. 97 of 1998, the department will therefore commit itself in creating an environment which will access opportunities for Learnership Programmes and to provide learners with practical work experience.

Furthermore, the department set out conditions for learners to ensure that their term of Learnership Programme is meaningful and enriching.

2. LEGISLATIVE FRAMEWORK

- The Constitution of the Republic of South Africa, 1996.
- Skills Development Act no. 97 of 1998, as amended.
- Directive on the employment of persons to developmental programmes in the Public Service.
- Sectoral Determination 5: Learnerships.
- White Paper on Public Service Training and Education, 1998.
- Human Resources Development Strategy, 2015.
- White Paper on Human Resource Management in the Public Service.
- Basic Conditions of Employment Act of 1997, as amended.
- Public Service Regulations of 2016.
- Public Service Act 103 of 1994, as amended.
- Labour Relations Act 66 of 1995, as amended.
- Occupational Health and Safety Act 85 of 1993, as amended.
- Skills Development Levies Act, 1999 (as amended).
- The National Skills Development Strategy for South Africa.
- White Paper on Public Service Training and Education, 1998.
- National Qualification Framework Act 67 of 2008.
- Employment Equity Act of 1998.

3. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

For the purposes of this policy any word or expression shall have the following meaning:

- 3.1 **“Learner”** means a person employed by the department under the learnership programme under the auspices of the Minister of Labour.
- 3.2 **“Learnerships”** a vocational education and training programme that combines theory and practice, where learning leads to a qualification that is registered on the NQF. The qualification signals occupational competence and is recognized throughout the country.
- 3.3 **“Learners Agreement”** is an agreement entered into for a specific period between a learner, an employer or group of employers, and accredited training provider or group of training providers.
- 3.4 **“SETA”** stands for Sector Education and Training Authority established by section 3 (a) (i) of the SAQA ACT.
- 3.5 **“Workplace”** means the place where a learner will receive structured working experience.
- 3.6 **“Assessment”** means the process of measuring the achievement of the learner against specified learning outcomes.
- 3.7 **“Employment Context”** means the nature of the working environment within which the structured workplace learning will occur, e.g. Formal or Small business environment.
- 3.8 **“Department/Employer”** for the purpose of this policy means KZN Provincial Treasury.
- 3.9 **“Registered Training Provider (RTP)”** refers to training providers registered with SAQA and accredited by ETQAs.
- 3.10 **“SAQA”** stands for the South African Qualifications Authority established by section 3 of the SAQA Act.
- 3.11 **“ETQA”** means a body accredited in terms of sections 5(1) (a) (ii) of the SAQA Act (No.58 of 1995) responsible for monitoring and auditing achievements in terms of national standards or qualifications and to which specific functions relating to the registration of national standards or qualifications have been assigned in terms of section 5(1) (b) (i) of the Act.
- 3.12 **“NQF”** stands for National Qualification Framework.

- 3.13** “**Misconduct**” refers to any act of misbehaviour as prescribed in the Public Service Disciplinary Code.
- 3.14** “**18.1 Learner**” those learners employed by the department.
- 3.15** “**18.2 Learner**” those learners that are not in the employment of the Department and that have been sourced externally
- 3.16** “**IIA**” means Institute of Internal Auditors.

4 PURPOSE OF THE POLICY

The primary objective of this policy is to provide the Department with guidelines in terms of implementing learnership programmes.

5 OBJECTIVES

The objectives of the Learnership Programme are:

- 5.1** To provide theoretical and practical learning opportunities to less skilled, unskilled and unemployed youth and employees of the KZN Provincial Treasury.
- 5.2** To provide the supporting competencies to develop the capacity of the learner.
- 5.3** To build a relationship between structured learning and structured workplace experience which equips learners with new kinds of competencies as required by the labour market.
- 5.4** To create a resource for learners to access employment later on.
- 5.5** To transform learners into productive, confident and independent workers who will be useful to employers.
- 5.6** To reduce unemployment rate formed by unemployed youth and unemployed graduates, by developing their skills and improving their marketability.
- 5.7** To enhance skills to the workers for career progression.
- 5.8** To assist in creating and promoting learning environment that will improve level of competency, develop and transfer skills to the less experienced.
- 5.9** To improve and enhance job performance in the workplace and serve as an entry point for young people into public and private sectors.

6 PRINCIPLES

The principles according to which the process should be managed are as follows:

6.1 Access and entitlement

Unemployed youth are entitled to meaningful opportunities for training and education through the duration of the learnership.

6.2 Quality and cost-effectiveness

The effective use of available resources, the avoidance of duplication, the establishment of effective structures and mechanisms for the co-ordination of the learnership should be promoted.

6.3 Equity and empowerment

The learnership programme should enhance employment opportunities of people from designated groups, i.e. black, women, and people with disabilities.

6.4 Participation and consultation

To ensure broad commitment and support at all levels, learnership programmes should be planned, implemented, monitored and evaluated with the full participation and involvement of the relevant stakeholders.

7 SCOPE OF APPLICABILITY

This policy shall apply to all serving employees of the department, unemployed graduates and prospective employees in terms of Skills Development Act no. 97 of 1998.

8 GENERAL PROVISIONS

8.1 Entry requirements:

- a) The learner at the date of entering into the Learnership Agreement must be at least eighteen (18) and not older than thirty five (35) years of age.
- b) The learner must meet the minimum requirements.

8.2 Recruitment and Selection of Learners

- a) The Human Resources component is responsible for advertising and receiving applicants.
- b) Shortlisting will be facilitated by the Human Resources component with respective line function as the selection committee.

- c) The Learnership programme shall not be utilised to replace existing personnel, nor shall they be used to fill vacant posts on the establishment of the department.
- d) Learners will be recruited from the KZN province with preference given to disadvantaged background.
- e) In recruiting, the departmental employment equity plans must be considered.
- f) Disability agencies would also be used to attract potential learners. This will help the department to meet the required equity targets, for the beneficiaries of learnerships and other skills development programmes, outlined in the National Skills Development Strategy.

9 CONDITIONS OF SERVICE

9.1 Learnership Agreement

The Department, the Learner (both 18.1 and 18.2) and the training provider must enter into an agreement for the duration of the Learnership to achieve the outcomes set in the Learnership programme.

The terms and conditions of the Learnership Agreement are contained on the form attached as **Annexure A** in this policy extracted from **Sectoral Determination 5: Learnerships**. This agreement will serve as a framework to which the Department may effect amendments for purposes of customising it.

9.2 Learner's allowance

Learners will be paid a stipend on the monthly basis and will be adjusted annually provided the learner's performance is satisfactory (and funding is available **as per the Departmental EPMDS Policy**).

Learners will be required to enter into a performance agreement contract with the Department, they will be assessed on a quarterly basis and on satisfactory performance a stipend increase on an annual basis **will** apply.

In lieu of assisting learners with debt recovery should they leave the programme before it is completed. The Department will deduct on a monthly basis for the first two years of the contract a stipulated amount aligned to the total cost of the programme. The collective lump sum will be refunded to the learner upon completion of the contractual period.

9.3 Performance Management of Learners

- a) Learners should be assessed during specified periods of the Learnership.
- b) The external assessment of learners should be facilitated by the service provider and internal assessment by the designated internal assessor.

- c) Learner performance on all aspects of the Learnership should be monitored by the service provider and mentor.
- d) Learners are required to comply with assessment conditions as per their contractual obligations.
- e) Upon meeting all specified criteria as determined by the Learnership, learners should be awarded the necessary qualification.

9.4 Leave

The learner is entitled to the same leave provisions applicable to a contract worker as contemplated in the Determination on Leave of Absence in the Public Service, and which will be reflected in the Learnership Agreement.

9.5 Period of agreement

9.5.1 Learners shall be within the Department for a period stipulated in the agreement. A Learnership Agreement may not be terminated before the expiry of the period of duration specified in the agreement unless—

- a. the learner meets the requirements for the successful completion of the learnership;
- b. the learner is fairly dismissed for a reason related to the learner's conduct or capacity as an employee.

9.5.2 If the learner does not achieve the required learning outcomes within the period agreed, the Learnership Agreement will cease, unless varied by agreement between the parties.

9.5.3 Should the learner withdraw from the Learnership Agreement e.g. due to attaining new employment or the contract is terminated due to unsatisfactory progress, **a debt will be instated in accordance with the employment contract or agreement.**

9.5.4 The learner will further be responsible for payments made by the Department on his/her behalf not covered by savings. A debt inclusive of interest will be instated by the Office of the CFO.

10 ROLES AND RESPONSIBILITIES

10.1 The Human Resource Component shall:

- a) Align learnerships with the overall Human Resources Development Strategy of the department.
- b) Identify learnerships to be implemented in line with the strategic objectives of the department.
- c) Facilitate recruitment and selection process.
- d) Ensure that all contracts are kept for record purposes and that all parties

- abide by the terms of the agreements.
- e) Facilitate the placement of learners.
- f) Ensure that training is planned and provided according to the needs of trainee, and the department as a whole.
- g) Ensure that every learner goes through a proper induction process, i.e., being familiarised with the Code of Conduct and other relevant conditions during their periods of training.
- h) Ensure that the Service Level Agreement is signed with a suitable service provider in the event that the Learnership Programme is outsourced to an external service provider.
- i) Register the Learnership Programme with the SETA and Department of Labour.
- j) Provide support to the SETA in skills profile requirements.
- k) **Communication of learner results to all relevant parties.**

10.2 The Mentor shall:

- a) Provide the learner with appropriate training in the work environment to achieve the relevant outcomes required by the learnership.
- b) Provide the learner with adequate supervision in the workplace.
- c) Provide appropriate facilities to train the learner in accordance with the practical requirement of learnership.
- d) Meet with the learner regularly and to assess progress.
- e) Provide a supportive environment for the learner to ensure the learner's development.
- f) Keep updated records of learning and periodically discuss progress with the learner.
- g) Ensure that internal assessments and learner logbooks are completed timeously.

10.3 The Skills Development Committee shall:

- a) Oversee the effectiveness of learnership programmes.
- b) Assist the Head of Human Resource/Skills Development to coordinate, monitor and evaluate all learnership programmes.
- c) Advise and monitor the achievement of employment equity targets in the learnership programmes.

10.4 The Learners shall:

- a) Sign a Learnership Agreement with the department and comply with the conditions
- b) Work for the employer as part of the learning process.
- c) Be available for and participate in all learning and work experience required by the learnership.
- d) Comply with workplace policies and procedures.

- e) Complete any timesheets or any written assessment tools supplied by the employer to record relevant workplace experience.
- f) Attend all study periods and theoretical learning sessions with the training provider.
- g) Execute all tasks and duties allocated and agreed to, to the best of their ability.
- h) Comply with the specific protocols and requirements of the Department.
- i) Participate completely in the general activities of the Directorate/Unit placed in.

11. RESOLUTION OF DISPUTES

All disputes shall be resolved in terms of the provisions contained in the contract.

12. COMMUNICATION

The Directorate: Human Resources is responsible for communicating this policy to all employees within the department.

13. MONITORING, EVALUATION AND REVIEW

The Directorate: Human Resources is responsible for the development and ongoing monitoring of this Policy. Any inputs or amendments to this Policy can be directed to the Director: Human Resources

1. PROCEDURES TO BE FOLLOWED FOR THE SUBMISSION OF IAT ASSIGNMENTS

1.1 General requirements for submission of IAT assignments

1.1.1 Each learner has the responsibility to attend each module and to submit as assignment and/or portfolio of evidence and/or write a test as prescribed by the presenter for the respective module.

1.1.2 Should a learner not be in a position to attend a module due to illness or extreme circumstances, the onus is on him/her to advise their mentor and the Human Resources Directorate (HRD) in writing or via email of the position. The learner must produce a medical certificate or an affidavit for non-medical circumstances.

i. Should a learner not be in a position to submit an assignment, the onus is on him/her to liaise with the presenter for a later date to submit it, and it is also the learner's responsibility to ensure that their assignment was received by the presenter and to keep proof on submitting the assignment. The learner must keep evidence of all IAT related communications held with HRD, their IAT presenter and their mentor.

1.2 Procedures that will be followed in the event of non submission of IAT assignment/ IAT test not written

1.2.1 Should a learner not submit the required assignment to the presenter by the due date and have no proof that he/she did submit the assignment, or should the learner fail the module and IIA requires a re-attendance of the module the learner will become liable to pay for the specific module and arrange to re-do /submit the module / assignment at his/her own expense within the date as agreed with the presenter. Should a learner not write the test due to any valid reason, then he/she must arrange with the presenter to rewrite the test before the next Module at his/her expense.

1.2.2 The debt recovered by the Department will be limited to the cost incurred by the Department in respect of the module concerned.

2. PROCEDURES TO BE FOLLOWED IN THE EVENT OF A FAILED IAT ASSIGNMENT/TEST

2.1 Within a week of receiving his/her result from HRD, he/she is responsible to make the necessary arrangements with the presenter to re-submit an assignment/ re-do a test within the date as agreed with the presenter and

inform HRD and their mentor, in writing or via email of the arrangements made within the IAT present in terms of the resubmission.

- 2.2** Should the learner fail to resubmit their assignment or to rewrite the IAT test within the agreed time frames or FAIL this resubmission or retest, he/she will become liable to pay the department for the specific module and arrange to re-do the module at his/her own expense.
- 2.3** The learner will be liable for any failed modules in respect of the IAT Programme; this includes travel and accommodation expenses that maybe incurred as a result.

The debt recovered by the Department will be limited to cost incurred by the Department in respect of the module concerned.

3. SUBMISSION OF INTERNAL IAT ASSESSMENT

- 3.1** Each learner is responsible to ensure that he/she is assessed each Module in terms of IAT logbook. This assessment must take place before the next module.
- 3.2** Should a learner fail to attend the IAT internal assessment as agreed upon with the assigned internal assessor, he/she must inform the assigned internal assessor in writing (via e-mail) and arrange for an alternative assessment within a week.
- 3.3** Should a learner fail to attend the internal assessment, he/she will not successfully complete the learnership and will forfeit all saved deductions from their monthly stipend.
- 3.4** It must also be noted that it is each learner's responsibility to maintain a portfolio of evidence on the work assessed in order for the internal assessment to be moderated by IIA.