

The Development of the Tertiary Education Regulatory Framework

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Background

Introduction

The Seychelles Qualifications Authority Act, 2005, came into force on 17 January 2006. The establishment of the Seychelles Qualifications Authority (SQA) by legislation in March 2006, through the appointment of the first board and Executive Director of the Authority, represented ‘the aspirations of government, labour and private enterprise for a national system that would work to improve standards in education and training’ (Domingue, 2014, p.1). Six years later another regulatory body, but this time with responsibility for the tertiary education and training sector, was set up. This was the Tertiary Education Commission (TEC) which came into being in April 2012 with the appointment of its board and Chief Executive Officer. Unlike the SQA which was a statutory body with its own law, the remit of TEC was articulated through the ‘General Provisions’ section of an extensive piece of legislation, the Tertiary Education Act (TEA) of 2011, which sought to regulate the tertiary education sector. TEC was a product of the educational reforms of 2008-2009 brought along by the economic crisis of 2007-2008. But the immediate factor which led to the emergence of the TEA and therefore of the Commission, was the imminence of the setting up of the University of Seychelles and the need for a legislative framework to facilitate its birth.

The Tertiary Education Framework

According to the Tertiary Education Act (2011) ‘tertiary education’ means learning programmes provided by tertiary education institutions leading to qualifications from Level 3 to Level 10 of the National Qualifications Framework (NQF). The TEA specifies a ‘tertiary education institution’ to be a university or a professional centre (PC), either public or private, as specified in the schedule. The law itself is a comprehensive legal framework which accommodates existing providers of education and training after secondary, and has provided a framework for the rational and harmonized organization and development of tertiary education institutions. From August 2015 the framework extended to charters granted by the Minister of Education to the former post-secondary institutions firstly, and then later, in May 2017, to the University of Seychelles (UniSey) on the basis of which they became recognized professional centres and university respectively, thereby signalling adherence to the terms of the TEA. In 2019 the Tertiary Education Commission approved and issued a series of statutes (broad, cross-cutting, institutional policies to do with issues such as codes of conduct,

assessment, sexual harassment and the like) for the professional centres. This was the third level of the framework administered by TEC. Over time, it has been on the basis of this framework and its implementation that TEC has held tertiary education institutions to account.

This 'TEC Framework', as it has often been called, has dovetailed with the National Qualifications Framework (NQF) created by the Seychelles Qualifications Authority since 2006. The National Qualifications Framework was defined in 2005 as 'a framework for the development, recognition and award of qualifications based on standards of knowledge, skill and competence to be acquired by learners' (Government of Seychelles, 2005, Part 1-2). However, the term itself more broadly refers to the mother law, which established SQA in 2006, the regulations which elaborate on the major elements of the mandatory functions of the SQA, like standard setting, quality assurance, and evaluation of qualifications, while setting the parameters of action, as well as the policies pertaining to the operationalizing of individual, and specific, functions, for example evaluation of foreign qualifications and accreditation of institutions and the validation of qualifications. To reinforce policy, the SQA has issued circulars from time to time, for example to do with learner awards and transcripts, so as to ensure that providers do not stray from what is deemed acceptable across government. In common parlance the NQF is taken to be, mistakenly, the qualifications map or ladder that comprises the name of qualifications, their levels and volume (in terms of time taken to complete), and the pathways connecting them.

Cross links

In many ways the Commission has been launched, so to speak, from a platform created by the SQA through its work on the NQF. This is not surprising since many of the same individuals worked on both frameworks. For a while both agencies had the same Chairperson; and the Executive Director of the SQA, who had led the establishment of the SQA as an organization, was entrusted to establish the nascent Commission in 2012. And, to note, while he carried on as an SQA board member, the new CEO of SQA also became a member of the TEC board.

In a sense therefore the architects of the NQF, influenced by the work undertaken in the recent past, carried over many of the same preoccupations during the establishment and consolidation of TEC. Overriding was still the issue of quality, but this time in the 'non SQA space'. Hence, institutions were configured in terms of levels of the framework. SQA and TEC sought 'protection for the learner' in the spaces they occupied. The TEA linked the work of SQA and TEC in many instances; for example when SQA provided directives for improvement after it had carried out accreditation audits, it was, in law, the duty of the Commission to follow up with institutions to ensure that they put in place the requisite measures. In a sense the relationship has been infatuous, with TEC ending up with a large tract

of quality assurance functions entrusted to it in the legal framework. This presaged a number of problems which emerged over time.

The emergence of the National Qualifications Framework

Origins

There is a large body of international literature nowadays on the origins of National Qualifications Frameworks, with many of the texts emphasizing the prescriptive nature of these legal and policy instruments and the extent to which they have achieved their stated ends. From a long-term perspective, over the course of the 20th century, qualifications and their acquisition became a dominant concern of many societies, since their possession was deemed key to advancement at both individual and societal level. Equally, over time the work of bureaucracies administering qualifications became more important. This led to the wide-ranging debate as to how qualifications should be developed, structured and articulate with each other nationally then internationally, especially in a context of increasing internationalization of qualifications towards the end of the 20th century.

In the short term, NQFs have represented ambitious attempts by governments to reform their education and training systems, to deliver not only quality education, but to address industry employment concerns. The first manifestation of the competency-based approach to education and training was through the UK National Vocational Qualifications (NVQs) whose purpose was neo-liberal in origin or, put more simply, to transfer the control of vocational education from providers to employers. The UK started with the NVQs but the first NQF was that of New Zealand in 1989. Australia and South Africa followed suit in 1995. These were the first-generation NQFs.

In Seychelles when the government started on the path in the final years of the 20th century the major rationale was that an NQF would form part of its 'strategy to incorporate standards and quality into the national education and training system' (Seychelles Qualifications Authority, 2009, p.1). Concerns had long been expressed by numerous stakeholders with regards to quality in the education and training system. These centered on access, relevance, portability, and, ultimately, the value of the local qualifications themselves in terms of where they fell in a national (and also international) hierarchy of qualifications, which had not yet been established, and the extent to which the institutions which offered these qualifications were, to use a phrase common in the early NQF days, 'fit for purpose'. The poorer relations in the family of qualifications were those offered by the technical and vocational education and training (TVET) providers. NQFs were to bring deliverance to them.

While these concerns were mooted on and off by the academic board of the Seychelles Polytechnic (established in 1983, it regrouped all the post-secondary institutions in Seychelles), it was the work of the National Vocational Training Board, through its commissioning of consultant Jafta Corneels from Namibia in 1999, to assess the feasibility of setting up a National Qualifications Authority to develop an NQF. This marked the first major turning point. Jafta concluded in his report that this was both desirable and possible and laid out a road map for the achievement of this aim. At the turn of the century the government established the National Qualifications Framework Working Group mandated to develop the concept of the National Qualifications Framework and to draft legislation to make recommendations for the establishment of a National Qualifications Authority to assess and award national qualifications according to set standards, and finally to develop a National Qualifications Framework for implementation by the National Qualifications Authority. However, beyond a draft proposal, the group made few achievements of note.

In Seychelles, as elsewhere in the pre-NQF world, the main issue related to ascribing to courses or programmes their proper value and hierarchical level within the family of qualifications obtained locally. In the Polytechnic before it started to break up in the late 1990s, this fell to the academic board. However, the board never functioned on a continuous basis and many courses were born without ever having gone through a process of scrutiny of content and level. The work of the board was also haphazard in that it never defined clearly the value of qualifications like certificates or diplomas, but, to give it credit, it sought to peg qualifications according to the traditional British qualifications system. It did nothing to rationalize a landscape of certificates and diplomas of varying length and cognitive challenge, in spite of an all-round awareness of the problem by stakeholders. Without standardized national regulatory structures for the development and validation of locally developed courses, each provider followed its own specific model and courses were accredited by the parent ministry concerned (Purvis, 2004, p.9).

It was the competency-based approach (CBA) revision of the post-secondary education and training programmes as part of the PRIMTAF Project (Programme de renforcement institutionnel en matière technologique en Afrique francophone) sponsored by the Canadian government of the early years of the 21st century which served to draw further attention to this need and, as I was to note (Domingue, 2006, p.3), ‘the CBA drive threw into relief the need for an NQF. The systematic development of programmes brought with it the need to rationalize the landscape of qualifications’. The CBA work brought in its train the development of the first framework locally on which to pitch post-secondary training programmes developed as part of the PRMTAF project. This was the Post-Secondary Education and Training Framework (PSETF). With this at hand, the government responded by committing to an NQF, and therefore a national qualifications authority. The

establishment of this new body was taken up by the then president, James Michel, in his budget address of 2004, through which he announced that:

Another aspect of the reforms is the establishment of a policy and legal framework for the development, assessment and award of national qualifications according to set standards. The National Qualifications Framework will help in the creation of a more integrated education and training system. The framework will be the responsibility of a new body, the Seychelles Qualifications Authority which will be set in 2005.

(Budget Speech, 30 December 2004)

Henceforth the preparatory work to establish SQA proceeded apace.

Towards a Tertiary Education Commission

When the Legal and Organization Module Team of the Seychelles University Foundation (SUF) presented the draft Higher Education Act at a consultative meeting in February 2009, the Chairman of the SUF argued that a higher education framework will ‘not only enable the creation of the University, but also lay the foundation for other post-secondary institutions to operate and be able to have transferable credits and recognized qualifications’. Creating ‘an enabling environment’ to achieve a high level of education and training to produce a highly-skilled workforce, he emphasized, ‘resides within the remit of a higher education framework’ with the result that the country would have ‘a higher education framework in which every Seychellois, of every age or status can aspire to develop a profession’ (Payet, quoted in Domingue, 2009, p.1).

The issue of quality of education and training, especially in terms of the relevance of what was being delivered by our tertiary education institutions loomed very large in 2009 and in the decades which preceded the setting up of TEC. For the government, TEC’s establishment represented part fulfillment of the president’s Education Reform Plan of August 2009 which sought ‘to rationalize the higher education and training provision to make it more responsive to the needs of the labor market to ensure coherence and an optimal use of resources within a common framework’ (Department of Education, 2010.p.4).

Central to the reforms was the need to improve education and training at post-secondary level, and to provide the labour market with more and better graduates. To do so implied the reconstitution of the landscape of institutions in such way that these would have a legal standing in which they could become self- governing; Ministry of Education control being seen as a barrier to labour market responsiveness. It would also be through their governance that industry, by dint of majority representation on the governing boards, would be the driving force in the strategic direction that they would take. This meant that the nature of the institutions would therefore have to fundamentally change, and not cosmetically.

It would naturally also include the repositioning of Technical and Vocational Education and Training (TVET) and the rationalization of the use of resources across the tertiary non-university sector. Structurally, in a new scheme of things, the institutions had to be conceptualized with a view to ensuring that quality became the order of the day. Hence the need for each professional centre, for example, to have an academic committee was underscored time and again to ensure that, amongst other things, assessments are set at the level of the qualification against which learners are certified. A tertiary education commission would work in parallel with SQA to ensure that such structures were set up and the qualifications authority would ensure that the structures did their work properly, quality-wise.

Of great importance was, by that point in time, the enabling environment had changed with the establishment of the Seychelles Qualifications Authority (SQA). TEC was to bring another regulatory dimension which would provide corresponding obligatory standards that have to be met.

The other aspects were that, as TEC looked askance at developments in the tertiary sector, it observed the establishment and consolidation of many such TEC's worldwide, including next door in Mauritius, as ideal regulatory models for tertiary sector governance. Tertiary-system borrowing was in its heyday, and the officers entrusted with the task of developing the law looked far afield before alighting on the model of Lithuania's Higher Education Act which was to form the backbone of the Tertiary Education Act of 2011. It facilitated matters that, in the months leading up to UniSey's establishment, other experts, notably Professors Manfred (Germany) and Koul (UNESCO), through his 2008 report, gave their stamp of approval to the Tertiary Education Act, and therefore to the need for such a commission.

Establishment and Consolidation of TEC and SQA

SQA was born with the clear mission to regulate the qualifications landscape and to ensure the development and implementation of standards against which institutions would be judged. TEC, it was declared, was likewise a Category 2 Entity according to government classification, meaning that it had principally a regulatory role. However, the provisions in the TEA which established and articulated TEC's role, Part 2-4 (2), only describes TEC as being able to 'make recommendations to the relevant entities' on a series of issues to do with the growth and development of the sector, more especially institutional development. A perusal of the law yields very few regulatory powers. There was, from the start, a disconnect between government intention and reality and this influenced TEC's work from the outset and to a large extent explained many developments or the lack of. This stands in contrast to the work of SQA.

TEC's identity crisis

It had become clear during the course of TEC's sensitization presentations to stakeholders early on that the roles of TEC, SQA, the Ministry of Education (MoE) and the National Human Resource Development Council (NHRDC now renamed ANHRD) needed clarification so that all concerned, especially providers and staff of the respective organizations, could proceed with their work in the full confidence that they knew where their exact roles started and stopped. In order to clear the decks, for a period of nearly two years TEC was preoccupied with consultations amongst the relevant parties to establish clarity with respect to its identity. In April 2013 the Minister of Education approved a document that re-emphasized the role of TEC as a body which recommends policy. TEC, it maintained, 'will interface with the Ministry mostly at a systems level, and it will have to be through the entity that supersedes the Tertiary and Further Education Division (TFE) that the Ministry can translate TEC's recommendations into policy. Systems-level engagement means that TEC, apart from recommending to MoE or other appropriate authorities, will take its cue from MoE or nationally to follow up and hold institutions to account to deliver' (Tertiary Education Commission, 2013, p.1). The upshot was that TEC was reduced to the level of a division within the Ministry, though it operated as an agency accountable to a board. Lack of clarity of role delayed the further development of the tertiary education framework which TEC was to administer.

Consolidation of SQA

There was no such confusion on the part of the nascent SQA. Indeed, buttressed by funds provided by the European Union, the agency started work in 2006 to engage providers and other stakeholders to develop the regulations of the National Qualifications Framework. SQA was able to hold a national conference on the NQF in May 2008. The resulting regulations were approved at the end of that year and became law early in 2009. This cleared the way for SQA to elaborate the major elements of the framework, including the level descriptors. Prior to implementing any external quality assurance, it was necessary that the landscape of qualifications be rationalized, and that qualifications were pitched at the appropriate level of the framework. This was 'in line with the SQA's mandate to establish parity among formal training offered in Seychelles, through the operation of the National Qualifications Framework' (Seychelles Qualifications Authority, 2008, p.1). With the main objective of the policy being 'to establish a first evaluation of qualifications offered in Seychelles in the light of similar criteria and in accordance with the level descriptors of the national qualifications framework' (Seychelles Qualifications Authority, 2008, p.1), the criteria that were applied mainly related to the duration of the courses in terms of notional hours (made up of contact and non-contact time), and their cognitive challenge. In making judgements about course level the SQA has also had cause to assess the ability of providers to deliver the courses on offer, and this included scrutiny of their human and material resources, as well as course monitoring and assessment structures.

The exercise helped to clear the decks and presaged the institutional accreditation process which begun in 2011 when the SQA had developed its Quality Assurance Policy or Manual as it was then called. With the National Qualifications Framework in operation, the Seychelles Qualifications Authority moved quickly in terms of policy development and implementation in standards setting (building on the CBA work which was ongoing), recognition of foreign qualifications and recognition of prior learning.

Over 2008-2009 a fairly traditional model of quality assurance was developed, including the now familiar cycle of self-evaluation followed by external audit. However, the model was underpinned by a very comprehensive set of criteria and indicators which sought to limit the element of subjectivity in the conduct of an audit. Additionally, the roll-out process of the model was to pan out over a period of 15 years to give providers the space needed to establish requisite internal structures and mechanisms to make any audit a meaningful exercise. While the comprehensiveness of the indicators is explained by the small-island context of Seychelles, in which it will not be uncommon for the external auditor and staff of the provider to be friends, the staggered period of implementation was primarily on account of the low-quality culture in our institutions.

By the start of 2012 when the author moved to establish TEC, SQA was still a new entity to the public but the importance of its work was starting to be recognized and accepted, notably by the institutions themselves in spite of much resistance, the Department of Public Administration overseeing the Civil Service and its own parent Ministry.

The accreditation exercise of USAIM

The value of quality assurance in the work of SQA came to the fore in a more prominent fashion through the accreditation process of the University of Seychelles American Institute of Medicine (USAIM) in 2007. National recognition in medical education cannot be overestimated. Without recognition, graduates of medical schools cannot practice. Quality assuring medical schools to produce safe doctors assures the public that their lives are in safe hands, and this is the ultimate value of quality assurance.

It was in a context where the value of the medical education being provided by the University of Seychelles American Institute of Medicine, which had been established in Seychelles through a government charter since 2000, was being questioned by the local medical fraternity, that the SQA found itself shortly after its birth. A situation had developed at the end of 2005 where USAIM, established some five years before, was preparing to graduate its first batch of students. The University had approached the Seychelles Medical and Dental Council (SMDC) for accreditation but initially the SMDC, barely cognizant of its inability under law to grant accreditation, had refused on the grounds that the University was poorly equipped to graduate doctors. With USAIM challenging the opinion of Council, the line of

communication between the institution and the SMDC was unilaterally cut off by Council which stated that they would not register USAIM graduates. It was in this situation of deadlock that the SQA was given a baptism of fire in early 2007. Without any experience in handling such a situation, and without a quality assurance policy to fall back on, the SQA turned to its sister organization, the South African Qualifications Authority for assistance. Supported by an expert from the Health Professions Council of South Africa, an audit of USAIM was conducted and a recommended verdict of provisional accreditation given on its standing. The SQA accepted the recommendations of Dr. Norman Themba, but the SMDC was to remain as recalcitrant as ever in spite of agreeing with the findings of the report.

Nevertheless, in February 2008, SQA awarded USAIM provisional accreditation for a period of two years and put to the institution conditions that it needed to fulfil prior to a second audit being carried out in 2010. This included a progress report a year down the line from the date the provisional accreditation took effect. But, before the accreditation exercise could take place, the government in 2009 issued a letter of termination to USAIM and gave them an ultimatum to close down over a period to last to the end of 2013, to enable the last enrolled cohort to graduate. USAIM could not accept the conditions of the government to wind down, such as stopping all new undergraduate enrolment and to cease offering post graduate courses. In 2010 the institution chose to relocate.

The USAIM exercise forced SQA to start taking quality assurance a lot more seriously, and to develop the necessary policies, structures and capacity with some urgency. But what was also instructive from the USAIM case was that the SQA came to appreciate that there would be instances where it would perform need assistance from outside to perform certain critical and delicate quality-assurance work, not necessarily because of lack of expertise. This has since occurred in the accreditation exercises carried for the University of Seychelles and the Seychelles Tourism Academy. In these instances, outside experts, in the case of UniSey having expertise in relation to higher education, have provided added credibility to the quality assurance exercise. In a small island state like Seychelles where the possibility of objectivity remains limited, outside expertise is sometimes needed to satisfy all contending sides that they are being given a fair hearing. In the case of USAIM, it would not have served the SQA's purpose to invest in building capacity of an already overstretched medical force so as to bring certain individuals to the level where they can serve as auditors given the context where there is only one medical university to audit. The process also underscored the need to strengthen our professional bodies (in this case the SMDC), to give them the ability to make informed input into the development and implementation of education and training standards. Indeed, the law on which the SMDC was established lacked any education and training component, and has had to be revised lately on account of the recommendations of the report by Dr. Themba. To give effect to the clauses in the NQF regulations which call for the input of

recognized and competent bodies, for instance in quality assurance and the development of standards, the professional bodies need to be able to play their role effectively.

But the case had other larger implications for SQA. SQA was caught off guard by the government move against USAIM. It had invested much energy in attempting to improve the institution through its partner agencies in South Africa, which in turn was helping SQA itself to build capacity since there was no such capacity locally at that time. An interim report had been provided by USAIM in 2009 and SQA was assisting the institution to fulfil its conditions. There was no consultation with SQA. The case showed, without a doubt, the need for politicians to consult with technicians in the event of making such decisions. The consequences of this action are still reverberating, especially because SQA was not able to fulfil a duty of care to USAIM learners, many of whom are at this point in time still trying to find recognition for qualifications obtained from the institution. From the vantage point of 2021, it was clear that USAIM was an embarrassment for the government, and the view was that its presence would compromise the integrity of the emerging UniSey, and sully the country's overall reputation. SQA was instructed to halt its accreditation-visit preparations just when it had recruited another seasoned quality assurance expert. Perforce it had to follow government directives, putting into question its own integrity and independence.

TEC for its part demonstrated that it had learnt the lessons of USAIM, when by 2016, it finished work on a comprehensive Policy Guideline which would ensure that any institution that applies for registration in the country would have to demonstrate that it had the wherewithal, including an institutional charter and quality assurance policies and mechanisms, to call itself a bona fide institution. This, in retrospect would have avoided the USAIM scenario. Unfortunately, the legal basis for TEC to undertake this work was missing since institutional registration has remained a ministry prerogative under law. This was a belated finding, and the policy has remained in abeyance.

‘TEC Framework’ development and the journey to a compliance role

Between 2012 and mid-2015, once human-resource capacity had been found, TEC was able to develop guidelines for institutional (professional centres and university) charters. At first TEC staff attempted the work, but the bulk of this work was reversed when TEC was able to locate legal expertise to assist in the development of the guidelines. For TEC this was instructive, for beyond the tensions around the role of TEC itself, the exercise threw up a raft of issues which made it problematic for clear guidelines to be drawn up for the institutions. As Ms. Carolus was to note in 2014, the way ‘that the Act is drafted is confusing, sometimes repetitive, often times contradictory which leads to lack of clarity. This is not desirable in

legislation and is to be avoided at all costs. Redrafting of the Act is essential to correct these shortcomings' (Carolus, 2014 p.6).

While confusion reigned in terms of nomenclature, powers, functions and types of institutions under the law, the main tension revolved around the issue of what exactly should be in the charter, and the statutes since the law was quite comprehensive in itself. What was clear to one and all before August 2015, when the institutions were awarded their charters, was that the charter would essentially repeat much of the content of the law – which in many ways defeated the idea of having a charter. If this was not the case, for example in relation to terms and conditions for staff which are provided in other government documents (because mainly government), then the content required in the charter, if fulfilled, would have made the charter book length. Delicate negotiation of these contours provided a challenge to TEC and its institutional partners. UniSey itself took well over a year to develop its own charter whilst TEC had to walk the then post-secondary institutions through the process to August 2015.

The work on institutional charters was important on many levels. It established and delineated clear institutional mandate, power and scope of action. It heralded the era of institutional autonomy and has been the catalyst for decentralization of powers and augmentation of institutional autonomy which has marked the period from 2015 onwards, with the President calling recently for institutions to have powers akin to those of autonomous agencies and their heads to be regarded as CEOs. The charters were also important in that they were and have been stepping stones for PCs to develop stronger identities, to become more self-reliant and to be able to work towards greater generation of additional income to supplement government funding. The statutes, issued by TEC in 2019, were developed partly by the institutions themselves and partly by TEC. These have consolidated the work started through the charters, while keeping some semblance of commonality across the PCs, with UniSey having its own distinct charter and statutes. The launching of the charters also brought about a change in how the professional centres have been governed, with boards responsible for managing, regulating and approving all major procedures related to the professional centre operations. This has been the real change. It signalled that legal liability for what takes place within the PCs had moved from the Ministry of Education to the institutions themselves, with the chair of the board and director becoming accountable under law for activities which take place within their institutions. Up to 2021, it is clear that this idea has not sunk in properly as institutions continue to defer to the ministry for directives rather than taking full control within the scope provided by law, for instance in incidents to do with the behavior of learners.

Greater autonomy brings in its train greater accountability. In May 2016, barely five years after the enactment of the TEA, the TEC Board approved a document entitled 'A rationale for the review of the Tertiary Education Act'. Whilst work to review the Act of 2011 dominated TEC's agenda from 2017 to early 2021, the document signalled to the board that

the slant of the work of TEC needed to change. Policy development and research for instance on human resource requirements, the career journey taken by graduates of institutions on completion of their studies, and tendencies across the sector, dominated the agenda prior to the start of 2018. After that a conscious decision was made to fulfil TEC's intended, and unwritten, mandate of getting the institutions to align themselves more fully with their responsibilities under law. The board directed from thereon that TEC review its strategic plan to denude it of anything that smacked of policy development. From this period onwards the annual publication of the Indicator Report has been the pinnacle of its work. Through the development of the document there came increased emphasis on institutional reporting obligation being met whilst publication and dissemination of the report served as a tool for institutions themselves, and for TEC and government to hold institutions to account. Whilst TEC worked hand-in-glove with the parent ministries and other departments to establish new policies, structures and mechanisms to operationalize institutional autonomy directives, it increased its vigilance in seeking and reviewing, for instance, institutional annual reports and strategic plans to ensure that these were fit for purpose, and effectively addressed the identified challenges of the institutions concerned, and in line with the legal and policy framework. But the tension around the role of TEC remained, and the drive to implement programme performance monitoring and evaluation across government revealed TEC and the Ministry of Education at loggerheads in terms of what each was supposed to monitor and evaluate. As an example, at one point, both were seeking to monitor learner attrition rate across the sector. Nine years down the line then, implementation of TEC's mandate and development of the Tertiary Education Framework remained a challenge for the agency.

Achievements of the regulatory bodies and tensions around the frameworks

The challenge of capacity

For a SIDS like Seychelles improving the country's tertiary education and training system means improving the quality-assurance architecture, which for a long time has been basic. Mark Bray and Michaela Martin noted more than a decade ago, that 'while the basic principles of 'good practice' are the same whatever the size of the tertiary education sector, the creation of a quality assurance system in a small state faces particular challenges of cost-effectiveness and professional staff' (Bray, M. Martin, M., 2008, p.20). Antony Stella went further at around the same time:

The real prerequisite for a country's QA development lies in the skills and attitudes of people who are to lead the QA movement. Therefore, adequate human resource development is an imperative for small states. Capacity development in QA should focus on developing a well-trained manpower base which will take forward the QA agenda. Capacity development of designated

quality assurance personnel at institutional, national, and sub-regional levels is essential. It should focus on specification and dissemination of roles and responsibilities of all parties (learners, teachers, administrators, financing bodies and collaborators-national & international) in quality assurance and training them for the same. Continuous professional development opportunities are necessary for the key players in QA.

(Stella, 2009, p.22)

Both SQA and TEC have laboured long and hard to overcome the challenges of capacity, SQA with more success than TEC. SQA received much support from the outside, notably the South African Qualifications Authority at the outset which guided the Authority in the development of the regulations and provided critical friend views in the development of policies. TEC obtained no such support and for the better part of the decade operated at half capacity, not being able to find staff whilst those who did turn up for interviews were so off track that they could not be considered. In-house capacity building, and training of personnel by outside agencies has and continues to take place, more especially in the SQA, but the nature of the work of TEC is such that experience and fully-fledged degree programmes are perhaps the best preparations. The lack of clarity of roles has not played to the advantage of TEC. The upshot is that for SQA it has taken time to fully operationalize certain quality-assurance roles, such as RPL and credit transfer policy development. For TEC, its compliance arm, notably the financial regulatory section, has remained inert because of lack of staff.

Issues attending the development of the NQF

It has been personal experience that, to many educators, the NQF continues to remain a mystery. Beyond knowledge of where a qualification may fall in the framework, the great majority of Seychellois would be hard pushed to articulate a response to the question as to why the NQF exists at all. In this, Seychelles is not an exception. It is also not an exception in that its developers have put greater hope in the NQF enterprise than they should have at the outset. At the end of more than a decade of NQF implementation the public view of TVET, and therefore of TVET institutions, has improved; but in spite of the application of programme validation and institutional accreditation criteria, which should have levelled the academic and vocational playing field, TVET has not gained the respect that it deserves. Stakeholders still hesitate to trust TVET providers and the content of their programmes. Industry participation in NQF activities, such as in the development of standards and qualifications and programme development, remains patchy. There is tension around the policy prescriptiveness element of the framework, with providers arguing for greater flexibility in the application of accreditation and programme validation criteria. UniSeY argues that the NQF should differentiate higher education (purely degree and higher) from tertiary education (which includes both higher and post-secondary) through dedicated criteria by which to judge the institution and its programmes. And the confusion as to where the NQF begins and ends and where schemes of service begin and end is not yet a thing of the past, with aggrieved

workers mistakenly believing that their pay scales are entirely dependent on the NQF. This is not to belabour the weakness of the authority for in spite of all that is said and done, SQA has had to climb a mountain to implement the NQF.

Where we are now?

SQA

SQA's role is to implement a National Qualifications Framework and its framework extends from Level 1 (Primary) to Level 10 (doctorate/post-doctorate). For the better part of its existence though, SQA's role has remain caged between Levels 3 and 6 (Certificate to Advanced Diploma), or within the vocational track. This is not surprising. Many NQFs have been born with a view to taking the vocational education and training sector out of the doldrums. Accordingly, the nature of the instruments (policies, procedures) elaborated by SQA has remained, as has been recognised in many quarters, strongly influenced by the preoccupations of the TVET sector. Extension of the application of the NQF from Levels 7-10 (Degree-Doctorate) has taken place mostly in the last half decade. It is in this context that SQA's integration of the former Inspectorate Unit of the Ministry of Education brings with it the opportunity to accommodate schools, or general education, but to do so in a way that addresses the needs of that sector while maintaining the standards of the NQF – no mean feat, and SQA has its work cut out. SQA noted in its annual report of 2020 that the 'transfer of the former Inspectorate Unit (now Accreditation Unit for Schools) to the SQA at the beginning of 2019 had led to some challenges related to the transition as the Unit endeavoured to align itself to the SQA Act and streamline its procedures. However, at the end of 2020 the Unit has settled and is completing the alignment of its procedures and documentation to the SQA' (Seychelles Qualifications Authority, 2021, p.34). This cannot be a one-way street. SQA, too, will have to relook at its existing policies to accommodate general education.

The pull of TVET, general education and higher education, is therefore already pointing to tensions that can cause great problems for the unified status of the NQF. Time will tell, but SQA has partly pre-empted this by completing, in 2020, the lion's share of a review of the SQA Act which, apart from catering for general education, will complement the perceived need to modernize the NQF terms, aligning its content with international trends and developments, close loopholes in the law to better safeguard the interests of learners, and cater to the need to make provision for an entity which can effectively quality assure the whole education and training system and build quality assurance capacity (Seychelles Qualifications Authority, 2019, p.2).

Revision of the SQA Act has marked an important turning point for the SQA. It will clear the way for a review of the NQF which was outstanding since the major elements of the NQF are

at least a decade old and showing some signs of ossification. But the organization has much to show after its 14 years' existence. At the end of 2020, according to the 2020 Annual Report, a total of sixty-three qualifications, the great majority of those offered locally, were at different stages of development/review or had been approved for registration on the NQF with parallel capacity building having taken place at the level of the institutions. The tools to give effect to Recognition of Prior Learning (RPL), which had taken more time to develop and for which SQA had to sensitize potential constituencies and decision makers, were by then being applied. In 2020, thirty-eight RPL qualifications were awarded and over one hundred RPL practitioners had been trained, certified and registered with SQA. By the end of 2020, six institutions had achieved accredited status, three institutions were provisionally accredited, with one PC without status and another having regressed from provisional to not accredited status. Capacity building to undertake such work attended the process, going beyond the training of staff (SQA's, consultants, institutional staff) to the development of provider internal quality-assurance manuals aligned to the quality-assurance imperatives set by SQA. Within and without SQA there appears now to be much potential capacity to continue the development of the NQF.

TEC

In parallel with the work of the SQA and to move TEC to uncontested territory, by the end of 2019, the work on the revision of the Tertiary Education Act (TEA) of 2011 was reaching near completion. By then, it was clear that the accepted mandate of TEC was that it should perform regulatory, monitoring and evaluation (M and E) roles. Hence, for instance, at the start of 2020, TEC was making preparations to monitor and evaluate the work of managers in the PCs. Though it had accomplished much, especially in relation to lesser-known issues and projects in relation to the demerger of TGMI and UniSey, the development of a new funding model for tertiary education institutions and the development of regulations for international learners, 2020 was to serve as a transitory stage to what TEC considered to be its true vocation.

Unfortunately, COVID 19 put a temporary brake on the momentum of events from March onwards. Work on the TEA stalled and as the year ended the draft law was incomplete. Instead, with the closure of the institutions, TEC had little option but to orient itself fully to research activities to assess and evaluate the impact of the COVID pandemic on education. From August to October the Commission undertook two major COVID-related exercises to ensure that the work to improve learning outcomes remained constant. These were an impact survey and an online Tertiary Education forum. Much knowledge and a host of recommendations came out of the exercise, notably, in terms of the TEA framework, and the need for both regulators (SQA and TEC) to readjust their framework to accommodate the need for flexible learning. Government, it was emphasized, through the Ministry of Education, should ensure alignment of the regulatory structures to ensure that the system of

programme regulation is such that providers have the leeway to adapt and innovate as much as possible while adhering to central quality criteria. With flexible timetables, and prevalence of online learning, both during and after lock down, the need to change the criteria of quality assurance and institutional statutes, for example to cater for online learning and increased health vigilance, has become the order of the day. At the time of writing this is outstanding, but will have to be undertaken. With the new legal framework not having been finalized by government, SQA still has the chance to accommodate this issue which would impact on its policies by consequence.

Concluding remarks

In the development of the Tertiary Education Framework, TEC and SQA have taken a sometimes opposite but complementary journey. As 2021 slips into gear TEC faces the prospect that the law on which it is based will be revised yet again, but this time to clear the way for the agency to be dissolved and to be absorbed partly by the MoE and partly by SQA. In debating such a prospect, both TEC and SQA staff and boards have felt that in a new context of change and reform, rationalization and pared-back economies, in view of a number of unresolved issues pertaining to the functions of TEC itself, there is a strong case for the merging of TEC's role with that of the SQA and the MoE. Indeed, the role of TEC and its mandate as a regulator had remained under question in spite of the process of revision of the TEA. The new roles which have been ascribed to it in the draft revised TEA still contained many elements that were non-regulatory in nature. The revision process had already started removing all purely quality-assurance responsibility from TEC to give to SQA and the dissolution of TEC can complete this process. The addition of further quality-assurance responsibilities to SQA, for example the registration of institutions, can support and enhance SQA's central role as a regulator, and therefore strengthen the NQF Framework. How, we are left wondering, if this scenario comes to pass, will the MoE adjust itself to accommodate the needs of the tertiary education landscape.

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