



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

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REGULATIONS MADE IN TERMS OF

**Vocational Education and Training Act 1 of 2008**  
section 47

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**Regulations relating to Assessment and Certification of  
Namibia Qualifications Framework Awards within  
Vocational Education and Training System of Namibia**

Government Notice 318 of 2023

**(GG 8221)**

came into force on date of publication: 26 September 2023

The Government Notice which publishes these regulations notes that they were made after consultation with the Board of the Namibia Training Authority.

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PART 1

PRELIMINARY

**Definitions**

1. In these regulations, a word or an expression to which a meaning has been given in the Act has that meaning and unless the context otherwise indicates -

“accreditation” means an accreditation of a person, an institution or an organisation or a course of instruction or training by the NQA in terms of section 13 of the Namibia Qualifications Authority Act;

“ACD” means the assessment and certification division of the NTA;

“assessment” means the process of gathering, verifying and judging evidence in deciding whether a person has achieved a standard of performance;

“assessment coordinator” means a person responsible for the daily coordination of the pre-assessment, actual assessment and post-assessment processes at a VTP;

“assessment decision” means an assessment decision based on the evaluation of the assessment evidence matched against a standard of performance, and assessment outcome has a corresponding meaning;

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“assessment designer” means a person registered as an assessment designer in terms of regulation 17;

“assessment instrument” means the specific question or activity used to determine competency, such as, but is not limited to, a knowledge test or a checklist of practical performance;

“assessment materials” means a set of documents used to assess a qualification or unit standard;

“assessment practitioner” means an assessor, a moderator or an assessment designer;

“assessment process” means the process of conducting an assessment referred to in regulation 8;

“assessment supervisor” means an invigilator or assessment coordinator;

“assessment tool” means -

(a) the method such as observation, questioning or portfolio; or

(b) the instrument,

for gathering, verifying and judging evidence in the assessment process;

“assessor” means a person registered as an assessor in terms of regulation 15;

“award” means a statement of achievement issued in respect of a unit standard, or a certificate issued in respect of a qualification, by the NTA to a candidate in recognition of the successful achievement of the unit standard or qualification for which the NTA is the recognised national body responsible for the qualification or unit standard;

“certification” means the process leading to the issuing of an award which records the achievement of a candidate following a standard assessment procedure;

“CPD” means the continuous professional development;

“emergency” means an event that significantly interrupts or adversely impacts on the performance of a candidate immediately before or during an assessment which is beyond the control of the candidate or VTP;

“fee” means the applicable fee set out in regulation 43;

“industry or subject expert” means a person who has expertise in a particular industry sector;

“internal assessment” means an assessment which occurs during the learning of a candidate in order to prepare the candidate towards a summative assessment;

“invigilator” means a person who conducts the pre-assessment interviews and briefing sessions for theory or knowledge test for candidates at a VTP;

**[The singular word “test” should be the plural word “tests”.]**

“malpractice” means any act, a default or practice that -

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- (a) compromises or attempts to compromise or may compromise the assessment process or the integrity of any qualification or unit standard; or
- (b) damages the authority, reputation or credibility of the NTA or a VTP;

“moderation” means the quality assurance of assessment process and assessment outcome which focuses on validating individual assessment evidence and assessment outcome;

“moderator” means a person registered as a moderator in terms of regulation 19;

“national assessment” means an assessment conducted to evaluate the learning or achievement of a standard of performance in a particular qualification or unit standard and the outcome of such assessment contributes to, or determines, the final assessment outcome of a candidate;

“NQA” means the Namibia Qualifications Authority as defined in section 1 of the Act;

“Namibia Qualifications Authority Act” means the Namibia Qualifications Authority Act, 1996 (Act No. 29 of 1996);

“NQF” means the Namibia Qualifications Framework as defined in regulation 1 of the Regulations Setting-Up the National Qualifications Framework for Namibia;

“NQFIMS” means the Namibia qualifications framework information management system;

“NTA request panel” means the NTA request panel referred to in regulation 42;

“principles governing good assessment” means the principles governing good assessment contemplated in regulation 6;

“prior learning” means the formal or informal learning that an individual undertakes through his or her work or life experience;

“qualification” means a qualification registered on the NQF which represents the attainment by following robust assessment processes of a coherent cluster of specified outcomes of learning according to a standard of performance;

“quality assurance” means the planned and systematic processes for ensuring the effectiveness and efficiency of training and assessment provision in order to ensure stakeholder confidence and satisfaction in VET services provided by the VTPs, NTA and NQA;

“recognised national body” means a recognised national body as defined in regulation 1 of the Regulations Setting-Up the National Qualifications Framework for Namibia;

“Regulations for the Accreditation of Persons, Institutions or Organisations” means the Regulations for the Accreditation of Persons, Institutions or Organisations, published under Government Notice No. 124 of 28 August 2006;

**[These regulations were issued under the Namibia Qualifications Authority Act 29 of 1996.]**

“Regulations Setting-Up the National Qualifications Framework for Namibia” means the Regulations Setting-Up the National Qualifications Framework for Namibia, published under Government Notice No. 125 of 28 August 2006;

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**[These regulations were issued under the Namibia Qualifications Authority Act 29 of 1996.]**

“RPL” means recognition of prior learning, whereby prior learning is given a value and is formally identified, assessed and validated;

“SACC” means the Standards, Assessment and Certification Council of the NTA contemplated in section 15(1)(a) of the Act;

“stages of assessment process” means the stages of assessment process referred to in regulation 8;

“statement of achievement” means a record of attainment issued by the NTA as a recognition that a person has achieved one or more national unit standards;

“the Act” means the Vocational Education and Training Act, 2008 (Act No. 1 of 2008);

“unit standard” means a qualification component registered on the NQF that may be recognised as an award independently of a qualification and which qualification component represents that a candidate has been assessed and has attained a national standard of performance;

“verification process” means the quality assurance process that ensures the validity of an assessment and focuses on ensuring that -

- (a) a VTP follows these regulations and assessment policy; and
- (b) an assessment outcome is correctly recorded and reported;

“verifier” means an employee of, or a person contracted by, the NTA who is responsible for the verification process;

“VET” means the vocational education and training as defined in section 1 of the Act;

“VETMIS” means the vocational education and training management information system; and

“VTP” means a vocational education and training provider as defined in section 1 of the Act, and includes an assessment centre and other institutions accredited by the NQA and approved by the NTA to conduct an assessment leading to the issuance of a unit standard or qualification in respect of which the NTA is the recognised national body responsible for the unit standard or qualification.

### **Application of regulations**

2. These regulations apply to an assessment conducted by a VTP against a unit standard or qualification in respect of which the NTA is the recognised national body responsible for the unit standard or qualification.

### **Purpose of regulations**

- 3. The purpose of these regulations is to -
  - (a) ensure that there is integrity and consistency in the assessment of unit standards and qualifications by VTPs; and

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- (b) specify the assessment criteria to be complied with by the VTPs in conducting the assessment,

in respect of the unit standard and qualifications which the NTA is the recognised national body.

PART 2

ROLES AND RESPONSIBILITIES OF NTA IN ASSESSMENT AND CERTIFICATION

**Roles and responsibilities of NTA in assessment and certification**

4. (1) The NTA oversees the assessment and certification of unit standards and qualifications for which the NTA is the recognised national body.

(2) In overseeing the assessment and certification as contemplated in subregulation (1), the NTA must ensure the quality and consistency of assessments undertaken by VTPs and must -

- (a) quality assure the assessment materials;
- (b) implement the verification process;
- (c) manage the certification process; and
- (d) issue statements of achievement, unit standards or qualifications to candidates.

(3) The NTA must work with VTPs to ensure the efficient operation of VET assessments and must with regard to -

- (a) administrative support and communication -
  - (i) provide training and capacity building to VTPs relating to the implementation of these regulations and assessment and certification policy; and
  - (ii) assist and support VTPs to carry out assessment process correctly;

[The word “the” appears to have been omitted before the phrase “assessment process”.]

- (b) pre-assessment processes -
  - (i) schedule and notify assessment dates in conjunction with VTPs or work in collaboration with VTPs that chose to schedule their own dates for assessments;
  - (ii) process the registration of candidates;
  - (iii) provide up to date register and contact details for the assessors and moderators; and

[The phrase “up to date register” should be “an up-to-date register”.]

- (iv) provide assessment materials to VTPs, including allowing VTPs access to the national assessment database for VET;

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- (c) continuous improvement and audit -
- (i) assist VTPs to implement these regulations and assessment and certification policy, including technical assistance in planning, conducting and reviewing of assessment practice and participating in verification process;
- [The phrases “assessment practice” and “verification process” should be plural to be grammatically correct.]**
- (ii) assist VTPs with the development and implementation of the quality management systems for assessment and certification, and the conducting of self-review to improve assessment processes and procedures; and
  - (iii) undertake formal audits as may be required, and if possible in conjunction with the NQA;
- (d) quality assurance -
- (i) establish registration criteria and process for assessment practitioners and other persons involved in assessment, and maintain a national database of assessment practitioners;
  - (ii) maintain and ensure the quality and integrity of the NTA developed or approved assessment materials;
  - (iii) manage the approval processes, the quality and integrity of assessment materials developed by other stakeholders;
  - (iv) establish and oversee moderation and verification arrangements for assessment; and
  - (v) undertake systemic reviews and audits of assessment practices to ensure the consistency of assessment decisions and the integrity of assessment practices;
- (e) post-assessment processes -
- (i) verify and process results by -
    - (aa) uploading assessment results provided by VTPs to the national assessment database for VET;
    - (bb) checking the correlation of VTPs assessment data with registration data of candidates;
    - (cc) verifying of random sample of candidates results and assessment packs; and
- [The word “a” should appear before the phrase “random sample”.  
The word “candidates” should be possessive and so followed by an apostrophe.]**
- (dd) providing a list of assessment outcomes of candidates to the SACC for endorsement;



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- (ii) issue of statements of results, unit standards and qualifications to be endorsed by SACC; and

[The word “of” after “issue” is superfluous.]

- (iii) authorise the issuing of the awards and provide -
  - (aa) electronic data of assessment outcomes of candidates for printing of awards;
  - (bb) the statements of results and awards to VTPs for distribution to candidates; and
  - (cc) individual records of candidates to the NQA for listing on the NQFIMS;

- (f) the certification of documents, manage -

- (i) the printing process and issue certification documents, including statements of achievement, awards and transcripts of assessment results, including ensuring that -
  - (aa) the awards meet the title and formatting requirements specified by the NQF and include the required security features; and
  - (bb) statements of achievement include the correct titles, codes and credits specified for the NQF.

[Subparagraph (i) is the only subparagraph is paragraph (f).]

PART 3

ASSESSMENT BY VOCATIONAL EDUCATION AND TRAINING PROVIDERS

**Assessment by vocational education and training providers**

**5.** (1) A VTP may only conduct an assessment leading to the issuance of an award in the VET system against a qualification or unit standard which falls within the scope of accreditation of such VTP by the NQA.

- (2) In conducting an assessment, a VTP must with regard to -

- (a) candidate eligibility, assessment readiness and registration -

- (i) verify that the candidates are ready for assessment prior to the national assessment based on the assessment outcome of an internal assessment or the conduct of an interview and review of portfolio of evidence for RPL candidates;

[The article “the” should appear before the word “portfolio”, or the word “portfolio” should be plural.]

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- (ii) ensure that the candidates understand the criteria used by the VTP to determine whether the candidates have the required skills and knowledge to undertake the assessment;
- (iii) ensure that the candidates are provided with the criteria which determine the readiness of candidates to undertake the assessment based on the outcome of the internal assessment or interview and portfolio for RPL candidates;
- (iv) ensure that the candidates are briefed and understand the requirements of unit standards or qualifications that the candidates are to be assessed;
- (v) ensure that clear written information is provided to the candidate prior to assessment, including information on -
  - (aa) the roles and expectations of the candidate and assessor;
  - (bb) the process and methodology of assessment;
  - (cc) the assessment venue and equipment and related information on health, safety and the environment;
- (vi) manage the registration of candidates for assessment; and
- (vii) timeously notify the candidates of the dates, times, venue and location of the assessment;
- (b) reasonable adjustment and access arrangement, assist candidates who are eligible to apply for reasonable adjustment and access arrangement to make applications in accordance with these regulations;
- (c) assessment schedule, notify the NTA of the assessment schedules;
- (d) assessment venues, ensure that -
  - (i) assessment venues for theory and practical assessments are of the size of the group of candidates who registered for assessment;
  - (ii) tools, equipment, consumables and any other critical materials needed for the assessment are in a safe working condition; and
  - (iii) the assessment materials are prepared and securely stored ready for use during assessment;
- (e) assessment -
  - (i) ensure the integrity and security of the assessment process for theory and practical assessment; and
  - (ii) keep completed assessment documents of candidates' work secure and confidential at all times;
- (f) the reporting of assessment outcomes, provide all relevant information and moderated assessment results to the NTA for processing;

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- (g) grievances and request for review of an outcome of assessment decision, malpractice and reasonable adjustment and access arrangement -
  - (i) provide information to candidates and other relevant parties about the process relating to the lodging of grievances and request for the review; and
  - (ii) review and investigate grievances from candidates or other relevant parties relating to the assessment.

(3) In conducting an assessment, a VTP must comply with the assessment process and procedures set out in these regulations, and if the VTP fails to comply with the process and procedure the NTA, in accordance with regulation 14 of the Regulations for Registration of Vocational Education and Training Providers, published under Government Notice No. 300 of 17 December 2012 -

- (a) may revoke the registration of the VTP; and
- (b) must inform the NQA of the revocation of the registration.

**Principles governing good assessment in vocational education and training**

6. (1) The principles governing good assessment, assessment methodologies, assessment processes and broad operating principles which are fundamental to the quality, validity and consistency of assessment and which apply to all assessment within the VET system in Namibia are as specified in Annexure A.

[The word “assessment” in the phrase “all assessment” should be plural.]

- (2) A VTP must ensure the quality and consistency of assessment and certification of VET programmes.
- (3) A VTP in conducting an assessment must -
  - (a) make use of the assessment practitioners registered in terms of these regulations;
  - (b) make use of the NTA quality assured assessment materials; and
  - (c) comply with the moderation and verification processes to ensure consistency and quality of assessment.

**Multiple assessment pathways**

7. A national recognition of a qualification or unit standard on the NQF may be attained through -
- (a) a training and assessment pathway;
  - (b) an assessment-only pathway; or
  - (c) RPL.

**Stages in assessment and assessment process**

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**8.** (1) In conducting an assessment, a VTP must comply with the following stages of the assessment process -

- (a) the pre-assessment stage, involving the preparation process;
  - (b) the actual assessment stage, involving the conducting of the assessment process; and
  - (c) the post-assessment stage, involving the submission of the result process.
- (2) For the purposes of subregulation (1), the assessment process involved in -
- (a) the pre-assessment stage, includes the registration of candidates, collection of charges, preparation of candidates for the assessment, preparation of venues, equipment and materials, preparation and securing of assessment materials and organising of assessment practitioners and other persons involved in the assessment;
  - (b) the actual assessment stage, includes ensuring the security and confidentiality of assessment materials and information and the integrity of the assessment process; and
  - (c) the post-assessment stage, includes the moderation, verification and reporting of assessment outcomes for certification.

**Internal assessment**

**9.** A VTP must conduct an internal assessment for candidates and the outcome of the internal assessment may -

- (a) be used to provide feedback to a candidate on his or her area of strength and any area that needs improvement;
- (b) be used to determine assessment readiness of a candidate for the national assessment;
- (c) be used to provide feedback on the effectiveness of teaching, learning methodology and learning materials; or
- (d) contribute to the overall assessment outcome leading to the award of a qualification or unit standard.

**National assessment**

**10.** (1) The NTA must coordinate the development, review and availability of national assessment arrangements for the qualifications and unit standards for which the NTA is the recognised national body.

(2) The national assessment arrangements are specified in the relevant document for the criteria for the registration of qualifications or unit standards on the NQF as set out in Annexures G and H respectively of the Regulations Setting-Up the National Qualifications Framework for Namibia.

- (3) Details in the national assessment arrangements may include, but are not limited to -

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- (a) the specification of unit standards that may be assessed internally;
- (b) the contribution of internal assessment outcomes to the final assessment outcome;
- (c) the requirements for re-assessment and progression within the course or programme;
- (d) the remedial action needed prior to re-assessment and guidelines on progression to the next level; and
- (e) the graded assessment opportunities and requirements, where applicable.

PART 4

ASSESSMENT PRACTITIONERS, ASSESSMENT COORDINATORS,  
INVIGILATORS AND VERIFIERS

**Assessment practitioners**

**11.** (1) An assessment practitioner must ensure that an assessment is conducted efficiently, accurately, consistently, professionally, ethically, and in accordance with these regulations.

(2) An assessment practitioner involved in the assessment and certification of VET programmes must -

- (a) have the skills and knowledge to undertake the required roles and responsibilities;
- (b) keep up to date with the VET system improvements or changes;
- (c) maintain and develop his or her professional skills and knowledge relating to VET assessment practice, vocational area and area of expertise through CPD; and
- (d) comply with the provisions of these regulations.

(3) An assessment practitioner must inform the NTA -

- (a) of any changes in the particular of the practitioner, including any changes of employment and the contact details of the practitioner; and
- (b) if the practitioner is unavailable to undertake his or her roles and responsibilities as a practitioner.

**Duty to act professional**

[The word “professional” in the heading should be “professionally” as in subregulation (1) below.]

**12.** (1) An assessment practitioner must act professionally and ethically in his or her assessment and certification of VET programmes.

(2) An assessment practitioner must avoid all forms of discrimination and harassment throughout the assessment process and in the review and reporting of assessment decisions.

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(3) An assessment practitioner must maintain and keep confidentiality in all matters pertaining to -

- (a) records of individual assessment outcome which identify the personal details of candidates and assessment practitioners;

[The word “outcome” should be plural to be grammatically correct.]

- (b) information relating to assessment materials, including assessment tools which may not be disclosed or used for any purpose other than for assessment purpose; and

[The phrase “for any purpose other than for assessment purpose”  
should be “for any purpose other than for assessment” or  
“for any purpose other than for assessment purposes”.]

- (c) assessment decision.

(4) An assessment practitioner must disclose any conflict of interest which may relate to financial interest, business interests or personal relationship with any other person involved in the assessment process.

(5) An assessment practitioner must conduct an assessment with integrity and professionalism and any personal or interpersonal factors that are irrelevant to the assessment may not influence the assessment outcome.

(6) An assessment practitioner must not undertake an assessment while under the influence of alcohol or prohibited substance, and the undertaking of assessment while under the influence of alcohol or prohibited is a misconduct.

[The word “a” appears to have been omitted before the phrase “prohibited substance”, and the  
word “prohibited” near the end of the subregulation should be “a prohibited substance”.  
The word “a” before “misconduct” is superfluous.]

(7) An assessment practitioner must not engage himself or herself in an activity that may be construed as fraudulent or involving financial inducement.

- (8) An assessment practitioner must aim for -

- (a) continuous improvement, achieve efficient process and quality assessment through active engagement with all other assessment practitioners; and

- (b) quality assurance processes and continuous improvement through feedback, advice and support received from, or provided to, other assessment practitioners or the NTA about assessment practices and processes, unit standards or qualifications.

**Continuous professional development for assessment practitioners**

13. In order for an assessment practitioner to enhance his or her professional skills, the NTA -

- (a) must prepare an annual schedule of CPD activities that the assessment practitioner must undertake; and

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- (b) may determine the providers of CPD programmes or facilitate the CPD programmes.

**Assessors**

- 14. (1) An assessor is responsible for -
  - (a) conducting an assessment at a VTP; and
  - (b) making the assessment decision.
- (2) An assessor must -
  - (a) in respect of theoretical assessment -
    - (i) set up the room, equipment and assessment materials; and
    - (ii) arrange the seating so as to avoid malpractice such as, but not limited to, cheating, copying and talking during the assessment;
  - (b) in respect of practical assessment -
    - (i) set up the room, assessment tools and equipment and assessment materials in sufficient numbers to accommodate all candidates; and
    - (ii) check the safety of the venue and safe operation of the assessment tools and equipment prior to use by the candidates;
  - (c) ensure the security of assessment tools and equipment and recording sheets throughout the assessment;
  - (d) prepare candidates and provide clear instructions regarding -
    - (i) the completion of the theory or practical assessment;
    - (ii) the finalisation or submission of the assessment evidence; and
    - (iii) the assessment outcome and lodging of grievances under these regulations;
  - (e) make reasonable adjustments to the assessment process, materials or equipment, if required, for a candidate with special need or requirement;
 

**[The phrase “special need or requirement” should be “a special need or requirement” or the plural form “special needs or requirements”.]**
  - (f) monitor candidates during an assessment and report instances of malpractice, including -
    - (i) unplanned environmental, personal or other problems which may interfere with the performance of the candidates;
    - (ii) suspected or proven irregularities committed by any other person involved in the assessment;

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- (iii) any suspected or proven bribery, threats or harassment by candidates or any other person; and
- (iv) any ground for doubting the authenticity of the assessment evidence presented during the assessment process;
- (g) observe candidates during practical assessment and record required information on assessment tool;

**[The word “the” appears to have been omitted before the phrase “assessment tool”.]**

- (h) collect product samples at the completion of the assessment event, including photographs, if appropriate;
- (i) make final assessment decision for candidates -
  - (i) based on evaluation of quality evidence presented by a candidate and matched against a standard of performance and record the attainment of the candidates to provide proof of competency; and
  - (ii) to ensure that the decisions are consistent and accurate;
- (j) record and store assessment outcome documents;
- (k) provide assessment records or assessment tools to the moderator for moderation;
- (l) work with the moderator to clarify information about assessment evidence or assessment decisions; and
- (m) advise or report to the NTA any malpractice that the moderator or assessment coordinator has not addressed or reported.

(3) A VTP may not make use of any other person to conduct an assessment and make an assessment decision, unless that person is registered in accordance with regulation 15 as an assessor.

**Registration of assessors**

- 15.** (1) A person may, in writing, make an application to the NTA to be registered as an assessor.
- (2) The application referred to in subregulation (1) must be accompanied by -
    - (a) a certified copy of the identity document or passport of the applicant;
    - (b) a detailed curriculum vitae of the applicant;
    - (c) a certified copy of statement of results of the applicant or certified copy of competence certificate of the applicant;



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**[Several articles appear to have been omitted in this provision, which should read  
“a certified copy of the statement of results of the applicant or a certified copy  
of the competence certificate of the applicant”.]**

- (d) a certified copy of the qualification of the applicant, and where applicable, proof of the NQA evaluation of the qualification; and
- (e) proof of payment of the application fee for registration as an assessor, set out in regulation 43(3)(a).
- (3) The NTA may only register a person as an assessor if the person -
  - (a) is certified in a unit standard 115753/336 or equivalent assessor unit of learning or standard;
  - (b) has three years technical experience relevant to the qualification and area of assessment;
  - (c) has a qualification in the subject area which is one level higher than the qualification level to be assessed; and
  - (d) has experience in conducting a minimum of three outcome based assessment.

**[The word “assessment” should be plural since it refers to three assessments.]**

(4) After a person is registered as an assessor, the person must undertake a CPD with respect to pedagogical and technical skills to maintain his or her registration in terms of these regulations.

**Assessment designers**

**16.** (1) An assessment designer is responsible for designing and development of assessment materials and instruments for the assessment tasks and instructions for candidates and assessors that are in accordance with the principles governing good assessment.

- (2) Assessment materials and instruments referred to in subregulation (1) include -
  - (a) the assessment task to be completed by candidates;
  - (b) the instructions to candidates and assessors which provide clear guidance on how to conduct and undertake the assessment;
  - (c) the recording sheets for the candidates and assessors;
  - (d) the marking guides or model answers;
  - (e) assessment materials for internal assessment;
  - (f) assessment materials to determine assessment readiness; and
  - (g) other supporting materials as required for assessment.

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(3) An assessment designer may design other alternative assessment tools for a VTP but such alternative assessment tools must be approved by the NTA prior to use by the VTP.

(4) An assessment designer must ensure that he or she designs and develops the assessment materials that -

- (a) directly assess the elements of a unit standard or address the critical aspect of a cluster of a unit standard or a standard based qualification;
- (b) gathers evidence that meets the rules of evidence, set out in Annexure B, and enables an assessor to make the correct assessment decision;
- (c) provides clear instructions for the assessors and the candidates;
- (d) are consistent with the assessment and certification process set out in these regulations;
- (e) are consistent with any health, safety and environmental applicable laws; and
- (f) are piloted and validated prior to use.

(5) Other factors that an assessment designer must consider when designing and developing assessment materials include -

- (a) researching the current industry requirements, processes, equipment and trends as part of the design process;
- (b) using assessment or evidence collection method appropriate for a unit standard or qualification;

[The word “method” should be plural. Alternatively, the word “an” should appear before the phrase “assessment or evidence collection method”.]

- (c) allocating reasonable time frame for the assessment task to be completed;

[The phrase “time frame” should be plural. Alternatively, the word “a” should appear before the phrase “reasonable time frame”.]

- (d) ensuring that an assessment task is clear and transparent and does not aim to trick a candidate or focus on less significant aspect of a unit standard or qualification; and

[The word “aspect” should be plural. Alternatively, the word “a” should appear before the phrase “less significant aspect”.]

- (e) using common or industry-accepted terminology and provide alternative terminology, if required.

[The word “provide” should be “providing” to fit the sentence structure.]

(6) A VTP may not make use of any other person to design and develop assessment materials, unless that person is registered in accordance with regulation 17 as an assessment designer.

**Registration of assessment designers**

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17. (1) A person may, in writing, make an application to the NTA to be registered as an assessment designer.

- (2) The application referred to in subregulation (1) must be accompanied by -
- (a) a certified copy of the identity document or passport of the applicant;
  - (b) a detailed curriculum vitae of the applicant;
  - (c) a certified copy of statement of results of the applicant or certified copy of competence certificate of the applicant;

**[Several articles appear to have been omitted in this provision, which should read  
 “a certified copy of the statement of results of the applicant or a certified copy  
 of the competence certificate of the applicant”.]**

- (d) a certified copy of the qualification of the applicant, and where applicable, proof of the NQA evaluation of the qualification; and
- (e) proof of payment of the application fee for registration as an assessment designer set out in regulation 43(3)(a).

(3) The NTA may only register a person as an assessment designer if the person -

- (a) is certified in unit standards 115755/338 and 339 or equivalent assessment design unit of learning or standard;
- (b) has three years technical experience relevant to the qualification and area of assessment;
- (c) has a qualification in the subject area which is one level higher than the qualification level at which assessment instruments are to be developed; and
- (d) has experience in conducting a minimum of three outcome-based assessment.

**[The word “assessment” should be plural since it refers to three assessments.]**

(4) After a person is registered as an assessment designer, the person must undertake a CPD with respect to pedagogical and technical skills to maintain his or her registration in terms of these regulations.

**Moderators**

18. (1) A moderator is responsible for the moderation process by checking that an assessment decision is correct and the assessment process is carried out properly.

(2) A moderator must work with an assessor to ensure the quality and consistency of external VET assessment.

(3) The roles and responsibilities of the moderator include -

- (a) reviewing and sampling the results for practical assessments confirming that -

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- (i) there is evidence to support the results;
- (ii) the results are fair;
- (iii) the performance of each candidate is recorded accurate; and

[The word “accurate” should be “accurately” to fit the sentence structure.]

- (iv) the marks of candidates are correctly tallied;
- (b) liaising with the assessor and assessment coordinator to clarify information on assessment tools, recording sheets or result sheets;
- (c) providing constructive feedback to the assessor and assessment coordinator, where appropriate;
- (d) confirming, completing and signing result sheets and provide result sheets to the assessment coordinator for submission to the NTA; and

[The word “provide” should be “providing” to fit the sentence structure.]

- (e) identifying and reporting to the NTA any malpractice in the assessment process, such as, but not limited to -
  - (i) unplanned environmental, personal or other problems which may interfere with the performance of candidates;
  - (ii) suspected or proven irregularities committed by a candidate or any other person during the assessment;
  - (iii) any suspected or proven bribery, threat or harassment of a candidate or by a candidate; and
  - (iv) any grounds for doubting the authenticity of the assessment evidence presented during the assessment process.

**Registration of moderators**

**19.** (1) A person may, in writing, make an application to the NTA to be registered as a moderator.

- (2) The application referred to in subregulation (1) must be accompanied by -
  - (a) a certified copy of the identity document or passport of the applicant;
  - (b) a detailed curriculum vitae of the applicant;
  - (c) a certified copy of statement of results of the applicant or certified copy of competence certificate of the applicant;

[Several articles appear to have been omitted in this provision, which should read “a certified copy of the statement of results of the applicant or a certified copy of the competence certificate of the applicant”.]

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- (d) a certified copy of the qualification of the applicant, and where applicable, proof of the NQA evaluation of the qualification; and
  - (e) proof of payment of the application fee for registration as a moderator set out in regulation 43(3)(a).
- (3) The NTA may only register a person as a moderator if the person -
- (a) is certified in a unit standard 115759/800 or equivalent moderation unit of learning or standard;
  - (b) is certified in unit standards 115755/338 and 339 or equivalent assessment instrument design unit of learning or standard;
  - (c) has three years technical experience relevant to the qualification and area of assessment;
  - (d) has a qualification in the subject area which is one level higher than the qualification level to be moderated; and
  - (e) has experience in conducting a minimum of three outcome-based assessment.

[The word “assessment” should be plural since it refers to three assessments.]

(4) After a person is registered as a moderator, the person must undertake a CPD with respect to pedagogical and technical skills to maintain his or her registration in terms of these regulations.

**Deregistration of assessment practitioners**

20. (1) An assessment practitioner may be deregistered if the practitioner -
- (a) practices any form of discrimination or commits any act of harassment;
  - (b) fails to keep confidentiality in relation to assessment;
  - (c) fails to conduct himself or herself with integrity and professionalism;
  - (d) submits false or fraudulent claim for remuneration relating to assessment;

[The word “a” appears to have been omitted before the phrase “false or fraudulent claim”.]

- (e) receives or offers financial incentives in relation to assessment;
- (f) misrepresents on the scope of assessment or the competency of a candidate; or

[The word “on” after the word “misrepresents” is superfluous.]

- (g) acts in any way that prejudice the reputation of the NTA, other assessment practitioners or the assessment and certification process.

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(2) Before an assessment practitioner is deregistered in accordance with subregulation (1), the NTA must give the assessment practitioner an opportunity to be heard and the NTA must consider any issues raised by the practitioner before the NTA may deregister the practitioner.

**Assessment coordinators**

**21.** (1) An assessment coordinator is responsible for managing an assessment and the certification process.

- (2) An assessment coordinator -
- (a) manages activities in each stage of an assessment process;
  - (b) daily coordinates activities in each stage of an assessment process and processes relating to certification and review of grievances; and
  - (c) acts as the point of contact between a VTP, the NTA and other stakeholders with regards to assessment and certification.
- (3) The roles and responsibilities of an assessment coordinator include -
- (a) in the pre-assessment stage -
    - (i) verifying the assessment readiness of candidates by -
      - (aa) using the outcome of internal assessment; or
      - (bb) conducting an interview and review of a portfolio, in cases of RPL applicants;
    - (ii) registering candidates who meet assessment requirements;
    - (iii) scheduling the assessment calendar for a VTP or liaising with the NTA on the establishment of a national calendar for assessment;
    - (iv) appointing from the database the assessors, moderators and invigilators, as appropriate, in consultation with the ACD;
    - (v) organising venues, equipment and materials required for the assessment;
    - (vi) receiving and accessing the NTA assessment tools and store the tools securely; and
- [The word “store” should be “storing” to fit the sentence structure.]**
- (vii) providing comprehensive assessment information to candidates, assessment practitioners and any other person involved in the assessment;
- (b) in the actual assessment stage -
  - (i) organising or assisting with the preparation of assessment venues, equipment and materials for theoretical and practical assessment;

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- (ii) collecting and accounting for assessment tools and documents from the ACD;
- (iii) providing all relevant materials to assessors and moderators assigned to the assessment; and
- (iv) noting and reporting any instance of malpractice to the VTP and the NTA;
- (c) in the post assessment stage -
  - (i) collating results supplied by moderators for candidates;
  - (ii) entering the results into the VTP database and upload the results to the national assessment database or provide the results electronically to the NTA;
  - [The words “upload” and “provide” should be “uploading” and “providing” to fit the sentence structure.]**
  - (iii) checking that the names and other relevant information of candidates are complete and accurate; and
  - (iv) forwarding reports of moderators to the NTA.

**Invigilators**

- 22.** (1) For a person to work as an invigilator within the VET system, the person must -
- (a) be trained in conducting theory or knowledge assessment; and
  - (b) work under the supervision of an assessment coordinator.
- (2) An invigilator, working under the supervision of an assessment coordinator, must -
- (a) conduct the pre-assessment interview and briefing session for candidates relating to the relevant theory or knowledge test, but may not conduct practical assessment including the pre-assessment interview or briefing session for practical assessment;
  - (b) prepare and conduct the theory or knowledge test including -
    - (i) following the sealing procedures for scripts or theory papers;
    - (ii) checking the identity and registration details of candidates;
    - (iii) organising and administering seating arrangements of candidates;
    - (iv) handling late arrivals, early departures and requests to leave the assessment venue by candidates in cases of personal needs;
    - (v) dealing with emergencies;
    - (vi) recording and dealing with instances of malpractice; and
    - (vii) collecting and storing scripts and other assessment materials.

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**Verifiers**

**23.** (1) A verifier is responsible for checking that an assessment decision is correct and the assessment process is carried out properly.

(2) A verifier must ensure that an assessment decision is made according to the principles governing good assessment.

(3) The verification process must -

- (a) be consistent across all the VTPs;
- (b) be in accordance with the sound assessment practice;
- (c) be recorded properly;
- (d) be moderated; and
- (e) meet the requirements of these regulations.

(4) A verifier must -

- (a) have a thorough knowledge of the VET assessment and certification procedure;
- (b) have successfully completed the applicable training programme for verifiers; and
- (c) work closely with, and report directly to, the ACD.

(5) The roles and responsibilities of a verifier include -

- (a) checking and collating all assessment materials and reports of assessor and moderator that are submitted to the NTA;
- (b) checking at least 10 percent random sample of assessment materials and reports referred to in paragraph (a) in order to -

**[The phrase “at least 10 percent random sample” should be “a random sample of at least 10 percent” to be grammatically correct, as in regulation 34(2)(a) below.]**

- (i) correlate VTP assessment data with the candidate registration data;
  - (ii) compare assessor or moderator results and reports;
  - (iii) check the accuracy of reported results against results on recording sheets; and
  - (iv) verify that materials received indicate that the correct process was followed;
- (c) liaising with assessors, moderators or assessment coordinators in any matter relating to assessment processes, procedures and outcomes;
  - (d) reviewing reports of assessors, moderators and assessment materials and recommends action to rectify any issue identified;



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[The word “recommends” should be “recommending” to fit the sentence structure.]

- (e) undertaking formal site visits or audits to assist the VTPs with continuous improvement, if required; and
- (f) uploading verified assessment results to the national assessment database for the VET.

PART 5

REASONABLE ADJUSTMENTS AND ACCESS ARRANGEMENTS

**Application for reasonable adjustment and access arrangement**

- 24.** (1) A candidate may, in writing, apply to the VTP for -
- (a) reasonable adjustments to be made to the assessment process and assessment materials; or
  - (b) for special access arrangements,

to ensure that the candidate with special needs and equity requirements is not disadvantaged or discriminated against due to his or her physical, social or economic characteristics.

(2) An application referred to in subregulation (1) must be made at the pre-assessment stage in order to ensure that the candidate is not disadvantaged in the assessment.

**Consideration of application for reasonable adjustment and access arrangement**

**25.** (1) On receipt of an application for reasonable adjustment or access arrangement, a VTP must consider the application and may grant or refuse the application.

(2) An application for reasonable adjustment or access arrangement may not be granted if the adjustment or arrangement -

- (a) affects the reliability or validity of assessment outcome;

[The word “the” appears to have been omitted before the phrase “assessment outcome”.]

- (b) gives a candidate unfair assessment advantage over other candidates undertaking the same assessment;

[The word “an” appears to have been omitted before the phrase “unfair assessment advantage”.]

- (c) does not meet a genuine need of the candidate;
- (d) involves unreasonable costs to the NTA or VTP;
- (e) involves unreasonable time frame;

[The word “an” appears to have been omitted before the phrase “unreasonable time frame”.]

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- (f) affects the security and integrity of a unit standard or qualification being assessed; or
- (g) has the potential to jeopardise the health and well-being of the candidate or any other person.

(3) A VTP must ensure that an application for reasonable adjustment and access arrangement is based on firm evidence of a barrier to the assessment, and the VTP must consult the candidate in making the decision for adjustment or arrangement.

(4) A VTP must consider the application for reasonable adjustment or access arrangement on a case-by-case basis after taking into account the need and circumstances of each candidate making the application.

(5) If the application for adjustment is granted, a VTP must forthwith inform the NTA after the granting of the application to ensure the preparation of reasonable adjustment or access arrangement process.

- (6) The notification referred to in subregulation (5) must be made to the ACD at least -
  - (a) six weeks prior to the date of the practical assessment; or
  - (b) 10 weeks prior to the assessment date if adjustment relates to scripts or instructions,

[The word “the” appears to have been omitted before the word “adjustment”.]

and the ACD must acknowledge receipt of the notification within two weeks of receipt of the notification.

(7) The NTA and a VTP must ensure that the adjustment made to the assessment processes and assessment materials or access arrangement does not impinge on the validity of the assessment or alter the expected performance standard.

**Adaptations that may be considered as reasonable adjustment and access arrangement**

**26.** (1) Subject to regulation 25, the following are adaptations that may be considered as reasonable adjustments or reasonable access arrangements -

- (a) adapting assessment materials including modifying language;
- (b) adaptation of the physical environment for access purposes or use of a different assessment venue;
- (c) adaptation of assessment equipment or assessment tools;
- (d) provision of assessment materials in an enlarged format;
- (e) provision of assessment materials in an audio format;
- (f) provision of assessment materials in braille;
- (g) changing or adapting the assessment method;

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- (h) provision of additional time for the assessment;
- (i) provision of a reader, scribe and low vision aids;
- (j) use of assistive software or assistive technology; and
- (k) allowing responding using electronic devices.

(2) If appropriate, a candidate may use mechanical, electronic or other aids in order to demonstrate competence and the aid must be generally available and feasible usable in the assessment venue.

PART 6

CANDIDATES AND ASSESSMENT

**Eligibility of candidates for assessment**

27. (1) A candidate must meet the following requirements for the candidate to be registered for assessment -

- (a) successful completion of internal assessment for the qualification or unit standard; or
- (b) successful completion of an interview and evaluation of a portfolio of evidence for assessment only and RPL candidates.

(2) For a candidate to be registered for assessment, the candidate must pay the applicable assessment fees specified in regulation 43.

(3) A VTP may not register a candidate for assessment unless the candidate has paid the applicable assessment fees.

**Candidates to be assessment ready**

28. (1) A candidate must have a comprehensive information about the assessment and the candidate must be ready to undertake the assessment.

[The word “a” before the phrase “comprehensive information” should be omitted.]

- (2) A candidate must -
  - (a) understand the requirements for the assessment and how he or she is to be assessed;
  - (b) understand the unit standard or qualification the candidate is to be assessed;
  - (c) have experience or practice in the skills, attitudes and knowledge that are to be assessed;
  - (d) attend the pre-assessment interview and briefing sessions by the VTP, which interviews or briefings must include -

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- (i) the roles and expectations of the candidate and the assessor; and
- (ii) information on the assessment venue and equipment to be used during assessment and information on environment, health and safety;
- (e) bring equipment and materials required for assessment, such as assessment tools, uniform, personal protective equipment and writing materials, and ensure that the equipment and materials are in a good working condition; and
- (f) follow instructions as specified by the assessor, invigilator and assessment coordinator.
- (3) A candidate must indicate his or her readiness for assessment by -
  - (a) providing evidence that the candidate has experience or practice in the skills and knowledge that are to be assessed through -
    - (i) internal assessment results; or
    - (ii) a portfolio of evidence and interview in respect of the RPL candidates;
  - (b) completing the candidate assessment-ready form, to be provided by a VTP, which indicates that the candidate -
    - (i) has attended a briefing session or pre-assessment interview about the assessment and what to expect in the assessment;
    - (ii) has been given information about the relevant unit standard or qualification that he or she is to be assessed; and
    - (iii) understands his or her responsibilities and the rules of the assessment.

**Candidates to obey rules for assessment**

- 29.** (1) A candidate must -
- (a) obey and observe all instructions and directions given by an assessor or assessment supervisor;
  - (b) raise his or her hand if the candidate wishes to communicate with an assessor or assessment supervisor during the assessment;
  - (c) remain silent and seated at his or her place at the end of the assessment or until a response assessment material has been collected and the candidate is allowed to leave the assessment venue;
  - (d) when doing practical assessment -
    - (i) follow instructions relating to health, safety and environmental consideration; and

[The word “consideration” should be plural.]

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- (ii) use assessment tools and equipment appropriately to avoid misuse, damage or injury.

(2) A candidate may, in cases of personal needs, be allowed to leave the assessment venue and return to the venue, but the candidate must be reasonably escorted by a person assigned by a VTP during the period of absence.

(3) A candidate may only bring into assessment venue materials and equipment authorised for that assessment and not bring to the assessment venue a mobile phone, laptop, pager, palm pilot, an MP3 player, computerised watches and any other electronic devices capable of storing, receiving or transmitting information or electronic signals, unless authorised by an assessor or assessment supervisor.

[The word “the” appears to have been omitted before the phrase “assessment venue”.]

- (4) A candidate may not -
- (a) cheat or assist another candidate to cheat or gain unfair advantage in an assessment;
  - (b) allow, induce or assist any other person to be present for an assessment on his or her behalf or present for an assessment on behalf of another candidate;
  - (c) attend an assessment while under the influence of alcohol or drugs;
  - (d) except for bottled water, take food or drinks into an assessment venue unless allowed under special pre-approved circumstances;
  - (e) communicate with any other candidate in an assessment unless the communication is allowed during the assessment;
  - (f) cause any nuisance, annoyance or interference to any other candidate, assessor or assessment supervisor during an assessment;
  - (g) remove or tear out any part of a question or task instructions, booklet or script, except if permitted;
  - (h) remove any response materials, used or unused, from the assessment venue; or
  - (i) commence with writing or marking his or her answering paper until instructed to do so by the assessor or assessment supervisor.

(5) A candidate who contravenes or fails to comply with subregulation (3) must, on the instructions of the assessor or assessment supervisor, surrender such device to the assessor or supervisor and the assessor or supervisor must retain the device pending any investigation into the alleged breach of rules for assessment.

#### **Candidates late for assessment**

**30.** (1) A candidate late for assessment may be permitted into an assessment and be allowed the remainder of the assessment time if the candidate is not late more than 25 percent of the allowed assessment time, but no time is given as a reading time.

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(2) If the candidate is late more than 25 percent of the allowed assessment time, the candidate may only be admitted to the assessment venue if -

- (a) the assessment coordinator recommends that the candidate be allowed into an assessment; and
- (b) the candidate completes a written declaration immediately after the conclusion of the assessment declaring -
  - (i) the reason why he or she is late for the assessment;
  - (ii) the time when he or she got admittance to the assessment;
  - (iii) that he or she has not seen or received any information about the assessment content or instructions prior to his or her admittance to the assessment; and
  - (iv) that he or she understands that his or her answer materials may not be accepted if the VTP or the NTA become aware of the candidate malpractice relating to assessment.

[The phrase “the candidate malpractice” does not fit the sentence structure. The context suggests that the intention may have been to refer to “any malpractice by the candidate”.]

- (3) Subject to this regulation, a candidate arriving late for practical assessment may -
  - (a) be allowed to the practical assessment if it can be completed without any disruption to other candidates; or

[A word such as “attend” or “complete” appears to have been omitted after the phrase “be allowed to”.]

- (b) attend a rescheduled assessment at an alternative time if the candidate has a valid reason for the lateness, which must be endorsed by the assessment coordinator.

**Emergencies during assessment**

- 31.** (1) Emergencies include, but are not limited to -
- (a) power failures, emergency evacuations and other disruptive events;
  - (b) printing or collating errors in assessment instructions or question or answer booklets;
  - (c) excessive noise or interference;
  - (d) incorrect interpretation of assessment conditions or rules by assessors or invigilators; or
  - (e) procedural issues with the conducting of practical assessment.

[The word “assessment” should be plural.]

(2) If reasonably possible and practical, an assessor or assessment supervisor must rectify emergencies that are considered as minor at the time of the assessment, such as, but not limited to, the replacing of faulty assessment materials, assessment equipment or tools.

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(3) In the event of emergencies that are considered as major to the conduct of an assessment and that cannot be rectified in accordance with subregulation (2), the assessor, invigilator or assessment supervisor must refer the matter to the assessment coordinator, and the assessment coordinator must notify the NTA of such emergency.

(4) On receipt of the notification referred to in subregulation (3), the NTA must determine whether -

- (a) the emergency warrants an adjustment to the assessment result of a candidates or group of candidates, and if so, the level of adjustment that must be made; or

[The phrase “a candidates” should be “a candidate”.]

- (b) a re-assessment must be scheduled.

(5) Before the NTA makes a determination in accordance with subregulation (4), the NTA may make its own independent enquiries.

PART 7

ASSESSMENT MATERIALS, CONFIDENTIALITY OF ASSESSMENT MATERIALS,  
MODERATION OF ASSESSMENT EVIDENCE AND DECISIONS,  
ASSESSMENT OUTCOMES AND ISSUING OF AWARDS

**Assessment materials**

**32.** (1) A VTP must use the assessment materials developed or approved by the NTA when conducting an assessment.

(2) The development of the assessment materials used in the assessment is coordinated and quality assured by the NTA by using the assessment designers and industry or subject experts.

- (3) The assessment materials include -
- (a) instructions and guidelines for assessors and candidates;
- (b) assessment tools and instruments; and
- (c) documents for recording and reporting of assessment decisions.

**Confidentiality of assessment materials**

**33.** (1) An assessment practitioner or a person entrusted with information and materials relating to an assessment, including assessment results before they are made known to candidates must treat such materials and information as confidential information and documents.

(2) A person referred to in subregulation (1) must ensure that the materials and information relating to assessment are not leaked to any other person and no any other person has access to such materials and information.

[The word “any” in the phrase “no any other person” is superfluous.]

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(3) All materials relating to assessment must be securely stored, handled, dispatched and disposed of in a manner determined by the NTA or a VTP.

(4) Materials, information and data relating to assessments must be recorded accurately, stored securely, backed-up regularly and archived and VTP.

**Moderation of assessment evidence and decisions**

**34.** (1) The moderation of assessment evidence and decisions must be undertaken by a moderator at a VTP at the conclusion of the assessment.

(2) The moderation must cover -

(a) a review of a random sample of at least 20 percent of candidate records and assessment decisions; and

(b) observation of a sample of practical activities undertaken and products produced, if applicable.

(3) In addition to subregulation (2), moderation may include verifying -

(a) the validity of assessment materials;

(b) the quality and reliability of assessment outcome;

**[The word “outcome” should be plural.]**

(c) the practicability of applying assessment materials; or

(d) the consistency of the quality of assessment.

**Assessment outcomes**

**35.** (1) An assessment outcome is reported as “Competent” (C) or “Not Yet Competent” (NYC) in accordance with the requirements specified in national assessment arrangements that accompany the unit standard or qualification.

(2) An assessor, moderator and assessment coordinator must, in accordance with subregulation (1), report the assessment outcome accurately and the evidence to justify the assessment outcome must be specified in sufficient detail for purposes of -

(a) moderation and verification activities; and

(b) any requests for enquiry, re-assessment and review of assessment decision.

**Issuing of awards**

**36.** (1) On successful completion of an assessment by a candidate, the NTA must issue the candidate with the relevant award.

(2) The NTA may only issue an award to the candidate after the award has been endorsed by the SACC.



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(3) An assessor, a moderator and an assessment coordinator must record on the statement of achievement of a candidate credits from any unit standard achieved by the candidate.

(4) For a candidate to be awarded with an award, the NTA must use credits recorded on the statement of achievement of a candidate, and a candidate who has insufficient credit on his or her statement of achievement may not be issued with an award.

(5) A candidate with credits recorded on more than one statement of achievement may present his or her statements of achievement to the NTA for the NTA to calculate the credits and determine whether an award may be issued.

(6) A candidate may apply for the issuing of additional certification documents relating to the award on payment of the applicable fee set out in regulation 43.

(7) The NTA must -

- (a) submit the individual records of a candidate to the NQA for listing on the NQFIMS; and
- (b) store records of a candidate in the VETMIS database and ensure that only authorised personnel of the NTA can access, update or amend the records.

(8) A candidate who has completed an assessment, but who has not paid the applicable fees may not be issued with the results of the assessment or the award.

PART 8

MALPRACTICE, PENALTIES FOR MALPRACTICE AND GRIEVANCES

**Malpractice**

**37.** (1) A VTP, an assessment practitioner, a candidate or any other person must report any instance of malpractice to the NTA.

(2) Instances of malpractice include, but are not limited to -

- (a) the alteration or falsification of any result document, including a statement of achievement and award certification;
- (b) a breach of instructions or advice of an assessor, invigilator, assessment coordinator or the NTA in relation to assessment rules and procedures;
- (c) failing to adhere to the conditions of supervision designed to maintain the security of assessments;
- (d) collusion, by working collaboratively with other candidates beyond what is permitted during an assessment;
- (e) copying from another candidate, including the use of information, communication and technology device to aid the copying;

[The word “a” or “any “ should appear before the phrase  
 “information, communication and technology device”.]

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- (f) allowing work to be copied, such as to post written coursework on social networking site prior to an assessment;

**["The phrase "to post written coursework on social networking site" should be "posting written coursework on a social networking site" to fit the sentence structure.]**

- (g) the deliberate destruction of work of another candidate;
- (h) disruptive behaviour in the assessment venue or during an assessment session, including the use of offensive language;
- (i) exchanging, obtaining, receiving or passing on of assessment information or an attempt to do so by means of talking, electronic, written or non-verbal communication;
- (j) making a false declaration of authenticity in relation to the authorship of assessment, coursework or the contents of a portfolio;
- (k) allowing others to assist in the production of assessment, coursework or assisting others in the production of assessment or coursework without permission;
- (l) misusing or an attempt to misuse the assessment materials, including exemplar materials;
- (m) being in possession of confidential materials before an assessment;
- (n) if notes are permitted in an assessment or in the case of an open book assessment, bringing into the assessment venue notes in the wrong format or inappropriately annotated texts;
- (o) the inclusion of inappropriate, offensive or obscene material in script, assessment, coursework or portfolio;
- (p) impersonation, by pretending to be another person or arranging for another person to be another person in an assessment;
- (q) plagiarism, by the unacknowledged copying from published sources or incomplete referencing;
- (r) theft of work of another candidate;
- (s) bringing into an assessment venue unauthorised materials;
- (t) the unauthorised use of a memory stick, if a candidate uses a computer or word processor; or
- (u) behaving in a manner which undermines the integrity of an assessment.

**Penalties for malpractice**

**38.** If a person has committed malpractice, a VTP, after affording the person an opportunity to be heard, may impose on or more of the following penalties -

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- (a) a warning;
- (b) loss of marks gained for a section;
- (c) loss of all the marks gained for a unit standard;
- (d) loss of all the marks gained for a unit;
- (e) disqualification from the unit;
- (f) disqualification from all units in one or more qualifications taken in the series;
- (g) disqualification from the whole qualification; or
- (h) being barred from for assessment for a period of time.

[The word “for” in the phrase “from for assessment” is superfluous.]

**Grievances**

**39.** (1) Any of the parties involved in the assessment process may lodge a grievance and request for the review of -

- (a) assessment decision;
- (b) malpractice; or
- (c) reasonable adjustment and access arrangement.

[The word “an” should appear at the beginning of paragraph (a) and the word “a” should appear at the beginning of paragraph (c) to fit the sentence structure.]

The reference to a “review of malpractice” in paragraph (b) appears to have omitted some words. It is not clear if this refers to a finding of malpractice or a penalty imposed for malpractice, or both. Note that subregulation (2)(e) refers only to penalties imposed.

It is also unclear from the wording of paragraph (c) whether it refers to the way that a reasonable adjustment and access arrangement was implemented or a request for a reasonable adjustment and access arrangement that was denied, or both. Note that subregulation (2)(f) refers only to the denial of a request for such an arrangement.]

(2) A candidate may lodge a grievance and request for the review as contemplated in subregulation (1) if -

- (a) the assessment method or assessment task differs from the description in the unit standard or qualification;
- (b) the criteria used to evaluate a candidate evidence differs from the stated criteria;

[The phrase “a candidate evidence” should be “the candidate’s evidence” to be grammatically correct.]

- (c) unfair, biased or unethical assessment process or application of assessment criteria has been followed;

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[The word “an” should appear at the beginning of paragraph (c) to fit the sentence structure.]

- (d) the final result is not equal to the aggregate of individual assessment components;
- (e) inappropriate penalty for malpractice has been imposed; or

[The word “an” should appear at the beginning of paragraph (e) to fit the sentence structure.]

- (f) unfair or biased denial of reasonable adjustment or access arrangement has been followed.

[The word “an” should appear at the beginning of paragraph (f) and the word “a” should appear before the phrase “reasonable adjustment or access arrangement” to fit the sentence structure.]

(3) Any request for review lodged under this regulation must be resolved in accordance with regulation 40, 41 or 42.

(4) A person lodging a grievance and requesting for the review of an assessment decision must pay to the NTA the applicable fees set out in regulation 43.

**Lodging of grievances for review to VTPs**

- 40.** (1) A candidate who disagrees with the outcome of -
- (a) the assessment decision;
  - (b) malpractice; or
  - (c) reasonable adjustment and access arrangement,

and who wishes to request for the review of that outcome must submit his or her request, in writing, to the assessment coordinator within 14 working days of receipt of the outcome.

[See the comments regarding the similar provision in regulation 39(1) above.  
The word “for” after the word “request” is superfluous.]

(2) The assessment coordinator must submit the request to the VTP within three working days of receipt of the request from the candidate.

(3) The VTP must consider the request and the reasons for the request and in writing, provide a clear feedback and an explanation of the review of the outcome to the candidate within seven working days of receiving the request from the assessment coordinator.

(4) After the candidate is notified of the outcome of the review, the candidate may agree or disagree with the outcome of the review.

(5) If the candidate disagrees with the outcome of the review, the candidate must notify the VTP and the VTP must submit all documents and recommendation by the VTP for -

[The word “recommendation” should be plural to fit the sentence structure.]

- (a) moderation in accordance with regulation 41, in a case of the review for an assessment decision; or

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- (b) review by the NTA request panel, in a case of malpractice or reasonable adjustment and access arrangement.

**Submission of assessment decision for moderation**

**41.** (1) A VTP must submit all assessment decision relevant documents received in terms of regulation 40 to the moderator within seven working days of receipt of the request for moderation, and the documents must include -

- (a) the original assessment record and candidate assessment evidence; and
- (b) feedback and recommendations by the assessor.

(2) The moderator must consider the review of the decision made in accordance with regulation 40, which involves an evaluation of the -

- (a) assessment evidence and associated records of the candidate;
- (b) rationale for the decision by the assessor;
- (c) opinion of another assessor; and
- (d) opinion of the candidate.

(3) The moderator may -

- (a) recommend that the review decision made by the VTP be uphold; or

[The phrase “be uphold” should be “be upheld”.]

- (b) provide evidence supporting a change to the original decision of the assessor.

(4) A VTP must notify the candidate of the review decision made by the moderator, and the candidate may agree or disagree with the review outcome, and if the candidate disagrees with the review outcome the candidate must request that the matter be referred to the NTA request panel for the review in accordance with regulation 42.

(5) If the candidate disagrees with the review outcome by the moderator as contemplated in subregulation (4), the VTP must, within five working days of receipt of the request from the candidate in accordance with that subregulation, submit all information and documents to the NTA for review by the request panel.

**Review of grievances by NTA request panel**

**42.** (1) If no resolution is reached during -

- (a) the review of malpractice or reasonable adjustment or access arrangement in accordance with regulation 40; or
- (b) the moderation of the assessment decision in accordance with regulation 41,

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the assessment coordinator must forward all relevant documents to the ACD, which documents must include -

- (i) the candidate assessment records;
- (ii) written comments and recommendations from the VTP; and
- (iii) any relevant documents submitted under regulation 40 or 41.

(2) The ACD must, within ten working days of receipt of request for review, convene the NTA request panel, comprising -

- (a) an independent moderator;
- (b) an independent assessor from the relevant discipline or industry sector; and
- (c) a representative of the NTA management.

(3) The NTA request panel must invite the concerned candidate, assessor or moderator to present information to the panel if the panel is of the opinion that additional information may be relevant, and the candidate may be accompanied by his or her representative.

(4) The NTA request panel must consider the request for review and all other relevant documents and may -

- (a) uphold the original decision by the VTP; or
- (b) change the decision based on evidence provided in documents submitted to the panel.

(5) The NTA request panel must, in writing, inform the candidate and the VTP of the decision within five working days after the conclusion of the review.

PART 9

CHARGES FOR ASSESSMENT AND CERTIFICATION

**Fees payable to NTA**

- 43.** (1) The NTA may charge the following assessment fees -
- (a) an amount set out in Item 1 of Part A of Annexure C for assessment or re-assessment of a full qualification level 1 - 4 for group enrolment of four or more candidates enrolled by a VTP;
  - (b) an amount set out in Item 2 of Part A of Annexure C for an assessment or re-assessment of an individual for a single unit standard;
  - (c) an amount set out in Item 3 of Part A of Annexure C for assessment or re-assessment of an individual for a cluster of unit standards; and
  - (d) an amount set out in Item 4 of Part A of Annexure C for assessment or re-assessment of an individual enrolment at qualification level.

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- (2) The NTA may charge the following certification fees -
  - (a) an amount set out in Item 1 of Part B of Annexure C for initial issue of certification or statement of achievement for single or cluster of unit standards;
  - (b) an amount set out in Item 2 of Part B of Annexure C for initial issue of certification or statement of achievement for a full qualification;
  - (c) an amount set out in Item 3 of Part B of Annexure C for the re-issue of statement of achievement; and
  - (d) an amount set out in Item 4 of Part B of Annexure C for re-issue of certification of any other form of certification.
- (3) The NTA may charge an amount -
  - (a) set out in Part C of Annexure C as an application fee for registration as an assessor, assessment designer or moderator; and
  - (b) set out in Part D of Annexure C as an application fee for review of assessment decision to the NTA.

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**ANNEXURES**

**ANNEXURE A**

**PRINCIPLES GOVERNING GOOD ASSESSMENT**  
 (Regulation 6)

**1. Principles governing good assessment**

- (a) Assessment methodologies, processes, decisions and evidence must adhere to the principles governing good assessment set out in this Annexure.
- (b) Assessment must comply with the principles of -
  - (i) Validity: assessment processes must be appropriate to the abilities being assessed and based on the performance expectations and aspect of work set out the relevant unit standard.  

[The word “aspects” should be plural. The word “in” appears to have been omitted before the phrase “the relevant unit standard”.]
  - (ii) Reliability: assessment decisions made by different assessors must be consistent.
  - (iii) Fairness: VTPs must treat candidates in the same manner and candidates must be provided with adequate opportunity to demonstrate competence.
  - (iv) Flexibility: adjustments may be made to the assessment process, tools and instruments to ensure that candidates are not disadvantaged or discriminated against due to their physical, social or economic circumstances.
- (c) Assessment methodologies must be -
  - (i) appropriate for the performance and abilities being assessed, including a mix of practical assessment tasks and associated written or verbal questioning of knowledge underpinning the relevant standards;
  - (ii) fair to all candidates and may not disadvantage, hinder or otherwise limit opportunities for candidates to demonstrate or provide evidence of the ability of candidates;
  - (iii) integrated into learning or workplace activities; and
  - (iv) direct.
- (d) Assessment activities must reflect the conditions of actual performance as closely as possible.
- (e) Assessment processes must be -
  - (i) manageable, straightforward, readily arranged, cost effective and unobtrusive to other activities;



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- (ii) planned and recorded with sufficient rigour to ensure that assessment is fair; and
  - (iii) open and transparent so that candidates understand the assessment process and the criteria that apply and can contribute to the planning and accumulation of evidence.
- (f) Assessment decisions must be based on quality evidence that is gathered and matched against the requirements of a unit standard.
- (g) Quality evidence must be -
- (i) **Valid:** in that it must be sourced from activities that relate to the relevant performance expectations such as the aspect of work described in the relevant unit standard.
  - (ii) **Direct:** in that it must be sourced from activities that match the conditions of performance described in the unit standards as closely as possible.
  - (iii) **Authentic:** in that the evidence presented is attributed to the individual as his or her own work.
  - (iv) **Current:** in that the evidence may be collected over time but must demonstrate current competency, requiring the assessment evidence to be from the present or the very recent past.
  - (v) **Sufficient:** in that it must clearly demonstrate that all criteria have been met and that performance is to the required standard and may be repeated consistently and not be achieved by chance.
  - (vi) **Consistent:** in that the same assessor must make the same judgement in similar circumstances and the judgement made must be similar to the judgement to be made by other assessors.
- (h) The principles governing good assessment apply to all assessment contexts within the VET sector of Namibia.

**2. Operating principles**

- (a) Unit standards registered on the NQF are the benchmarks for assessment.
- (b) The NTA develops and maintains unit standards for occupations in the VET sector.
- (c) Unit standards are used as the basis for designing assessment activities and the making of assessment decisions.
- (d) Assessment for the purposes of issuing an award must be conducted against a unit standard or qualification registered on the NQF.
- (e) Assessments must lead to qualifications and unit standards.
- (f) Awards are issued to candidates who attain unit standards and credit points prescribed for the completion of the award.

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- (g) Statements of achievement must be issued to candidates who attain a single or cluster of unit standards and meet the requirements for the issuing of the complete qualification or who attain a single or cluster of unit standards or meet the requirements for the issuing of the complete qualification.
- (h) VTPs must comply with external moderation and verification arrangements of national provider assessment systems and requirements or inter-provider assessment systems and requirements specified for their scope of accreditation in accordance with the Regulations for the Accreditation of Persons, Institutions or Organisations.
- (i) Assessment processes must be quality assured to ensure the rigour, integrity and consistency of assessment outcomes.
- (j) Quality assurance of assessment is a planned process for ensuring that the requirements of the assessment system are applied in a consistent manner.
- (k) Quality assurance measures apply to the assessment system, assessment process, assessment materials, quality of assessment decisions, assessment practitioners and VTPs.
- (l) Quality assurance measures must be cost effective and sustainable.
- (m) Charges applicable to a range of assessment activities must be fair and transparent and must be paid for specified assessment activities.
- (n) Industry or subject experts must participate in all aspects of the assessment process to accommodate current employer and industry needs and expectations.

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**ANNEXURE B**

**RULES OF EVIDENCE**  
 (Regulation 16(4))

| <b>RULE</b> | <b>EVIDENCE MUST:</b>  |
|-------------|--|
| VALID       | (a) reflect the skills, knowledge and context described in the unit standards or qualification.<br>(b) demonstrate the skills and knowledge in real or simulated workplace situations.   |
| CURRENT     | (a) demonstrate the current skills and knowledge of [the] candidate.<br>(b) comply with current standards.   |
| SUFFICIENT  | (a) demonstrate competence over a period of time.<br>(b) demonstrate competence that is able to be repeated.<br>(c) comply with language, literacy and numeracy levels which match those required by the work task (not beyond). |
| AUTHENTIC   | (a) be the work of the candidate.<br>(b) be able to be verified as genuine.  |

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**ANNEXURE C**

**FEES PAYABLE TO NTA**  
**(Regulation 43)**

**PART A**

1. Up to N\$450 for assessment or re-assessment of a full qualification level 1 - 4 for group enrolment of four or more candidates enrolled by a VTP.
2. Up to N\$160 for an assessment or re-assessment of an individual for a single unit standard.
3. Up to N\$375 for assessment or re-assessment of an individual for a cluster of unit standard[s].
4. Up to N\$900 for assessment or re-assessment of an individual enrolment at qualification level.

**PART B**

1. No fees for initial issue of certification or statement of achievement for single or cluster of unit standards.
2. N\$75 for initial issue of certification or statement of achievement for a full qualification.
3. N\$60 for re-issue of statement of achievement.
4. N\$150 for re-issue of certification of any other form of certification.

**PART C**

N\$150 for an application for registration as an assessor, assessor designer or moderator.

**PART D**

N\$900 for an application fee for the review of an assessment decision to the NTA.