



613/P/000262/2015

City and Guilds Center Approval No.: 848522

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Learner Management Policy



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1. Policy Background

1.1 Purpose of this Policy

The purpose of this Learner Management Policy is to inform all academic staff at NDS Chefs Academy of the policy and principles of the NDSCA Learner Management, from recruitment, selection, contracting of learners to stipends in the case where a learner gets stipend, provision, workplace management, assessment and placement, as well as liaison and reporting to the professional bodies affiliated to.

The aim of this policy is to –

1. establish personal and organizational accountability for Learner Management at NDSCA, and create awareness of the role of learnership management in the organizational business model
2. establish a system of Learner Management for academic staff, as well as clear guidelines on the management of compliance issues such as contractual obligations, employer and grant management, liaison and reporting to the professional bodies affiliated to.

1.2 Legal Base of this Policy

This policy is based on the provisions for

- ETQA Regulations 1127
- Learnership Regulations
- Drugs and Drug-smuggling Act, No. 140 of 1992
- CITY & GUILDS/ SETA Monitoring and Auditing Policy



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- CITY & GUILDS/ SETA Learnership Guidelines

1.3 Terminology used in this Policy

The terminology used in this policy document assumes the following meaning and interpretation:

No	Term	Description
1	Academic	Pertaining to areas of study that are not primarily vocational or applied, as the humanities.
2	Administration	Management of any office, business, or organization; direction.
3	Management	The act or manner of managing, handling, direction, or control.
4	Learnership	Is a formal learning programme that links theoretical learning with structured workplace experience?
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1.4 Supporting Resources to this Policy

This policy must be read in conjunction with the standard documents and templates provided by NDS as outlined in the Quality manual – Document Register. Policies in support of this policy are as follows:

- Administration Management Policy
- Policy on Physical Resource Management

1.5 Stakeholders of this Policy

The following employees of NDS must adhere to the intent and purpose of this policy:

- All NDS academic staff with duties and responsibilities regarding academic functions, with particular reference to staff managing learnerships, from learner management, provision, assessment and moderation, as well as workplace monitoring.



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2. Learnership Contract Management

2.1 Policy – Employer Contract Management

- Employer Contract Management (Application, employer/provider contracts, employer liaison meetings and reports)

Sourcing and Accepting of contracts with CITY & GUILDS/ SETA, QCTO and Employer
Contract signed between employer and provider (NDSCA)

Academic Manager – learner contracts signing, posting to CITY & GUILDS/ SETA, QCTO and administrative management

Application via employer or directly to CITY & GUILDS/ SETA/ QCTO as provider,
NDS not employer – places learners with host employers
Sub-contract via primary employer / provider as secondary provider

2.2 Employer Selection

How are employers selected for partnerships – based on relationship history / credibility / scope of business enterprise in line with learnership requirements?

Partnership criteria – negotiation of roles and responsibilities in learnership agreement

Scope and role definition defined during negotiations and roles agreed to – division between work and provision roles of learner and contract partners related duties.

2.3 Employer Contract Management



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Coordinators monitor workplace component and liaises with appointed workplace supervisors or appointed mentors to report progress on learnership workplace. Academic manager monitors liaison and deals with employer counterpart

Meetings with host employer through Coordinators and reports drafted for visits to Academic Manager.

Visits must take place at least once every 2 months, but more often where problems are experienced.

Monitoring and management of contract obligations, liaison – meetings and reports (frequency and formats)

2.4 Employer Financial Management

CITY & GUILDS/ SETA pays employer – Directors responsible for financial management.

Stipends – paid by employer, unless contractual agreement with employer to take over certain duties as host employer, i.e. stipends.

Directors manages finances agreement as per contract monitoring and management of funds.



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3. Learnership Programme Management

3.1 Policy on Learnership Programme Management

Roll out policy as follows:

All learnerships:

Learnership Induction programme with learners and employer staff.

Roll out schedule done by coordinators before induction programme.

3.2 Programme Roll out

Who and how is planning done and scheduling, liaison with employer (Department Managers and Coordinators) on roll out and agreement for release of learners – Department Managers

Monitor implementation schedule – Academic Manager

Project plan updates, monitoring and review during learnership roll out.

3.3 Workplace Monitoring and Assessment

Structuring of workplace component, monitoring of learners on site, liaison with workplace supervisors and assessors, collection of evidence on site, access to learners. Monitoring of provision – system, frequency. Coordinators and Departmental Managers

Assessors conduct assessments, scheduled by coordinators.

Class assessments done by facilitator



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3.4 Programme Adjustments

Academic Manager ONLY may change on written application from coordinators and employer contact.

Department manager communicates change to employees and ETD staff where applicable.



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4. Learnership Learner Management

4.1 Policy on Learnership Learner Management

Get learners from employer – assist in diagnostic assessment

Advise client on suitability of the candidate

Policy statement on learnership learner management

NDS policy is to run both funded and non-funded learnerships.

Funded:

Application via employers or direct application to CITY & GUILDS/ SETA.

CITY & GUILDS/ SETA learnerships in defined learning areas – CITY & GUILDS/ SETA, MAPPP, Services CITY & GUILDS/ SETA, HWCITY & GUILDS/ SETA, CETA, LGCITY & GUILDS/ SETA

4.2 Learner Recruitment, Selection and Entry

Admissions to a learnership programme are carried out within the provisions of the general law and government policies relating to admissions into a learnership and skill program.

The learners must be at least 18 years old and the unemployed learners should be at least under the age of 30. The qualification must be at least Grade 11.

4.3 Learner Contracts

When learners sign their learnership registration form, they subject themselves to the rules and regulations of the employer/ industry, of which these Learner Regulations form part.



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4.4 Learner stipends and work allocation

How who managers, liaison with workplace

4.5 Learner Support

Types of support above normal policy, workplace interventions, including appeals and complaints.

Guidance with respect to enduring assistance with regard to adapting to structured learning, relationships, and emotional and other personal problems.

4.5.1 Orientation Programme

During the orientation period for learners, NDS offers an induction programme for a period determined by the Training Manager, with the purpose of familiarising unemployed learners with the new circumstances and environment so that they may acquaint themselves with academic and social matters as soon as possible.

4.6 Learner Conduct

All staff members and learners share the responsibility of ensuring that learners comply with the rules and regulations of the NDS Chefs Academy and the employer.

Formal disciplinary measures may be implemented by the Business Manager and the Departmental Manager, and NDS representative, the Learner committees or any other disciplinary bodies, in accordance with the procedure prescribed in the Regulations for Learner Discipline.

A learner commits a transgression if he/she transgresses any rule of these regulations or any of the NDS policies.



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4.6.1 General Conduct

1. Learners must conduct themselves everywhere and at all times in such a way that the NDSCA is not discredited.
2. A learner commits a transgression if he/she commits the following:
 - a. Dishonest behaviour.
 - b. Violent behaviour.
 - c. Immoral behaviour.
 - d. Any behaviour that harms or may harm the honour or good name of others.
 - e. Supplying essentially false information about the NDSCA.
 - f. Making statements to the press or any other organisation in which learners maintain that they are acting on behalf of the NDS CHEFS ACADEMY organisation.
 - g. Any behaviour that constitutes elements of common-law or statutory crimes.
 - h. Insubordinate behaviour
3. Learners must conduct themselves everywhere and at all times in such a way that they do not disrupt order and discipline at the NDSCA in any way.
4. Learners must refrain from undisciplined conduct towards staff.
5. Learners must respect the human dignity of their fellow-learners.
6. Learners may neither organise nor participate in learner action if such action might harm the image of the NDSCA, cause damage or inconvenience to other people or if such action interferes or might interfere with the academic work of other learners or staff or with the functioning of the NDSCA.
7. A right to organise demonstrations and to deliver petitions is recognised. If learners want to organise a march, demonstration or partake in a similar event, they must apply for permission for such action in writing to the Executive at least ten (10) working days before the date of the action.
8. In considering the application, the Executive takes into account whether or not the action might:
 - a. Harm the image of the NDSCA;
 - b. Cause damage or inconvenience to other people;
 - c. Interfere with the academic work of other learners or staff; and
 - d. Interfere with the functioning of the NDSCA.
9. Learners may neither intimidate fellow-learners or NDSCA staff nor participate in intimidatory action in a way that infringes or might infringe upon their rights.



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4.6.2 Alcohol

Learners commit a transgression if they contravene the rules and regulations of the NDSCA as a result of alcohol abuse.

4.6.3 Prohibited dependence-forming drugs

Learners may not illegally possess and/or use any prohibited dependence-forming drugs as described in the *Drugs and Drug-smuggling Act, No. 140 of 1992*, on NDSCA premises, on any official tour or excursion of the NDSCA. Learners must not be found to be under the influence of drugs in any of the said places.

4.6.4 Academic integrity

- Learners must attend all lectures, group classes, seminars, tutorials, practical classes and excursions.
- Learners must complete all their prescribed work and write all tests.
- Learners must comply with the regulations pertaining to the control of examinations and class tests.
- During assessments, learners may not:
 - Help or try to help other learners;
 - Obtain or try to obtain help from other learners;
 - Obtain or try to obtain information or help from any written source or other means except that which is expressly permitted by the invigilator or the relevant lecturers.
- Learners may not submit any written assignment/essay to a lecturer for assessment if they have included the entire work or considerable sections of essentially unchanged extracts from the work of another learner or from another source without recognition of the source and of the extent of the inclusion thereof.

4.6.5 Theft and related transgressions

Learners may not intentionally, negligently or without permission remove any property of the NDS or of any other person.



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Learners may not commit fraud or theft, or participate in any action that constitutes an element of dishonesty. For anything missing from their tool boxes in the practical classes learners are to sign a liability for from NDSCA.

4.6.5 Damage to property

Learners may not intentionally or negligently destroy or damage property that belongs to the NDSCA or any other person.

Learners may not in any way write, draw or scratch on the walls or pillars of the NDSCA or on other parts of NDSCA property.

4.6.6 Language

Learners are expected not to use improper language. They should remember that members of the public are around the college at all times and that many of them also understand South Sotho and Afrikaans. Improper language such as swear words and foul language are therefore not permitted on campus.

4.6.7 Relationship with Staff

Learners may in no way interfere with the work of the staff, training unit or maintenance department.

Any complaints regarding staff must be lodged with the Learner Council. The Learner Council must report such complaints to the Academic Manager or if not possible, to the Training Unit Manager.

4.7 Learner Rights in freedom of expression

4.7.1 Holding of Meetings and Functions

The right to hold a meeting or function at the college premises is recognised. If the learners wish to organise a meeting or function on collage premises, they must apply for this in writing to the Executive at least ten (10) working days before the date of the event. In considering the application, the Executive will take into account whether or not the event might:

- Harm the image of the NDSCA;



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- Cause damage or inconvenience to other people;
- Interfere with the academic work of other learners or staff; and
- Interfere with the functioning of the NDSCA.

No unapproved meetings may be held.

4.7.2 Distribution of Publications

The right to distribute documents and publications at the college is recognised. If learners wish to distribute documents and publications at the college, they must apply for this to the Executive in writing before 10 days to distributing publication. In considering an application, the Executive will take into account whether or not the distribution of documents and publications might:

- Harm the image of the NDSCA;
- Cause damage or inconvenience to other people;
- Interfere with academic work of other learners or staff; and
- Interfere with the functioning of the NDSCA.

If learners wish to distribute a publication containing the name of the NDSCA outside the NDSCA, they must apply to the Executive in writing. In considering such an application the Executive will take into account the conditions stated in this document.

4.7.3 Petitions

The right to draw up a petition is recognised. The right to draw up a petition may be revoked if it might harm the image of the NDSCA, cause damage or inconvenience to other people, or interfere with the academic work of other learners or staff or with the functioning of the NDSCA.

4.7.4 Enterprises

Written permission must be obtained from the Executive for any enterprise embarked on by learners in the name of/or under the auspices of NDSCA. Applications will be handled according to the criteria laid down by the Executive.

4.7.5 Giving Information

Nobody may provide a list of names or personal details of learners to any institution, or individual, whether inside the NDSCA or outside, without the written consent of the Academic Manager of NDSCA.



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4.7 Learner Transgressions

A learner of the NDSCA shall be subject to such disciplinary measures as determined by the rules made by the host employer and NDSCA through contractual agreement.

Serious problems such as the possession of fire arms, sexual harassment, rape, vandalism, security, assault, and all such issues which are a threat to discipline and order of the college or may have permanent effect on learners, shall be handled by the Council Disciplinary Hearing Committee.

A learner transgresses if he/she:

- damages or destroys NDSCA property purposely or negligently or removes it without permission;
- brings legal or illegal drugs illegally or uses them illegally or has them in his possession;
- purposely gives false information to the press or makes a statement to any person;
- does not adhere to any internal residence rules which have been or a approved by the Learner Council;
- neglects his studies;
- intimidates a fellow learner or NDSCA staff member for whatever purpose or participates in any intimidatory act;
- Contravenes any rule, ban or stipulation of this constitution, or fails to adhere to it.

11.31 Interpretations and Amendment

The interpretation which the Executive gives to this Learner Code of Conduct is considered to be the correct interpretation unless the Executive determines otherwise.

This Learner Code of Conduct can only be amended by the Executive in consultation with the Academic Manager. Pending such amendment, the Executive can suspend any stipulation of this constitution.



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4.7 Disciplinary Measures

4.7.1 Supervision and control of learner disciplines.

If a learner is found guilty of a contravention of this constitution, the NDSCA management in conjunction with the host employer concerned can impose any punishment agreed upon after a disciplinary hearing.

If found guilty, a learner has the right to appeal to the Executive of NDSCA. Such appeal must be made in writing within 48 hours of the learner being notified of the verdict.

4.7.2 The Disciplinary Hearing Committee

The Disciplinary Hearing Committee consists of the Learning co-ordinator (chair person), one member of the Learner Committee, the learner counsellor, a secretary, the staff member in charge of the section where the complaint comes from, should that member not be on the committee, and in the case of academic discipline, the learnership co-ordinator. In the case of work-based learning discipline, the manager of the Halyards Hotel.

4.7.3 The Learner Counsellor

The learner counsellor shall advise any learner who has requested assistance with regard to any action which falls within the jurisdiction of the Disciplinary Committee.

The learner counsellor may assist a learner who has requested him to do so in the formulation of a written statement of defence or evidence.

4.7.4 Contents of Summons

Unless otherwise instructed by the Disciplinary Committee the summons shall before issue be endorsed with full particulars of the alleged misconduct and shall include details of the time and place of the Disciplinary Committee hearing, which shall under normal circumstances be not sooner than five (5) working days after service of the summons but under serious circumstances.

However a Disciplinary Committee hearing can be held immediately, and a notice drawing the defendant's attention to the fact that it is his right to submit written statements in his defence and/or submit the names of witnesses he intends calling - such submissions to be made to the secretary of the Committee not later than twenty four (24) hours before the date and time set for



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the hearing) and a notice that the defendant will be tried in absentia should he fail to attend the hearing.

The summons shall also show the surname and initials of the accused as well as his address and learner number.

The summons shall be signed by the secretary of the Committee.

4.7.5 Service of Process

Any process shall be served by hand or handed over in the lecture hall by an employee of the NDSCA and a witness, or by placing a copy of such process in an envelope and addressing and posting it by pre-paid registered letter to the residential address provided either on the most recent application form completed by the learner for the purpose of registration or in any later written notice to the NDSCA of a change of address.

In the case of such service it shall be assumed that the learner received that process and particulars within five (5) working days of the date of posting thereof, regardless of whether the learner still resides at the address concerned.

The employee serving any process shall deliver the appropriate correspondence to the learner concerned, who will in then sign an attached copy of the correspondence and thereon, enter the date on which the correspondence is delivered, as proof of receipt. The mentioned copy will thereafter be submitted to the secretary of the Committee, by the employee serving the process, as proof that the process had been successfully terminated.

4.7.6 Proceedings of the Disciplinary Committee

Persons allowed at a Disciplinary Hearing

No *legal representation of the learners shall be allowed* at the hearing of the Disciplinary Committee and the only persons that may be present at a hearing of the Disciplinary Committee are:

- the members of the Committee,
- any members of the staff assisting in the process of the Committee,
- the pro forma prosecutor,
- the accused, and
- person(s) called as witness(es), with the provision that they may only be present whilst they are giving evidence,



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In particular complex disciplinary cases or where a disciplinary committee requires special expertise, the Chief Executive Officer may appoint an ad hoc member, but in an advisory capacity only. Such a member may be appointed on the initiative of the Chief Executive Officer, or in consequence of representations by any member of the accused learner.

4.7.7 Hearing in Absentia

The hearing of a learner may be held in absentia if such learner after being notified under these rules, neglects or fails to appear before the Disciplinary Committee concerned at the appointed time and the proceedings of the Disciplinary Committee shall not be invalidated as a result thereof

If a learner charged with misconduct interferes with or obstructs any proceedings of a disciplinary committee, or refuses to carry out an instruction of the Committee, the chairman may request the person to withdraw from the proceedings, which may then continue in his absence.

4.7.8 Rights of the accused learner and powers of the prosecutor

The accused learner shall have the right to:

- examine any written documentation, or acceptable copies thereof, which relates to the hearing and, subject to such conditions as may be laid down by the Prosecutor or a person authorised by him,
- give evidence himself,
- call witnesses or have them called by the person assisting him,
- examine, or have examined the witness(es) testifying against him, and his/her own witness(es) ,
- argue his own case or have it argued after all the evidence has been led,
- lead evidence in mitigation of any disciplinary sentence(s) that may be imposed upon him or have such evidence lead, and/or
- address the Disciplinary Committee, or have it addressed, on any disciplinary sentence(s) which may be imposed upon him.

A learner who does not wish to attend the hearing personally, may submit a written, signed statement which statement will be deemed to contain his/her entire testimony, and which will have been deemed to have afforded him/her the opportunity to attend and defend himself/herself.



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A learner who has been found guilty of any offence has the right to appeal to the Chief Executive Officer in writing within seven working days after his/her hearing and have his/her name cleared if proved not guilty.

The Prosecutor may:

- call witnesses and examine and re-examine the witness(es) giving evidence against the accused learner;
- examine the accused learner, if he gave evidence, as well as any other person who testified on behalf of the accused learner and
- argue the disciplinary case after all the evidence has been led.

At the conclusion of the hearing of evidence the Disciplinary Committee, shall retire to deliberate.

The decision of the Disciplinary Committee shall be communicated to the Executive in writing as soon as possible after the hearing.

The judgement of the Disciplinary Committee shall be confirmed to the accused if present and in any event shall be confirmed in writing as soon as possible.

The Disciplinary Committee may:

- suspend any punishment on such conditions as it may deem fit,
- postpone the passing of sentence for such period as it may determine,

4.8 Learnership Grievance Procedure

- The learner shall first verbally raise the grievance. If the learner so wishes, he/she can be assisted by a representative.
- If the grievance has not been resolved within 24 hours of its having been lodged with the immediate Learner Representative Council (LRC) or Training Manager, the learner shall complete the grievance form in triplicate, outlining the pertinent facts and the solution desired.
- If the grievance is resolved, the solution shall be recorded on the grievance form by the Training Manager. The learner shall sign the grievance form thereby indicating that he/she has accepted the solution as set out.
- The grievance form shall also be signed by the representative in the presence of the learner.
- The Training Manager will place the form in the learner's personal file, for record purposes.



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- If the grievance is not resolved and the learner wishes to take the grievance further, he/she may take the grievance to the next level.

The following are the formal procedures that may be followed in the event of problems not being resolved informally.

These are:

- A learner may take a contractual dispute to the Commission for Conciliation, Mediation and Arbitration (CCMA) or Labour Court. Breach of contract, unfair dismissal, non-payment of a learner allowance etc. are all issues that, if they cannot be resolved informally or via internal procedures, will need to be referred to the CCMA or Labour Court.
- Where there is a problem related to the quality of the education and training in the Learnership (either the formal education and training or the structured workplace component) the concern should be communicated to the CITY & GUILDS/ SETA, and the relevant ETQA will intervene.
- Where there are grounds for variation or termination of the agreement (the learner leaves, the employer or provider ceases to exist, or other substantial reason) then a formal request needs to be made to CITY & GUILDS/ SETA or specific CITY & GUILDS/ SETA.
- Learners who become pregnant may be allowed to continue with their studies at the NDS. The NDS accepts no responsibility, financial or otherwise, for learners falling pregnant.

The NDS is not responsible for any medical expenses due to illness, injury or pregnancy.

6. Policy Maintenance

6.1 Policy Statement – Maintenance



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The Academic Manager is responsible and accountable for managing and overseeing the implementation and review of the Learner Management Policy, processes, and administrative support.

The Policy on Learnership Management will be reviewed annually on the following basis:

- Achievement of quality objectives and performance indicators
- Feedback from operational reports and audits conducted during the course of implementation over a year period

6.2 Quality Objectives and Quality Indicators of this Policy

NDS shall annually, after consultation with its internal staff resources:

1. determine measurable quality objectives for Learnership Management based on development and management of ETD staff.
2. communicate and explain the approved quality objectives and performance indicators clearly to relevant staff.

6.3 Costing of Policy Implementation

The NDS undertakes to conduct a review of the cost of implementation of the Learnership Management Policy on an annual basis.

Elements of cost that will be considered include, but not limited to the following:

1. NDSCA staff – percentage of time spent on implementation
2. Cost, efficiency and effectiveness of administrative systems