




**CULTURE, ARTS, TOURISM, HOSPITALITY & SPORT SECTOR EDUCATION
AND TRAINING AUTHORITY**

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Executive Manager Recommendation (Compliance check)

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Accounting Authority (AA) Approval


Name of AA Person	Mr. David Themba Ndlovu	Signature	
Designation	Chairperson of the Board	Date	15/01/2021
AA Decision Number	MG-PL-2021		

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1. INTRODUCTION

This policy creates an enabling framework and environment for the application, claiming and disbursement of mandatory grant payments by all qualifying CATHSSETA levy-paying employers.

2. DEFINITIONS

In this policy, unless the context indicates otherwise:

Accounting Authority	The Board (or Board of Directors) of CATHSSETA.
Accounting Officer	The Chief Executive Officer of CATHSSETA.
Acting Appointment	A temporary appointment, normally not exceeding a period of six (6) months, in a higher or similar graded post, which is necessitated by the temporary absence, or resignation of the regular incumbent of that position, or the non-filling of a vacancy.
Appeals Committee	The internal CATHSSETA Appeals Committee appointed by the CATHSSETA Accounting Officer to appeal the decision not to award a mandatory grant to a mandatory grant applicant.
Approval Date	Date on which the CATHSSETA Board approved the policy.
Commissioner	The Commissioner for SARS appointed in terms of section 6 of the South African Revenue Service Act, 34 of 1997.
Compilation Date	The date on which the policy was compiled.
DHET – SOP	The Department of Higher Education and Training Standard Operating Procedure – Guidelines on the Classification of Employers with SETAs and the Inter-SETA transfer of Employers and Skills Levies.
Discretionary Grant	The monies allocated within the CATHSSETA to be spent on discretionary grant projects, as stipulated by regulation 6 of the Grant Regulations; the grant is used by the SETA to implement the Sector Skills Plan in collaboration with the sector.
Duly Authorised Person/Agent	A person who has the authority or is delegated to sign a document.
Employee	Any person, excluding an independent contractor, who works for CATHSSETA and receives remuneration.
Employer	CATHSSETA is the employer.
Executive Authority	Ministry of Higher Education and Training (or the Minister).

Grant Regulations	The Sector Education and Training Authorities (SETAs) Grant Regulations published under Government Notice R990 in Government Gazette 35940 of 3 December 2012, as amended.
Inter SETA Transfer of an Employer	The transfer of an employer who has been classified by the Commissioner of South African Revenue Services (SARS) from one SETA to another SETA.
Inter SETA Transfer of Skills Levies	The transfer of skills development levies that have been allocated from one SETA (in terms of section 8(3)(b) of the Skills Development Levies Act, 9 of 1999) to another SETA.
IST	Refers to Inter SETA Transfer.
Large Employer	A levy-paying employer employing 50 or more employees.
Levy-Paying Employer	An employer who is compelled to pay skills development levies in terms of section 3(1) of the Skills Development Levies Act.
Line Manager	The manager to which an employee(s) reports in a specific department or division.
Management	Junior, middle or senior managers at CATHSSETA.
Mandatory Grant	Funds designated as mandatory grants, as stipulated in regulation 4 of the Grant Regulations.
Mandatory Grant Application	An application submitted on or before 30 th April each year in the minimum prescribed format contained in Annexure 2 to the Grant Regulations.
NQF	The National Qualifications Framework contemplated by the National Qualifications Framework Act, 67 of 2008.
NSDP	National Skills Development Plan.
PIVOTAL	An acronym which means professional, vocational, technical and academic learning programmes that result in qualifications or part qualifications on the National Qualifications Framework, and as stipulated in the Grant Regulations.
Policy	A course or principle of action adopted or proposed by CATHSSETA.
Policy Title	Name of policy.
Policy Code	A code name for a policy.
Policy Number	The chronological order of all CATHSSETA policies.
Procedure	Established or official way of doing something.
PP	PIVOTAL Plan.

PR	PIVOTAL Report.
Review Date	Date on which the policy was reviewed.
SARS	The South African Revenue Service, established by Section 2 of the South African Revenue Service Act, 34 of 1997.
SDF	Skills Development Facilitator, as described at paragraph 8.1 of this policy.
Skills Development Act	The Skills Development Act, 97 of 1998.
Skills Development Levies Act	The Skills Development Levies Act, 9 of 1999.
Small Employer	A levy-paying employer employing less than 50 employees.
Online system	The SETA Management System.
SSP	The Sector Skills Plan of CATHSSETA as contemplated in sections 10(1) (a) and (b) of the Skills Development Act.
Submission Date	The 30 th April of every year.

3. LEGISLATIVE FRAMEWORK

The following legislation is relevant to this policy:

Basic Conditions of Employment Act 75 of 1997
Employment Equity Act 55 of 1998
Labour Relations Act 66 of 1995
Occupational Health and Safety Act 85 of 1993
Public Financial Management Act 29 of 1999
Public Service Act 103 of 1994
Skills Development Act 97 of 1998
Skills Development Levies Act 9 of 1999
The Constitution of the Republic of South Africa 1996

4. SCOPE OF APPLICATION

This policy applies to all levy-paying employers within CATHSSETA's gazetted sectors and relevant CATHSSETA employees.

5. PRINCIPLES

- 5.1 CATHSSETA is required to ensure the payment of mandatory grants is in accordance with the Skills Development Act, Skills Development Levies Act, Grant Regulations and all other applicable laws.
- 5.2 CATHSSETA is committed to the promotion of NQF registered and quality assured programmes that address priority scarce and critical skills, identified in the CATHSSETA SSP.
- 5.3 CATHSSETA aims to improve the quantity and quality of labour market information received and processed from levy-paying employers.
- 5.4 CATHSSETA strives to ensure timeous payment of mandatory grants to all levy-paying employers who meet the relevant eligibility requirements and assessment criteria, in terms of applicable law.
- 5.5 CATHSSETA Accounting Authority can exercise its discretion on matters in the policy subject to the framework in Section 5.1 of the policy.

6. ELIGIBILITY FOR PAYMENT OF MANDATORY GRANTS

- 6.1 CATHSSETA shall not pay a mandatory grant to a levy-paying employer, unless the levy-paying employer:
 - 6.1.1 has registered with the Commissioner in terms of section 3(1) of the Skills Development Levies Act;
 - 6.1.2 has paid all levies due directly to the Commissioner in the manner and within the period determined in section 6 of the Skills Development Levies Act;
 - 6.1.3 has submitted a mandatory grant application which has been signed by a duly authorised person by the submission date and in the format required by CATHSSETA and the Grant Regulations;
 - 6.1.4 satisfies the evaluation criteria established by the CATHSSETA as described in paragraph 7 of this policy; and
 - 6.1.5 is up to date with the levy payments to the Commissioner at the time of approval and in respect of the period for which an application is made.

6.2 To the extent that levy-paying employers have recognition agreements with trade unions:

6.2.1 evidence will need to be provided that the information submitted to the CATHSSETA for the purposes of a mandatory grant application has been subject to consultation with such recognised trade union(s);

6.2.2 unless an explanation is provided, the mandatory grant application must be signed off by the labour representative appointed by the recognised trade union(s); and

6.2.3 proof of the recognition agreement must be submitted to CATHSSETA.

6.3 Levy-paying employers with 50 or more employees need to establish a Training Committee for active participation in workplace skills development matters. It is therefore very important for employers to ensure that Training Committees are established in workplaces and actively and effectively carry out their responsibilities.

6.3.1 As CATHSSETA requires that the Training Committee must be A minimum Of 5 members consisting of:

6.3.1.1 Two (2) people representing the Employer (Management);

6.3.1.2 Two (2) people representing Employees (e.g. normal employees, shop stewards or union representative); and

6.3.1.3 Skills Development Facilitator

6.3.2 Workplace Training Committees must:

6.3.2.1 Ensure that committee members are capacitated on the role, function and objectives of the forum;

6.3.2.2 Ensure the committee meets regularly to deliberate relevant issues and make decisions on all skills development issues;

6.3.2.3 Keep detailed minutes of all meetings held;

6.3.2.4 Keep signed copies of attendance registers from said meetings;

6.3.2.5 The signed minutes and Attendance Registers will serve as proof of consultation and must be retained for site visits by CATHSSETA.

6.4 Failure to meet any of the eligibility criteria described in this policy will be a basis upon which to reject the mandatory grant application.

7. EVALUATION CRITERIA FOR MANDATORY GRANT APPLICATIONS

7.1 Mandatory grant applications considered for evaluation will be scored against the criteria set out in Annexure A.

7.2 CATHSSETA's evaluation criteria are based on the implementation framework for "Good Practices in Skills Development" of the Department of Labour. The aim of the framework is to establish a sustainable national culture of good practices in skills

development and embed good skills development practices as a part of standard organisational practice.

- 7.3. The four pillars of good skills development practices, as set out in the framework are:
- 7.3.1. promotion of training and development of people in the workplace, unemployed and for social development.
 - 7.3.2. building on compliance with legislation, especially the regulatory framework for skills development.
 - 7.3.3. promoting equity in line with the NSDP principles.
 - 7.3.4. promoting accredited training aligned to the NQF.
- 7.4. An Evaluation Committee appointed by the CATHSSETA Accounting Officer shall be responsible for the evaluation of all mandatory grants applications.
- 7.5. Failure to meet the quality standards and criteria set by CATHSSETA shall be a basis upon which to reject the mandatory grant application.

8. PROCEDURE FOR SUBMISSION OF MANDATORY GRANT APPLICATIONS

8.1. Appointment of Skills Development Facilitator

- 8.1.1 A levy-paying employer claiming a mandatory grant should appoint a SDF. The role of the SDF is to serve as the contact person between the levy-paying employer and CATHSSETA.
- 8.1.2 The SDF is responsible for providing strategic guidance, planning and the development of an employer's skills development strategy for a specific period.
- 8.1.3 To be recognised by CATHSSETA, the SDF is required to:
- 8.1.3.1 Register on the CATHSSETA online system;
 - 8.1.3.2 Download the SDF required documents to get the requirements and upload a certified copy of RSA ID or RSA Smart ID card or Passport (for users not holding RSA IDs);
 - 8.1.3.3 Upload Skills Development Facilitator appointment letter on levy paying organisation company letterhead, signed by a duly authorised person within the levy-paying organisation confirming their appointment as SDF ("the SDF authorisation letter").
- 8.1.4 Once the CATHSSETA has received the SDF authorisation letter, the SDF's registration will be accepted and a system-generated letter sent to the SDF. SDFs are encouraged to apply for access on the CATHSSETA system at least 14 working days before Mandatory Grants submission cut-off date.

- 8.1.5 Only once activated will the appointed SDF be able to access information about the employer(s) they have been appointed to represent.
- 8.1.6 CATHSSETA reserves the right to deregister a SDF if there is sufficient evidence that the SDF has been involved in irregularities during the submission process.
- 8.1.7 An employer wishing to deregister an SDF should contact CATHSSETA's Learning programmes unit, to request deregistration of the SDF. The employer shall be required to register a new SDF as per the steps outlined above.
- 8.1.8 Registered SDFs are encouraged to attend advertised workshops conducted by CATHSSETA regarding skills development and mandatory grant submissions including the CATHSSETA Online System Training.

8.2 Utilising the SETA Management System

- 8.2.1 Large employers are required to submit a mandatory grant application that, at a minimum, complies with the format prescribed in the Grant Regulations.
- 8.2.2 Small employers can submit a simplified mandatory grant application as provided by the CATHSSETA.
- 8.2.3 CATHSSETA utilises the CATHSSTA online System. The CATHSSETA online system determines if an employer is small or large. This is tested according to the number of employees and total annual payroll of the levy-paying employer.
- 8.2.4 The forms for both large and small employers are available on the online system. Mandatory grant applications must be submitted electronically, utilising the CATHSSETA online system. CATHSSETA does not accept hard copy or manual grant applications.
- 8.2.5 Employers that experience difficulties using the CATHSSETA online system may contact CATHSSETA's Learning programmes unit for assistance.

8.3 Submitting evidence in support of a mandatory grant application

- 8.3.1 As part of its mandatory grant application, the SDF is required to submit proof in support of the reports compiled by the employer. Suitable supporting evidence includes:
 - 8.3.1.1 a CATHSSETA authorisation page which is signed by a duly authorised person;
 - a) Small entities should be signed by two (2) authorized persons; SDF; CEO/CFO/MD

b) Large and Medium entities should be signed by three (3) authorized persons; SDF; CEO/CFO/MD and Employee Rep

8.3.1.2 signed attendance registers including identity numbers and full names of the recipients of the training, intervention date and venue where training implemented for the previous financial year.

8.3.1.3 statement of results; or

8.3.1.4 copies of attendance and competence certificates

8.3.1.5 Invoices regardless of nature do not constitute as proof of training that has taken place. Only the supporting evidence listed above are sufficient proof of training that has taken place.

8.3.2 It is preferable that such supporting documentation be uploaded online using the CATHSSETA online system. However, in cases where the system is unable to upload the relevant documentation contact Learning programmes unit. The mandatory grant application form must be submitted online as manual submission will not be permitted.

8.3.3 CATHSSETA may need to conduct a site visit to verify submitted information. In a case where a site visit is required, CATHSSETA shall send a notification to the employer.

8.4 Submission of subsidiary companies

8.4.1 Levy-paying employers with linked companies are required to submit WSP and ATR for each registered levy number (SDL) except for those that are using a single levy number. They must link their application to the main levy number under Linked Site tab which is found under Company Management, on company information tab on the levy paying entities on the CATHSSETA online system.

8.4.2 Where a mandatory grant application has been successful, mandatory grant payments shall be deposited into the bank account provided by the main levy-paying employer.

8.5 Inter-SETA Transfer

8.5.1 A levy-paying employer that has been wrongly placed under CATHSSETA's jurisdiction will have to complete an Inter-SETA transfer form, which is available from the Learning programmes department at CATHSSETA.

8.5.2 The complete form must be submitted to CATHSSETA and any relevant processes required by the Department of Higher Education and Training must be followed.

8.5.3 The levy-paying employer must continue submitting its mandatory grant application to CATHSSETA until the transfer has been completed.

8.5.4 The classification of employers with SETAs and all inter-SETA transfer processes are subject to the guidelines outlined in the DHET – SOP.

9. EXTENSION OF DEADLINE FOR SUBMISSION

9.1. The submission deadline for mandatory grant applications is 30th April of each year.

9.2. Mandatory grant applicants are encouraged to submit their applications at least 15 days before the deadline, to give CATHSSETA time to consider the documents provided.

9.3. Under exceptional circumstances, a mandatory grant applicant may make a written request to obtain an extension of the submission deadline.

9.4. The written request for an extension must be uploaded on the CATHSSETA online system or before the 15th of April each year. (Any application received after the 15th of April will not be considered). The request must provide detailed reasons as to why the submission deadline cannot be met and must demonstrate that these reasons were beyond the control of the applicant.

9.5. Reasons such as unavailability of SDF, lack of time management, inaccessibility to documentation, unavailability of relevant authorisation structures, changes in organisational structure, etc. will not be considered.

9.6. Upon receipt of the letter, the Accounting Officer shall review the request and the applicant shall be notified of the outcome. The decision whether to grant the extension and the period of the extension is fully within the discretion of the CATHSSETA.

9.7. The maximum extension that may be granted is up to 1 month from the submission deadline.

9.8. Only mandatory grant applicants that have been granted an extension shall have access to the CATHSSETA online system to complete their mandatory grant application.

10. SUCCESSFUL MANDATORY GRANT APPLICATIONS

10.1. Successful mandatory grant applicants shall be entitled to 20% of the total levies paid by them in terms of section 3(1) as read with section 6 of the Skills Development Levies Act during each financial year.

10.2. The mandatory grant shall be paid to the successful mandatory grant applicant at least quarterly every year.

- 10.3. In line with the objective of empowering skills development within smaller organisations, CATHSSETA shall prioritise payment of mandatory grants to such organisations.
- 10.4. CATHSSETA strives towards ensuring that information regarding payment of levies and grants is correct and meets the demands of the Auditor-General. To this end, all CATHSSETA levy-paying employers are required to complete the EMP201 page on the CATHSSETA online system. This is in order to enable accurate monitoring of the transfers of levies paid from SARS to CATHSSETA and to ensure that employers are disbursed with the correct grant amount.
- 10.5. For CATHSSETA to make payment for successful mandatory grant applicant, an original bank confirmation letter not older than three months is required to be uploaded in September each year before 1st quarter payment for a new levy-paying employer or levy-paying employer that has changed their banking details.

11. UNSUCCESSFUL MANDATORY GRANT APPLICATIONS

- 11.1. Failure to meet any of the requirements set out in paragraphs 6 or 7 above, or otherwise required by law, shall be a basis upon which to reject the mandatory grant application.
- 11.2. No information nor supporting evidence shall be accepted after the submission deadline unless CATHSSETA requests for such information from the unsuccessful applicant before the submission deadline.
- 11.3. Unsuccessful mandatory grant applicants shall be notified in writing of the outcome of their submission.
- 11.4. An unsuccessful mandatory grant applicant must make a detailed written request (within 5 working days of receiving the decision to decline their mandatory grant application) to CATHSSETA to appeal the decision not to award a mandatory grant to the applicant.
- 11.5. The written request mentioned in 11.3 must demonstrate exceptional circumstances supporting the decision not to award the mandatory grant must be appealed.
- 11.6. The Accounting Officer shall have the power to appoint an internal CATHSSETA Appeals Committee which shall have the power to appeal the decision not to award a mandatory grant to the applicant.
- 11.7. The CATHSSETA Appeals Committee shall not comprise the members of the mandatory grants evaluations committee who initially evaluated the mandatory grants application. The decision taken by CATHSSETA shall be legally binding until such time that the Appeals Committee overturns such a decision.
- 11.8. The following reasons for appeal will not be considered by CATHSSETA:

- unavailability of the SDF;
- lack of time management;
- inaccessibility to documentation;
- unavailability of relevant authorisation structures; and
- changes in the applicant's organisational structure.

11.9. The appeal process shall not be used as an opportunity to introduce new information, such as information that the applicant failed or omitted to submit when they initially applied for the mandatory grant.

11.10. The CATHSSETA Appeals Committee shall provide the unsuccessful applicant with a decision within 60 working days of receiving the written request mentioned in 11.4 above, and such decision shall be considered by all parties to be legally binding.

11.11. CATHSSETA is required to transfer unclaimed mandatory grants to the discretionary grant fund by 15th August of the year in which the application was due.

12. ENQUIRIES AND REQUESTS

11.12. Unless otherwise indicated in this policy, all correspondence relating to applications for and payment of mandatory grants must be directed to the relevant manager within the relevant CATHSSETA division.

11.13. In order to assist with processing of requests and queries, all written correspondence should be clearly marked with the heading "MANDATORY GRANT". In addition, the subject heading or cover letter should readily indicate the issue being raised. Such subject headers may include, for example: "Bulk Upload"; "Consolidated Application"; "Extension of Deadline"; "Mandatory Grant Payment Query"; or "Registration of Skills Development Facilitator".

11.14. CATHSSETA shall strive to respond to all queries timeously but will not be held responsible for lost or misdirected communications.

13. POLICY REVIEW

The policy will be reviewed biennially.

14. ADMINISTRATION OF POLICY

The Learning programmes department shall implement and enforce of this policy.

15. EFFECTIVE DATE OF POLICY

The policy shall take effect on the date of approval by the Accounting Authority.

16. ANNEXURE A: LARGE ORGANISATIONS

2021/22 CATHSSETA MANDATORY GRANT VALIDATION CRITERIA							
Compliance with legislation, especially the regulatory framework for skills development							
No.	Criteria	Average Score	Weighting of Score	Weighted Score	Positive Data Verification Yes/No	Total Score	Evidence required
1	Organisation is registered with SETA 25	5	10.0%	0.50			Financial statement
2	Skills Development Levy payments to SARS are up to date	5	25.0%	1.25			Financial statement
3	Signed Mandatory Grant application received	5	25.0%	1.25			Document upload
4	Qualifying organisations have properly constituted training committees	5	15.0%	0.75			Training committee
5	Proof of training submitted and includes certificates, signed registers and statements of results	5	25.0%	1.25			Document upload
	Total Score		100.0%	5.00			
Initial validation rejected if total score of 100% not met							

2021/22 CATHSSETA MANDATORY GRANT EVALUATION CRITERIA

1. Promote training and development of people in the workplace, unemployed and for social development

No.	Criteria	Average Score	Weighting of Score	Weighted Score	Positive Data Verified	Total Score	Evidence required
1.1	MG Plan identifies skills needs of the organisation for the coming financial year and reflects some forward planning	5	12.0%	0.60			Mandatory Grant Plan
1.2	Skills needs identified across the organisation for all the Major Occupational Groups of the OFO	5	12.0%	0.60			Mandatory Grant Plan
1.3	Skills needs identified across the organisation include Priority Equity Groups	5	10.0%	0.50			Mandatory Grant Plan
1.4	Training reported in the MG Report matches and is relevant to the skills needs identified in the previous year's MG Plan	5	12.0%	0.60			Reporting
1.5	Variance report is completed and explains any change from planned training	5	10.0%	0.50			Impact Assessment
1.6	Employment summary and educational profile have been sufficiently completed to reflect all employee details	5	10.0%	0.50			Employment Data

2. Promote equity in line with NSDP principles

2.1	Equity placement within the organisation according to the Major Occupational Groups of the OFO	5	3.0%	0.15			Employment Data
2.2	Planned Training matches NSDP equity Targets for Priority Equity Groups	5	3.0%	0.15			Mandatory Grant Plan
2.3	Training reported in the MG Report is inclusive of all race groups	5	3.0%	0.15			Reporting

3. Promote accredited training aligned to the NQF

3.1	Training planned is accredited by a Nationally Recognized Quality Assurance Body (CHE, SETA ETQA, Industry ETQA, UMALUSI)	5	10.0%	0.50			Reporting
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3.2	At least 30% of training reported is accredited training aligned to the NQF	5	15.0%	0.75			Reporting
TOTAL MGA Quantitative Score			100.0%	5.00			Yes = 5 No = 1
Total percentage of scores for which MGA data is verified as current and accurate				100%			
TOTAL Score				5.00			
		Mandatory Grant Application with a score below 50% is rejected					

SMALL ORGANISATIONS

2021/22 CATHSSETA MANDATORY GRANT EVALUATION CRITERIA – Small Organisations							
1. Promote training and development of people in the workplace, unemployed and for social development							
No	Criteria	Average Score	Weighting of Score	Weighted Score	Positive Data Verification	Total Score	Evidence required
1.1	MG Plan identifies skills needs of the organisation for the coming financial year and reflects some forward planning	5	30.0%	1.50			Mandatory Grant Planning
1.2	Skills needs identified across the organisation for all the Major Occupational Groups of the OFO	5	20.0%	1.00			Mandatory Grant Plan
1.3	Employment summary and educational profile have been sufficiently completed to reflect all employee details	5	20.0%	1.00			Employment Data
2. Promote accredited training aligned to the NQF							
2.1	Training planned is accredited by a Nationally Recognized Quality Assurance Body (CHE, SETA ETQA, Industry ETQA, UMALUSI)	5	15.0%	0.75			Reporting
2.2	At least up to 30% of training reported is accredited training aligned to the NQF	5	15.0%	0.75			Reporting
TOTAL MGA Quantitative Score			100.0 %	5.00			Yes = 5 No = 1
Total percentage of scores for which MGA data is verified as current and accurate				100 %			
TOTAL Score				5.00			
Mandatory Grant Application with a score below 50% is rejected							