

South Africa's creatives or criminals? Clamping down on qualifications fraud

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Qualifications fraud landed in the public spotlight during 2014 when media outlets reported that a number of high profile South Africans had misrepresented their qualifications. In 2015, the South African Fraud Prevention Services (SAFPS) recorded a significant number of fraud cases relating to the falsification of qualifications. According to figures released by LexisNexis, the most prevalent forms of qualifications fraud are non-existent matric certificates, inflated education, unfinished degrees and fake degree certificates.



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The consequences for employers who hire individuals who are not appropriately trained or qualified can be catastrophic. Not only does it drain the bottom line and management time in terms of training expenses and performance management, it can also be downright dangerous, particularly for employers who conduct operations that require highly skilled and trained employees.

Offence and repercussions

The recently enacted National Qualifications Framework Amendment Act, 12 of 2019 (Qualifications Act) makes it a criminal offence for individuals to misrepresent their qualifications, or for institutions who do not hold requisite accreditations to enrol students into their institutions. The Qualifications Act prescribes that such a misrepresentation is punishable by a fine or a period of imprisonment not exceeding 5 years, or both.

The Qualifications Act also creates a framework within which registers will be created for professional designations, misrepresentations and fraudulent qualifications by the South African Qualifications Authority (SAQA). This means that in addition to criminal sanctions, those convicted under the Qualifications Act will also be "named and shamed".



Potential jail time on the cards for CV fraudsters

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The Qualifications Act also criminalises the wilful misrepresentation or publication of qualifications. Practically, this means that offences under the Qualifications Act are not only limited to misrepresentations on CVs for employment seeking purposes, but also include any wilful misrepresentations that may occur on social media platforms such as Facebook, Instagram, Twitter or LinkedIn.

All members of the public are able to report offences under the Qualifications Act, meaning that even a follower on social media who catches an individual in a lie is able to report it to the local authorities.

Employer obligation

There are a few important aspects of the Qualifications Act relevant to employers. Employers are obliged to verify qualifications with the national learners' records database before applicants are hired. If applicants are not registered, employers are required to inform SAQA and request a verification process. SAQA is required to inform the enquirer and the holder of the qualification or part qualification of its findings, which if challenged, may be referred for review.



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Whilst the Qualifications Act places an obligation on employers to authenticate and verify applicant qualifications prior to appointment, the legislature is yet to prescribe penalties for the failure of employers to conduct such verifications. Government is expected to promulgate these penalties by way of Regulation in the Government Gazette.

The introduction of the Qualifications Act is certainly a step in the right direction in keeping job applicants honest. It also offers employers reasonable protection against financial losses and dangerous accidents due to bad hires. These advantages are, however, only useful in as far as employers conduct the obligatory verification processes under the Qualifications Act before hiring any applicants.

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