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DEPARTMENT OF EDUCATION

**REGULATIONS FOR THE REGISTRATION OF  
PRIVATE FURTHER EDUCATION AND TRAINING  
INSTITUTIONS, 2003**

**A GUIDE FOR COMPLETING THE APPLICATION  
FOR REGISTRATION AS A PRIVATE FURTHER EDUCATION AND  
TRAINING INSTITUTION**

***(FPX-01)***

***Note: Applicants must use this guide to complete the *Application for Registration as a Private Further Education and Training Institution* (Form FPX-01)***

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## INTRODUCTION

The government's vision for the transformation of the Further Education and Training (FET) system is articulated in *White Paper 4: A Programme for the Transformation of Further Education and Training (7998)*. The FET provides intermediate to high-level skills aimed at addressing the learning needs of individuals, human resource needs, and the skills development needs of our society and changing economy.

The building of such a system necessitates, among other things, the promotion of quality teaching, learner support, and assessment in both public and private FET institutions. The Constitution requires providers of private education and training to be registered with the state. The *Further Education and Training Act, 1998 (Act No. 98 of 1998)* (hereafter referred to as "the Act"), together with the *Regulations for the Registration of Private FET Institutions, 2003* (hereafter referred to as "the Regulations"), provide the legal framework for the registration of private institutions offering FET programmes.

The registration of private FET institutions in accordance with the Act applies only to institutions that offer learning programmes that result in the awarding of qualifications such as certificates registered at Levels 2 to 4 of the National Qualifications Framework (NQF). The Act does not deal with the registration of independent schools, as these schools are registered with the provincial education departments in terms of the *South African Schools Act, 1996 (Act No. 84 of 1996)*. Registration, as required by the Act, means that an institution is granted the legal authority to offer accredited FET programmes. This requirement applies to all private FET institutions, be they of local or foreign origin.

The aim of registering private FET institutions is to ensure that:

- a) All registered private FET institutions offer an acceptable quality of education by adhering to section 29(3) of the Constitution of the Republic of South Africa that requires them to maintain standards that are not inferior to standards of comparable public FET institutions.
- c) Students receive education and training from FET institutions that have the resources, capacity, expertise and structures to deliver quality programmes.
- d) Students obtain qualifications that are registered on the National Qualifications Framework (NQF); and
- e) Private FET institutions observe ethical and fair business practices.

The Ministry of Education recognises that the provision of FET programmes by private FET institutions plays an important role in widening access to education and responding to labour market needs. The regulation of private FET provision aims at ensuring that only private institutions with the necessary infrastructure and resources to provide and sustain quality FET programmes are licensed (registered) to operate. Registration is a means of protecting the integrity and image of the FET system and the interests of the public.

The Act and the Regulations, of which **this** guide and **the** application form (Form FPX-01) are appendices, provide the legal framework by **means** of which the Director-General, in **his** capacity as the Registrar of private FET Institutions, is required to regulate **such** institutions.

In terms of the Act, a person **who** offers or pretends to offer FET programmes and qualifications **or** purports to perform an act on behalf of an **FET** institution without being registered is **guilty** of an offence and is liable on conviction to a fine **or** imprisonment not **exceeding five years or both such fine and imprisonment**. The Act further stipulates **that a** person **who** pretends that a qualification **has** been awarded to him/her by **an** FET institution, whereas **no such** qualification **has** been **so** awarded, is **guilty** of **an** offence **and is** liable, on conviction to **any sentence, which may** be imposed for fraud. Subject **to** the transitional **arrangements** provided for in the Act, no institutions must provide **FET** programmes unless **the Registrar** approves their application. In terms of **the** transitional **arrangements** a person that **has** been exempt from registration must apply for registration by a date determined by the Minister **by** notice in the *Government Gazette*.

**ABBREVIATIONS AND ACRONYMS USED IN THE FORM**

<b>AET</b>	Adult Education and <b>Training</b>
CHE	Council on <b>Higher</b> Education
CIPRO	Companies and Intellectual Property Registration Office
<b>DoE</b>	<b>Department of Education</b>
FET	<b>Further</b> Education and <b>Training</b>
<b>GAAP</b>	Generally Accepted Accounting Practice
<b>GET</b>	General Education and <b>Training</b>
HE	Higher Education
NQF	National Qualifications Framework
PAAB	Public Accountants' and Auditors' Board
SARS	South African Revenue Services
<b>SAAS</b>	South African Auditing Standards
<b>SAICA</b>	South African Institute of Chartered Accountants
<b>SAQA</b>	South <b>African</b> Qualifications Authority
Umalusi	General and Further Education and <b>Training Quality</b> Assurance Council

## APPLICATION TYPES

Regulations 3, 4 and 5 provide for the following types of applications:

### a) Application for registration

Subject to the transitional arrangement any person intending to **establish** and **maintain** a private FET institution must complete an *Application for registration (Form FPX-01)* and submit it to the Registrar at least 18 (eighteen) months before the institution commences its operations.

### b) Application for amendment

A private FET institution wishing to amend its registration **or** provisional registration in terms of the Act must submit an *Application for Amendment (Form FPX-03)* to the Registrar at least 12 (twelve) months before the proposed amendment comes into effect.

### c) Application for conversion

A private FET institution **wishing** to have its provisional registration converted to registration in terms of **section 27(1)(c)** of the Act must submit an *Application for Conversion (Form FPX-04)* to the Registrar by the date determined by the Registrar.

## ELIGIBILITY CRITERIA AND REQUIREMENTS FOR REGISTRATION

This guide and the accompanying application **form** must be used together with the Regulations of the Act when a private institution applies for registration as a private FET institution.

A private institution seeking registration **should** contact the DoE to be supplied with the application form, guide for completing the **form**, the Regulations and the Act. In terms of the Act and the Regulations, **an** aspirant provider is eligible to apply for registration as a private FET institution **if** it is registered **or** recognised as a company in terms of the *Companies Act, 1973* and proposes to take responsibility for the **following** functions:

- x Registration of students **for** FET programmes leading to qualifications that are registered at **Levels 2 to 4** of the NQF, and
- x **Provision** and delivery of programmes that lead to qualifications that are registered at **Levels 2 to 4** of the NQF
- x Assessment of students.

The requirements for registration are prescribed in the Act and detailed in Chapter 2 of the Regulations. **In** terms of the Act and the Regulations, the registration of an applicant as a private FET institution depends on **whether** the following three main requirements are fulfilled:



**a) Financial sustainability**

As proof of its ~~financial~~ sustainability, an applicant must

- x provide proof in the application that the income ~~or~~ income forecast will be sufficient to sustain programmes in an acceptable manner and that the institution has, ~~or will~~ have, a stable financial position that will enable it to maintain operational continuity.
- x submit proof that the institution has established financial surety or guarantees to ensure that it meets its obligations to its enrolled students.
- x submit a signed declaration that the institution will contribute to a fidelity guarantee fund approved by the Registrar and will contribute to such a fund according to the scale of payments determined by the Minister of Education in the *Government Gazette*.

**b) Institutional and programme accreditation**

The application to the Registrar must be supported by a sworn declaration that an application for institutional and programme accreditation has been lodged with *Umalusi*, a council established in terms of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No.58 of 2001)*. *Umalusi* is tasked with quality assurance in the GET and ~~FET~~ bands.

Private institutions wishing to enquire about accreditation should contact *Umalusi* directly at:

*The Manager*  
*Accreditation*  
*Umalusi*  
*Private Bag X1*  
**QUEENSWOOD**  
0121

*Telephone: 012 349 1510*  
*Facsimile: 012 349 1511*

In making a determination on the application, the Registrar is required to consider, *inter alia*, the evidence provided in the application, as well as the advice of *Umalusi* on the applicant's application for accreditation.

**c) Health and safety**

In the application for registration, an applicant must provide proof that the premises where FET programmes are offered, ~~or~~ are to be offered, comply with the requirements of the regulations on occupational health and safety.

## IMPORTANT CONSIDERATIONS FOR COMPLETING THE APPLICATION FORM

The **aim** of **this** guide **is** to assist persons who wish to apply for registration as private **FET** institutions. It is important to bear in **mind** that this document is **only** a guide. The Registrar **may** require **additional** information to support the application.

This guide accompanies the *Application for registration (Form FPX-01)* and deals with the various sections of the application **form**. Applicants are, therefore, strongly urged to read **through** the guide carefully before commencing with the completion of the application **form**. Applicants are **also** advised to read the guide in conjunction with the Act and the Regulations.

All private institutions **seeking** registration should contact the DoE to be supplied with the registration forms, the guide, **and** schedule of fees. The DoE can be contacted telephonically at (012) 312 5878 during office hours. The application documents can be accessed electronically in *Microsoft Word for Windows* on the DoE website at: [www.education.gov.za/DoE-Branched/FET\\_Branch/Private\\_FET\\_Colleges/Related\\_documents](http://www.education.gov.za/DoE-Branched/FET_Branch/Private_FET_Colleges/Related_documents).

When completing the application **form**, the following must be borne in **mind**

- a) All sections of the form must be completed fully and in the required format.
- b) The application must be submitted to the Registrar with a non-refundable fee prescribed in the *Schedule of fees (FPX-02)*.
- c) The application must be submitted **as** a signed hard copy and must indicate the date of submission to the DoE.
- d) The non-refundable application fee must be paid by means of a bank guaranteed cheque made out to the Department of Education.
- e) Important supporting documentation in the form of **Annexures** must be provided **as** part of the application. **The** application must be submitted bound in order to avoid the **loss of** loose **Pages**.
- f) **Where** a **sworn** declaration is required, the oath must be **taken** with **the** commissioner of oaths at **any** offices of the South African Police Services. No other commissioner of oaths will be accepted. The Registrar will not accept photocopies **of** such a declaration.
- g) The application **consists** of the following 13 sections:

### FORM

Section **A** Administrative data (Items 1-7)

Section **B**: Company registration particulars (Items **8-13**)

Section **C**: **Full** details of holding company (Items **14 - 21**)

Section **D**: Particulars of **ownership** and management (Items 22- 28)

Section **E** Details of applicant's auditors (Items 29 - 30)

Section **F** **Particulars** of FET programmes and qualifications (Items **31 - 33**)

Section G: Staff and student data (Items 34 -35)  
Section H: Data on HE programmes (Items 36-37)

## **ANNEXURES 1- 19**

Section I: Financial viability reports and legal documents (Annexure 1-9)  
Section J: Quality Assurance and monitoring (Annexure 10-13)  
Section K: Information for the students and the public (Annexure 14-15)  
Section L: Declaration on non-discrimination (Annexure 16)  
Section M: Additional information ~~for~~ foreign institutions (Annexure 17-19)

An application checklist ~~is~~ provided at the end of this guide to help applicants ~~determine~~ whether ~~all~~ the required information ~~is~~ included.

~~In~~ the spaces provided in the *Application for registration (Form FPX-01)*, the required information must be provided ~~as~~ explained per item below. Each explanation corresponds with the item on the ~~Form~~.

### **A. ADMINISTRATIVE DATA**

#### **Item 1: Legal name of the applicant**

The legal name of ~~the~~ company that ~~is~~ applying for registration as ~~a~~ private FET institution must be supplied. **Only** companies that are registered ~~or~~ recognised as juristic persons in terms of ~~the~~ *Companies Act, 1973 (Act No 61 of 1973)* are eligible to apply. The *Companies Act* provides for registration as ~~a~~ private company, a section 21 company, a public company or ~~an~~ external company. ~~For~~ more information ~~on~~ the registration of a company visit [www.cipro.gov.za](http://www.cipro.gov.za) ~~or~~ contact the CIPRO customer care centre at 0861 843 384.

#### **Item 2: Postal address**

The postal address for ~~all~~ correspondence to ~~the~~ applicant must be supplied

#### **Item 3: Physical address**

The physical address and contact details ~~of~~ the applicant must be filled in. The street, number, suburb and ~~city~~ or town must be clearly indicated. *Domicilium citandi et executandi* means ~~the~~ physical address where the applicant **chooses** to receive ~~all~~ legal communications ~~in~~ connection with the application.

#### **Item 4: Telephone number**

The telephone number of the applicant must ~~be~~ filled in.

#### **Item 5: Fax number**

The ~~fax~~ number, which will be used ~~for~~ ~~all~~ correspondence with the applicant, must be filled in.

**Item 6: E-mail address**

The email address to which all correspondence may be sent must be filled in.

**Item 7: Website address**

The applicant's website address must be filled in.

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**B. COMPANY REGISTRATION PARTICULARS****Item 8: Legal name of the company**

The legal name in which the applicant was established as a company in terms of the *Companies Act, 1973*, must be supplied. This name should be the same as in Item 1 above.

**Item 9 Trading name, translation or acronym**

If applicable, the official trading name, abbreviation, acronym or translation under which the applicant is conducting or intends to conduct its business must be supplied.

**Item 10 Type of company**

The type of company applying for registration (e.g. private company, public company, external company, association incorporated under section 21) must be indicated.

**Item 11: Registration number**

The company registration number as it appears on the *Certificate of Incorporation* or *Certificate of Registration of Memorandum of External Company* must be filled in. The registration number should be written in full, e.g. 2000/123456/09.

**Item 12: Company origin**

Whether the applicant is a foreign or local juristic person as defined in the Act must be indicated by inserting either *local* or *foreign* in the space provided.

**Item 13: Country of origin**

If the applicant is a foreign juristic person, the name of the country of origin of the company must be supplied.

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**C. FULL DETAILS OF THE HOLDING COMPANY OR PARENT ORGANISATION****Item 14 Holding company**

If applicable, the name of the applicant's holding company, or any other organisation to which the applicant is legally, commercially or academically subordinate must be supplied.

**Item 15: Name and surname of the head of the holding company**

If applicable the name and surname of the head of the applicant's holding company or parent organisation must be supplied.

**Item 16: Postal address**

If applicable, the postal address of the holding company or parent organisation must be supplied.

**Item 17: Physical address**

The physical address and contact details of the holding company or parent organisation must be filled in. The street number, suburb and city or town must be clearly indicated. *Domicilium citandi et executandi* means the physical address where the holding company or parent organisation chooses to receive all legal communications in connection with the application.

**Item 18: Telephone number**

The telephone number of the holding company must be filled in.

**Item 19: Fax number**

The fax number of the holding company must be filled in.

**Item 20: Email address**

The e-mail address of the holding company must be filled in.

**Item 21: Website address**

The website address of the holding company must be supplied.

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**D. PARTICULARS OF OWNERSHIP AND MANAGEMENT**

This section refers to the applicant not the holding company.

**Item 22: Name and surname of the head of the applicant**

The name and surname of the head of the applicant must be supplied.

**Item 23: Title of the head of applicant**

The title (i.e. Mr/Ms/Dr/Prof/Mrs/Miss) of the head of the applicant must be indicated.

**Item 24: Identity document or passport number**

The identity document number of the head of the applicant must be supplied. In cases where the head is not South African, the passport number will suffice.

**Item 25: Telephone number**

The telephone number through which the head of the applicant can be contacted must be filled in.

**Item 26: Fax number**

The fax number for all correspondence addressed to the head of the applicant must be filled in.

**Item 27: Details of owners or shareholders**

The names, titles and identity document numbers of subscribers to the *Memorandum and Articles of Association* issued by CIPRO must be provided. If the owner or shareholder of the company is not South African, his or her passport number will suffice.

**Item 28: Details of the management**

The surname and initials, nationality, identity document number or passport number in the case of non-SA residents, designation of each member of the applicant's management must be provided. There must be an indication of whether a director is executive or non-executive.

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**E. DETAILS OF THE APPLICANT'S AUDITORS AND BANKERS****Item 29 Name of the auditor**

The name of the applicant's auditor or auditing firm, appointed under the *Companies Act, 1973* and registered as an auditor in terms of the *Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991)* must be supplied.

**Item 30 Practice number of the auditor**

The auditor's practice or registration number issued by the PAAB should be filled in.

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**F. DETAILS OF FET PROGRAMMES AND QUALIFICATIONS****Item 31: Details of the FET programmes**

The following details of programmes submitted to Umalusi for accreditation as FET programmes must be supplied:

- a) Name of the programme
- b) Entrance requirements
- c) Mode of delivery, which may be (a) contact education or (b) distance education or (c) mixed mode. Each mode is briefly explained below.

*i) Contact education*

This involves personal interaction with teachers **or** supervisors **through** lectures, tutorials, seminars, practicals and supervision, and **occurs** at the applicant's premises **or** site(s).

*ii) Distance education*

The interaction between students and teachers **or** supervisors is undertaken **through** distance education techniques, such as correspondence **or** telematic **education**. An example of distance education is correspondence learning, **which** is characterised by little **or** no face-to-face interaction between the educator and the learner. The learner **works** independently with little **or** no support services **other than** print materials. The learning material is **usually** delivered by post **or** electronically.

*iii) Mixed mode*

Mixed mode of delivery is an approach to learning and teaching that combines the contact and distance modes **of** delivery described in (i) and (ii) above.

- d) Language of teaching,
- e) **Minimum** duration for the programme in **months**

The Table in this Item can be increased to **suit** the needs of the institution. If the application is **not** completed electronically, the Table *can* be duplicated **to accommodate as many programmes** as the applicant wants to offer.

**Item 32: Details of FET qualifications**

Details of the qualifications for which students **are** registered **or** to be registered must be supplied. The following **explanation** must be taken **into** account before responding to **this item**:

*a) NQF fields*

In terms of *Government Gazette No. 20234*, of 25 June 1999, SAQA determined the following fields and sub-fields for purposes of registering **qualifications on the NQF**. "Qualifications" refers to certificates awarded to students **on** successful completion **of** a programme **of** study. Before completing the **form**, it is important to check in which held **or** sub-field your learning programme **belongs**.

*01 Agriculture and Nature Conservation*

Primary and secondary agriculture, nature conservation, forestry and **wood** technology, **horticulture**.

*02 Culture and Arts*

Design studies, visual and performing arts, **cultural** studies, music, sport, film, television and video.

*03 Business, Commerce and Management Studies*

Finance, economics and accounting, generic management, human resources, marketing, procurement, office and public administration, project management, public relations.

*04 Communication Studies and Language*

Communication and information studies, language, literature.

*05 Education, Training and Development*

Schooling, **higher** education and training, early childhood development, adult education.

*06 Manufacturing, Engineering and Technology*

Engineering and related design, manufacturing and assembly, fabrication and extraction.

*07 Human and Social Studies*

Environmental relations, **general social** science, industrial and organisational governance and human resource development, people-/human-centred development, public policy, politics and democratic citizenship, **religious** and ethical foundations of society, **rural** and agrarian studies, traditions, **history** and legacies, **urban** and regional studies.

*08 Law, Military Science and Security*

Safety and justice in **society**, **sovereignty** of the state.

*09 Health Sciences and Social Services*

Preventive health, promotive health and development services, curative **health**, rehabilitative health services.

*10 Physical, Mathematical, Computer and Life Sciences*

Mathematical, physical, life, information technology and computer, earth and space and environmental sciences.

*11 Services*

Hospitality, tourism, travel, **gaming** and leisure, transport, operations and logistics, personal care, wholesale and retail, consumer services.

*12 Physical Planning and Construction*



Physical planning, design and management, building construction, civil engineering construction, electrical infrastructure construction.

**b) NQF levels**

In respect of providing FET programmes, the relevant NQF levels are Levels 2, 3 and 4. Accordingly, when completing the application form, the applicant must choose from the three levels.

The details required in this Table must be identical to the details of the qualification as registered in the SAQA NQF database.

**Item 33: Details of sites of delivery**

"Site" refers to any learning site, such as a main campus, satellite campus or learning centre, controlled and administered by the applicant. The Registrar must approve all learning sites where FET programmes are delivered. Only accredited programmes and approved sites of delivery for which the applicant assumes responsibility will be approved by the Registrar. The following details of the proposed sites of delivery must be supplied:

- a) The name of the site
- b) Physical address of the site
- c) Programmes to be delivered at the site
- d) The province where the site is located

The Table in this Item can be increased to suit the needs of the applicant. If the application is not completed electronically, the Table can be duplicated to accommodate as many Sites as the applicant operates.

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**G. STAFF AND STUDENT DATA**

**Item 34 Staff and student headcount data**

Subject to the transitional arrangement in terms of section 51 of the Act, for applicants that offer FET programmes, staff and student headcount totals must be supplied for the year in which the application for registration is submitted. The data must be supplied in the required format and according to the categories provided. Only data pertaining to FET programmes must be supplied.

Before responding to this item, the following explanations must be taken into consideration:

**a) *Headcount student enrolment***

A headcount student enrolment is literally a counting of heads. Students are counted as units, regardless of whether they are full-time or part-time, and regardless of the number of courses for which they are enrolled, and regardless of whether they are enrolled for first year, second or third year. In a headcount enrolment, a student is counted once only.

**b) *Headcount staff totals***

A headcount total of staff is also a counting of heads. The applicant should indicate how many of its staff members are full-time and how many are part-time.

**c) *Teaching staff***

These are members of the applicant's staff that are involved in teaching and research.

**d) *Support staff***

These are the members of staff who, either directly or indirectly, support the applicant's teaching and learning activities. This category includes members of staff who perform functions such as academic support services, student support services, human resource management, financial management and administration.

**e) *Service staff***

These are members of staff who perform auxiliary services such as the operation and maintenance of the physical premises, and who work on, for example, building maintenance, garden services, catering services, custodial services and security services.

**Item 35: Student data per FET qualification**

Student data for each qualification for which students are registered or to be registered must be supplied. The data should be supplied as headcount by race and by gender.

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**H. OPERATION IN HE**

**Item 36 Providing HE programmes**

By means of an (x), the applicant must indicate in the appropriate box if the applicant is registered as a private higher education institution. HE programmes refer to programmes that lead to qualifications that are registered at or above levels 5 of the NQF.

**Item 37: HE registration details**

If applicable, the registration number issued by the Department of Education must be supplied.

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## I. FINANCIAL VIABILITY REPORTS AND LEGAL DOCUMENTS

### Annexure 1: Audited annual financial statements

An applicant that is already operating in the GET and/or HE band(s) or any other business, but wants to extend its operations to FET must submit its most recent audited annual financial statements for the existing business and a business plan for the proposed FET operations. The preparation and presentation of the financial statements must comply with the requirements of the Act, the Regulations and GAAP. The financial statements must include the following:

- Auditor's report
- Directors' report
- Balance sheet
- Income statement
- Cash-flow statement
- Statement of changes in equity/reserves/fund
- Summary of accounting policies
- Notes to the financial statements

The auditor's report referred to above must comply with requirements as explained in the following section:

#### a) The auditor's report

In terms of the Act, the auditor's report must be issued by a **registered independent** auditor. In terms of form and content, the auditor's report must conform to the S.A.S 500 and 700 issued by the SAICA. The auditor's report must be issued on the auditor's official letterhead. In the report, the auditor must express his/her opinion on the appropriateness of the management's use of the going concern assumption in their preparation of the applicant's financial statements.

#### b) Directors' report

Any matter not dealt with in the balance sheet, statement(s) of changes in equity/reserves, income statement, cash flow and or notes thereto, must be dealt with in the directors' report. Any post-balance sheet event that is material to the appreciation of the financial position of the applicant, its changes in equity/reserves, and the results of its operations and cash flows must also be tabled in the directors' report.

In terms of format and content, the directors' report must comply with section 299 and Part III of Schedule 4 of the Companies Act, 1973. It must, therefore, include, but not be limited to, the following aspects:

- Directors and secretary
- Principal activities/Nature of business
- Directors' responsibilities
- Going concern assessment
- Operating results

- *Dividends*
- *Review of operations*
  - o *Revenue*
  - o *Profit before tax*
  - o *Extraordinary items*
- *Share capital*
- *Post-balance-sheet events*

The Chief Executive Officer, or **an** official of similar **standing**, must **sign** the directors' report.

## **Annexure 2: Three-year financial forecasts**

A **new** applicant that is in a start-up phase may not have audited annual **financial** statements. Therefore, **instead of** audited **annual** financial statements, it can submit a three-year financial forecast, which should include the following:

- a) Auditor's report
- b) Detailed assumptions
- c) Balance sheet
- d) **Pro** forma income statements for three years
- e) **Pro** forma cash **flow** statements **for** three years
- f) Explanatory notes to the **financial** forecasts

The documents that constitute a three-year financial forecast should contain details indicated **for** each document below:

### *i) Detailed assumptions*

These assumptions should serve as the basis for **all** the **figures** and calculations done in the pro forma statements.

### *ii) Balance sheet*

This statement must, on analysis, provide answers to the following questions:

- What assets does the applicant own?
- **How** much does the applicant intend investing in the proposed operations?
- What are the applicant's sources of funding?
- What is the proportion of debt to be incurred **vis-à-vis** own capital/equity?

### *iii) Pro forma income statements*

These statements must, **on** analysis, show **all** the sources of the applicant's income and the **amounts** to be generated from each source. They must **further** indicate how the applicant is to meet the **following funding** requirements (start-up expenditure line items, as well as operating **costs** as shown in the pro-forma below):

- *Capital costs*

- *Student accommodation*
- *Laboratory and/ or workshop equipment*
- *Library facility*
- *Student support services*
- *Student financial aid*
- *Student allowance (in cases of learnership programmes)*
- *Research and development*
- *Quality assurance and quality promotion*
- *Professional fees (legal, financial, registration fees, etc.)*
- *Costs for developing operational policies*
- *Systems design, purchase and implementation*
- *Promotion/ Advertising/ Marketing Costs*
- *Furniture*
- *Electronic equipment (teaching and learning)*
- *Vehicles*
- *Staff recruitment*
- *Staff salaries*
- *Rent*
- *Travel*
- *Recreation*
- *Telecommunications*
- *Office consumables, etc.*
- *Fidelity guarantee fund contribution*

iv) *Pro forma cash flow statements*

These statements must indicate how much, during the first three years of operation, the applicant expects to: -

- *generate for/ from operating activities;*
- *generate for/ from investing activities; and*
- *generate for/ from financing activities.*
- *Net amount to be generated*

v) *Explanatory notes*

Aspects that have not been dealt with, as part of *Assumptions*, should be clearly explained in this section. Where applicable, this section should include, but not be limited to, the explanation of the follow . -

- *Dividend policy (if any)*
- *Capital structure*
- *Financing terms and conditions*
- *Retained earnings*
- *VAT treatment, etc.*

### Annexure 3 Business plan

The audited three-year financial forecast **or** audited annual financial statements to be submitted to the **Registrar** must be accompanied by a detailed three-year business plan containing the following headings:

#### 1. Executive summary

#### 2. Value Net Analysis

Analysis of the players, added value, rules, tactics and scope with a **summary** of the value addition proposition within the FET sector.

#### 3. Vision, Mission, and Values and Organisational culture proposition

3.1 Corporate **strategy**

3.2 Strategic objectives

3.3 Sustainability reporting framework

#### 4. Scope of operations

4.1 Description of **infrastructure** to be used **and** its **suitability** for the proposed programmes.

4.2 Agreements with industry for workplace exposure.

4.3 Areas **in which** expansion is contemplated within the **first three years**.

4.4 Initiatives towards forward and **reverse** tracer studies as part of impact assessment

4.5 Brief description of its approach to **Total** Quality Management

#### 5. Market research, assessment and feasibility

5.1 Description **of** the target market **and** its potential

5.2 Current and long-term demand of the proposed programme offerings.

5.3 Degree of concentration of **similar** programme offerings by other public **or** private institutions in the geographical area of the applicant's proposed location.

#### 6. Risk analysis and management strategies

6.1 External risks

6.2 Internal **risks** such as:

a) *Governance/Management/Systems inadequacies/Capacity failure*

b) *Financial risk*

c) *Marketing risk*

d) *Implementation risk*

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6.3 Risk management strategies:

a) *Risk Management approach*

- b) *Risk monitoring indicators*
- c) *Financial risk indicators*
- d) *Implementation and phasing*
- e) *Proposed efficiency and effectiveness targets*

## 7. Organisational policies

- 7.1 *Staffing policy*
- 7.2 *Occupational health and safety policy*
- 7.3 *HIV/AIDS policy and programmes*
- 7.4 *Institution's student and staff wellness programme*

## 8. Implementation framework

- 8.1 *Implementation time frames*
- 8.2 *The rationale for these time frames*
- 8.3 *Critical success factors*

### Annexure 4: Surety agreement

In terms of Regulation 12(2), an applicant is required to set up surety ~~or guarantee~~ to ensure that the applicant is able to meet its obligations to students for as ~~long~~ as it remains a registered private FET ~~institution~~. As documentary proof to thereof, a signed certified copy of the Agreement must be submitted to the Registrar. In the *Surety Agreement* there must be a clear ~~indication~~ of the following:

- a) *Parties entering into the agreement*
- b) *What is agreed upon*
- c) *Terms*
- d) *Conditions*
- e) *The amount of surety or guarantee*
- f) *How the amount was determined*
- g) *Any other consideration*

The surety agreement must be structured in such a way that it takes into account enrolment fluctuations. The beneficiaries of the *Surety Agreement* should be students that are enrolled for approved programmes in the institution.

### Annexure 5: Declaration on fidelity guarantee fund

The following verbatim undertaking must be submitted by the applicant on its official letterhead and must be dated and signed by the Chief Executive Officer of the applicant or an official of similar standing in the organisation:

*I, the undersigned, hereby declare that, if..... [legal name of the applicant]..... is registered or provisionally registered,..... [legal name of the applicant]..... will contribute to the fidelity guarantee fund approved by the Registrar and make such contributions according to the scale of payments determined by the Minister.*

### Annexure 6 Company registration documents

One of the eligibility criteria for registration as a private FET institution is that the applicant should be registered or recognized as a company in terms of the *Companies Act*. As proof thereof, an applicant must submit signed certified copies of the following documents issued by CIPRO of the Department of Trade and Industry:

- a) *Certificate of Incorporation*
- b) *Memorandum of Association*
- c) *Articles of Association*
- d) *Most recent List of Directors*
- e) *Information and particulars for the auditing firm of the company*
- f) *Certificate of Registration of Memorandum of External Company (if applicable)*
- g) *Memorandum of External Company (if applicable)*

Documents listed in (f) and (g) above apply to external companies only.

### Annexure 7: Occupational health and safety audit report(s)

Occupational health and safety compliance audit reports for all sites of delivery must be submitted. The audit reports must be issued by a legally competent health and safety professional or organisation accredited in terms of the *Occupational Health and Safety Act, 1995 (Act No 85 of 1993)*. The auditor's report must indicate the extent to which the applicant complies with the following pieces of legislation:

- a) *Occupational Health and Safety Act, 1995*
- b) *General Administrative Regulations*
- c) *General Safety Regulations*
- d) *Electrical Installation Regulations*
- e) *General Machinery Regulations*
- f) *Environmental Regulations for workplaces*
- g) *Lift Escalator and Passenger Conveyor Regulations*
- h) *Regulations for the integration of the Occupational Health and Safety Act*
- i) *Electrical Machinery Regulations (where applicable)*
- j) *Facilities Regulations*

The auditor's report must be issued on the auditor's or auditing firm's official letterhead and should be dated and signed by the auditor or on behalf of the auditing firm.

In terms of format and content, the occupational health and safety audit report must focus on and contain the following:

- a) **Main heading:**
- b) **Identification** of the report (i.e. to indicate that it is issued to the management of [legal name of the applicant])
- c) **Site:** the report must indicate the physical address of each site audited
- d) **Scope:** the report must indicate which legislation is covered by the report and what activities constituted the audit)



- e) Audit opinion: the report must indicate whether the **site** is compliant **or not**, and if compliant, the report must indicate if it is safe to use for education and **training** purposes
- f) Signature (auditor **or** on behalf of the auditing **firm**)
- g) **Date of the report**
- h) **Annexures:**
  - x Checklists and **other** documents used **to** arrived at the above audit opinion
  - x Graphic representation of **findings**:

#### **Annexure 8: Business registration certificate**

A certified copy of the business registration certificate issued by the **Local** Authority in terms of the **Regional Services Councils Act, 1985** (Act No. 109 of 1985) must be submitted.

#### **Annexure 9 Tax clearance certificate**

One **original** copy of the **tax** clearance certificate (**IT SO**) issued by **SARS** must be submitted, **This** certificate should not be older **than six** months.

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### **J. QUALITY ASSURANCE AND MONITORING**

#### **Annexure 10 Sworn declaration on application for accreditation**

The following verbatim declaration must be submitted by the applicant **on** its **official** letterhead and **must** be dated and signed by the Chief Executive Officer **of** the applicant or **an** official **of** **similar** standing in the organisation:

*I, the undersigned, hereby declare that..... [legal name of the applicant]..... has applied to the Council for General and Further Education and Training (Umalusi) for accreditation of the following programmes:*

- a) ..
- b) ..
- c) ..

*I further declare that if registered or provisionally registered [legal name of the applicant] shall comply with the requirements of Umalusi as contemplated in section 26(b)(ii) of the Further Education and Training Act, 1998 (Act No 98 of 1998).*

The **original** copy of this declaration must be submitted.

#### **Annexure 11: Sworn declaration on institutional capacity**

The following verbatim undertaking must be submitted by the applicant on its **official** letterhead and must be dated and signed by the Chief Executive Officer **of** the applicant **or** an **official** of **similar** standing in the organisation:

*I, the undersigned hereby declare that if: .....[legal name of the applicant]. ..... is registered or provisionally registered, the institution will not exceed the enrolment that the facilities and equipment can reasonably accommodate.*

*I further declare that. ....[legal name of the applicant]. ..... has sufficient space, equipment and instructional material to provide education and training of sufficient standard to achieve the objectives of each programme.*

*I also agree that if registered or provisionally registered, .....[legal name of the applicant]. ..... will maintain full records of each student's admission, academic progress and assessment of learning in respect of each programme.*

*I declare that all the sites listed in this application are administered and controlled by .....[legal name of the applicant]. ..*

*I also declare that, .....[legal name of the applicant]. ..... has the necessary academic and support staff with appropriate qualifications and experience to achieve the objectives of each programme.*

*I further declare that officials from Government will be allowed unconditionally to conduct site visits for verification and ensuring compliance with the conditions of registration.*

The original copy of this declaration must be submitted.

#### **Annexure 12: Sworn declaration on monitoring and evaluation**

The following verbatim undertaking must be submitted by the applicant on its official letterhead and must be dated and signed by the Chief Executive Officer of the applicant or an official of similar standing in the organisation:

*I, the undersigned, hereby declare that if registered or provisionally registered, .....[legal name of the applicant]. ..... shall comply with an evaluation of the institution at intervals to be determined by the Registrar.*

*I further declare that if registered or provisionally registered, ..... [legal name of the applicant] ..... shall comply with any other reasonable process arranged by the Registrar after consultation with the institution for the purpose of monitoring compliance with the requirements of the Act and the conditions of registration.*

The original copy of this declaration must be submitted.

#### **Annexure 13: Accreditation report issued by Umalusi**

In order to finalise the evaluation of an application for registration as a private FET institution, the Registrar must consider the advice of Umalusi on the applicant's application for accreditation. Therefore, on lodging an application for registration, an applicant is also required to submit to

Umalusi an application for accreditation. Private institutions wishing to enquire about accreditation should contact *Umalusi* directly at

*Chief Executive Officer*  
*Umalusi*  
 P.O. Box 742 99  
**LYNWOOD RIDGE**  
 0126

*Telephone: 012 349 1510*

*Facsimile: 012 349 1511*

The DoE will obtain the accreditation report directly from *Umalusi*. The applicant is, therefore, not expected to submit this Annexure with the application for registration.

## K. INFORMATION FOR STUDENTS AND THE PUBLIC

### **Annexure 14 Student prospectus, calendar or brochure**

A copy of the applicant's student prospectus, calendar or brochure must be submitted. In terms of format and content, this document must comply with Regulation 25.

### **Annexure 15: Enrolment forms**

A sample copy of the applicant's enrolment form must be submitted.

## L. DECLARATION ON NON-DISCRIMINATION

### **Annexure 16: Sworn declaration on non-discrimination**

The following verbatim declaration must be submitted by the applicant on its official letterhead and must be dated and signed by the Chief Executive Officer of the applicant or an official of similar standing in the organisation:

*I, the undersigned, hereby declare that .....[legal name of the applicant].. ..... does not discriminate on the basis of race and that, if registered,.....[legal name of the applicant]..... will comply with the provisions of section 29(3) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).*

*I accept that the Registrar of Private Further Education and Training Institutions may, in terms of section 29(3) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and section 35 of the Private Further Education and Training Act, 1998 (Act No. 98 of 1998), cancel this institution's registration or provisional registration.*

The original copy of this declaration must be submitted.

**M. ADDITIONAL INFORMATION TO BE SUBMITTED BY FOREIGN APPLICANTS ONLY****Annexure 17: Undertaking on equality of qualifications**

An undertaking that the parent institution will accept as a basis for further study the applicable local qualifications is required. The following verbatim statement, signed by the head of the foreign institution on the foreign institution's official letterhead, and addressed to the Registrar, must be submitted

*I hereby declare that [legal name of the applicant] will, subject only to the availability of places, allow successful students from its registered South African institution to enrol unconditionally, without any further course work, for further years of study in the same qualification at parent institution or any of its other sites.*

**Annexure 18: Proof of official recognition in the country of origin**

A foreign applicant wishing to be registered must provide proof that in its country of origin it is recognised by official authorities as a public or private FET institution or equivalent in terms of the statutes.

**Annexure 19 Proof of accreditation in the country of origin**

A foreign applicant wishing to be registered must also provide proof that in its country of origin it is accredited in terms of the statutes to provide FET programmes.

## CHECKLIST

Please make sure that you have submitted *Form FPX-01* and attached all documents listed below. Fill in this form and submit it with your application.

<b>REQUIRED INFORMATION</b>	<b>SUBMITTED YES/NO</b>	<b>INSTITUTION'S COMMENTS</b>	<b>FOR OFFICE USE ONLY</b>
<b>Form FPX-01:</b> <i>Application Form</i> <i>Application Fee</i>			
<b>Annexure 1:</b> <i>Audited Annual Financial Statements</i>			
<b>Annexure 2</b> <i>Audited 3-yr Financial Forecast</i>			
<b>Annexure 3</b> <i>Business plan</i>			
<b>Annexure 4</b> <i>Security agreement</i>			
<b>Annexure 5:</b> <i>Declaration on Fidelity Guarantee Fund</i>			
<b>Annexure 6:</b> <i>Company registration documents</i>			
<b>Annexure 7:</b> <i>Occupational health and safety audit report(s)</i>			
<b>Annexure 8:</b> <i>Business registration certificate</i>			
<b>Annexure 9:</b> <i>Original tax clearance certificate issued by SARS</i>			
<b>Annexure 10;</b> <i>Declaration on application for accreditation</i>			
<b>Annexure 11:</b> <i>Undertaking on institutional capacity</i>			
<b>Annexure 12:</b> <i>Declaration on monitoring and evaluation</i>			
<b>Annexure 13:</b>			

<i>Student prospectus, calendar or brochure</i>			
<b>Annexure 14:</b> <i>Enrolment forms</i>			
<b>Annexure 15 :</b> <i>Sworn declaration on non-discrimination</i>			
<b>Annexure 16:</b> <i>Undertaking on equality of qualifications</i>			
<b>Annexure 17:</b> <i>Proof of recognition in the country Of origin</i>			
<b>Annexure 18:</b> <i>Proof of accreditation in the country of origin</i>			