
GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 974

27 November 2012

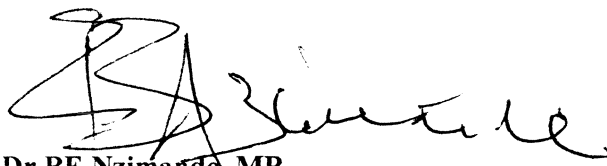
MINISTRY OF HIGHER EDUCATION AND TRAINING

FURTHER EDUCATION AND TRAINING COLLEGES ACT NO. 16 OF 2006 AS AMENDED

APPOINTMENT OF AN ADMINISTRATOR FOR KING SABATA DALINDYEBO PUBLIC FURTHER EDUCATION AND TRAINING COLLEGE

I, Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in terms of the provisions of section 46 (4) of the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006) hereby appoint Ms Nonkonzo Chagi as Administrator for King Sabata Dalindyebo Public Further Education and Training College to take over the functions of Management and Council for a period not exceeding two years.

The background and terms of Reference for the appointment of the Administrator are attached as Schedule A.



Dr BE Nzimande, MP

Minister of Higher Education and Training

Date: 30/11/12

SCHEDULE A

**TERMS OF REFERENCE: APPOINTMENT OF AN ADMINISTRATOR FOR KING
SABATA DALINDYEBO FET COLLEGE
PREAMBLE AND BACKGROUND**

Background

On 3 May 2012, Act No. 3 of 2012: Further Education and Training Colleges Amendment Act, 2012 was assented to by the President in the Government Gazette Vol 563, No.35308. In accordance with this Act and Notice 367 in the Government Gazette, Section 46, is transferred to the Department of Higher Education and Training (DHET) as of 03 May 2012.

In terms of the **Further Education and Training Colleges Act, 2006 Section 46 (4) (Act No. 16 of 2006)**, (as amended) the Minister, after consultation with the council of the public college concerned, if practicable, and despite any other provision of this Act, may appoint a person as administrator to take over the authority of the council or the management of the college and such a person may perform all the functions relating to governance or management on behalf of the college for a period determined by the Minister, which may not exceed two years.

In this regard, an audit commissioned by the Eastern Cape Socio-Economic Consultative Forum (ECSECC) in 2010 corroborated the college functionality profiles to the DHET as was cited in the terms of reference of the said audit. Among other things, the report provided that the governance and management controls are weak, both at provincial level and in colleges. For instance, there are not college regulations that put the legislative frameworks into practice and colleges themselves appear to have no proper provisions for internal controls (such as audit committees), clarification of roles and delegation of authority.

In addition, this report made the following observations:

- There is a blockage in terms of learner progression at National Certificate (Vocational) (NC(V)) level 2 where 81% of the learners are currently enrolled;
- The administration of a student assessments is weak, there are many concerns regarding their credibility;

- The governance controls are weak, both at provincial level and in colleges. For instance, there are no college regulations that would put the legislative frameworks into practice and college themselves appear to have no proper provisions for internal controls (such as audit committees), clarification of roles and delegation of authorities;
- There is inadequate focus on the business of learning and teaching. Furthermore, there is no proper planning and execution of the learning and teaching programmes and related teacher development aspects; and
- Learner and educator welfare aspects seem to be very poorly managed in all the colleges. Educators are unaware of the development in the college and majority of managers do not see the importance of staff and student support.

In a further report of the Department of Higher Education and Training/Eastern Cape Further Education and Training Colleges Capacity Improvement Project it has been established that the Council did not address the maladministration of a serious financial nature that occurs at Ingwe FET College.

In addition the Term of Office of the Council ended in July 2011 and no new Council have be constituted.

In the light of this an Administrator is to be appointed to take over the functions of both Council and Management in terms of Section 46 (4) of the FET Colleges Act, 16 of 2006.

**TERMS OF REFERENCE: APPOINTMENT OF AN ADMINISTRATOR FOR KING
SABATA DALINDYEBO FET COLLEGE
PREAMBLE AND BACKGROUND**

The general and specific terms of reference of the Administrator are:

1. To take over the authority of the Council of King Sabata Dalindyebo Public Further Education and Training College for an initial period not exceeding two years;
 2. To take over the management of the College and to steer the College back to operational sustainability and financial stability;
 3. To identify and initiate processes and initiatives that will contribute to the strengthening of structures, systems and policies that will ensure good governance and the restoration of a culture of efficient administration and focused teaching and learning;
 4. To carry out a forensic audit of the College in order to identify any corrupt practices and/or financial irregularities and to institute appropriate action within the prescripts of the law;
 5. To prepare for the appointment of a new council for the College through the review of the structure and functioning of the council and the sub-committees of council, and the drafting of a new College Statute for King Sabata Dalindyebo College, if required;
 6. To advise the Minister of the skills and representational profile required of a new council and on the selection of suitable nominees to serve on such a council;
 7. To oversee the induction and orientation of the new council once appointed and to provide guidance and advice to the new council on meeting the various obligations and functions imposed by the relevant legislation and regulation;
 8. To advise and guide the new council of the recruitment, selection, nomination and appointment of a new Principal to take over the management of the College;
 9. If required, to oversee the induction and orientation of a new College Principal for a period not to exceed three months from the date of the assumption of duty by the College Principal; and
 10. In carrying out the responsibilities outlined above, the Administrator will work in close collaboration with, and draw on the expertise and technical advice of the project team of the DHET Eastern Cape FET College Improvement Project, established in the Eastern Cape for the purpose of providing support to and building capacity of FET colleges.
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