GOVERNMENT NOTICE
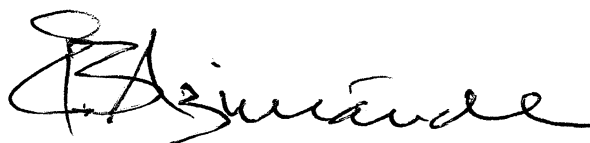
DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 488   **12 July 2013**

APPOINTMENT OF AN ADMINISTRATOR FOR TSHWANE NORTH COLLEGE FOR FURTHER EDUCATION AND TRAINING

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 16 of 2006), as amended by the Further Education and Training Colleges Amendment Act, 2012 (Act 3 of 2012) published in Notice No. 345 of Government Gazette No. 35308 of 3 May 2012; read with Notice No. 367 of Government Gazette No. 35336 of 11 May 2012, hereby appoint Mr Christopher Brink as Administrator for Tshwane North FET College to execute the functions of council and management, for a period not exceeding 12 months commencing on 1 July 2013.

Dr BE Nzimande, MP

Minister of Higher Education and Training

Date: 27/06/13

SCHEDULE

TERMS OF REFERENCE

ADMINISTRATOR FOR TSHWANE NORTH FET COLLEGE

PREAMBLE AND BACKGROUND

The appointment of the Administrator is necessitated due to serious claims of disfunctionality at Tshwane North College. In the light of this, an Administrator is appointed to take over the functions of both council and management in terms of Section 46(4) of the Further Education and Training Colleges Act, 2006 (Act 16 of 2006) as amended by the Further Education and Training College, as Amendment Act, 2012 (Act 3 of 2012, read with Notice No. 367 of Government Gazette No. 35336 of 11 May 2012.

Section 46(4) of the FET Colleges Act, as amended,provides the following:
"If an audit of the financial records of a public college, or an investigation by the person as contemplated in subsection (1) reveals financial or other maladministration of a serious nature at a public college or the serious undermining of the effective functioning of a public college, the Minister may, after consultation with the council of the public college concerned, if practicable, and despite any other provision of this Act, appoint a person as administrator to take over the authority of the council or the management of the college and such person may perform all the functions relating to governance or management on behalf of the college for a period determined by the Minister, which period may not exceed two years".

MAIN OBJECTIVE OF APPOINTMENT

To act in line with the provisions of section 46(4) and (6) of the FET Colleges Act, Section 46(6) states: "If an administrator is appointed in terms of subsection (4), the council is deemed to have resigned and the administrator must:

(a) take over the authority of the council;

(b) perform the council's functions relating to governance; and

(c) ensure that a new council is constituted."

SCOPE OF WORK OF THE ADMINISTRATOR

1. To take over the authority of the Council of Tshwane North College for a period not exceeding two years.

2. To take over the authority of management and administration and to identify and initiate processes, initiatives and interventions to restore proper governance and administration to ensure effective functionality at Tshwane North College for a period not exceeding two years.

3. The Administrator must provide a range of services or interventions, in line with the FET Colleges Act, 2006 (Act 16 of 2006) (FETC Act) as amended, and other relevant legislation to ensure functionality of the FET College.

4. In performance of the duties as outlined in paragraphs 1, 2 and 3 above, due regard must be taken of the Protocol Agreements between the Minister of Higher Education and the Member of the Executive Council (MEC) for Education in Gauteng Province; and the Director-General of the Department of Higher Education and Training (DHET) and the Superintendent General of the Gauteng Provincial Department of Education (PDE) and any further legislative changes that may take place in relation to performance of the functions of council and management.

5. To create and/or install systems to support functions relating to college leadership and governance, infrastructure development, change management, financial management, monitoring and evaluation and to ensure that effective and efficient teaching and learning takes place.

6. To develop structured and relevant policies, strategies and procedures in regard to the roles and responsibilities of council and management, student and staff support and financial management.

7. To implement the procedures to appoint a new council in line with the requisites of the FET Colleges Act, college statute and any requirement as may be set by the DHET.

8. To strengthen and implement a clear monitoring, evaluation and reporting framework in

line with the requirements of the DHET.

9. To assess the issues that are prevalent within the college and resultant dysfunctionality, identify areas that require change within the institution and implement the appropriate course of action, within the budget of the college and statutory functions of the Council.

10. To steer the College back to operational sustainability with an effective functional council.

11. Provide a plan of action for the approval of the Minister within an agreed timeframe to ensure that the college is functional and compliant to the FETC Act, policies and directives to deliver quality education and training to students.

12. Provide regular reports within agreed timeframes to the Minister on the implementation of the plan referred to in paragraph 11 above.

GENERIC SCOPE OF WORK

- Ensuring that the College adopt a unique educational character inclusive of the mission and value system of the institution.
- Implement the FETC Act and related policies of the Minister.
- Take responsibility for the administration, management and leadership within the organization and be accountable for any functions relating to governance and management of the College.
- Ensure the efficient and effective management of the college's resourcing
- Establish appropriate financial, planning and management controls to safeguard public funds to the approved accounting standard for FET Colleges and/or Public Finance Management Act (PFMA) standard.
- Provide accurate annual estimates of income and expenditure, for consideration and approval by the Council, and for the management of budget and resources, within the approved estimates.
- Ensure that funding is used for the purpose intended and in accordance with the conditions set out in the PFMA.
- Determine the curriculum, after consultation with the Academic Board and due

consideration of the institution's academic activities.

- Ensure that the learning and teaching environment is conducive and contributes towards a sustained high certification rate.

- Ensures that the information standards, standardized management processes and reporting requirements for FET College are adhered to at all times.

- Maintain and ensure student discipline.

INTERNAL AND EXTERNAL CONTACTS

Effective and efficient communication must be established and maintained with (amongst others) the Minister and the Department of Higher Education, Gauteng Department of Education, Gauteng Premier's office, Further Education and Training College (FETC) Employee Association, Service Providers, College Principals Association, College Councils, College staff and students.

APPOINTMENT CONDITIONS

- The work is predominantly institution based.

- A 40 ordinary hours of work per week with extended hours of work will be required.

- Regular visits to the college campuses and any other sites operating under the auspices of the college will also be required.

- The position will also involve attending meetings/workshops outside of working hours and on weekends.

- As the appointment of an Administrator is an emergency intervention to bring the college to the required standards of governance and management within a limited timeframe, the Minister reserves the right to terminate the appointment with immediate effect in the event of failure to comply with the requirements and provisions of these Terms of Reference.

REPORTING LINES

The Administrator will report to:

Mr GF Qonde

Director-General: Higher Education and Training