
GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 18

20 January 2014

APPOINTMENT OF MS P STEYN AS ADMINISTRATOR TO IKHALA 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), as amended by the Further Education and Training Colleges Amendment Act, 2012 (Act No. 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, and Notice No. 346 published in Government Gazette No. 36449 of 9 May 2013, hereby appoint Ms P Steyn as administrator to Ikhala Public Further Education and Training College, to execute the functions of management from 1 July 2013 until a principal is appointed; and to execute the functions of council from 1 July 2013 until 31 March 2014.

The terms of reference for the duration of the appointment of the administrator are contained in the Schedule attached hereto.



Dr BE Nzimande, MP

Minister of Higher Education and Training

Date: 11/12/13

SCHEDULE

TERMS OF REFERENCE

ADMINISTRATOR FOR IKHALA PUBLIC FET COLLEGE

PREAMBLE AND BACKGROUND

The appointment of the administrator is necessitated due to serious claims of disfunctionality at Ikhala Further Education and Training (FET) College and due to the fact that the term of office of council ended during July 2011. 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 No. 16 of 2006) as amended by the Further Education and Training Colleges Amendment Act, 2012 (Act No. 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 the subsection (1) reveals financial or other maladministration of a serious nature at a public college or a 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 the governance or management on behalf of the college for a period determined by the Minister, which 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 authority of the council of Ikhala FET College from 1 July 2013 until 31 March 2014.
2. To take over the authority of management and administration from 1 July 2013 until such time that a principal is appointed and to identify and initiate processes, initiatives and interventions to restore proper governance and administration to ensure effective functionality at Ikhala FET College.
3. To provide a range of services or interventions, in line with the FET Colleges Act, 2006 (Act No. 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 Eastern Cape Province ; and the Director –General of the Department of Higher Education and Training (DHET) and the Superintendent General of the Eastern Cape 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 of 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 in place by 31 March 2014.
11. To 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. To provide regular reports within agreed timeframes to the Minister of the implementation of the plan referred to in paragraph 11 above.

GENERIC SCOPE OF WORK

- Ensure that the College adopt a unique educational character inclusive of the mission and value system of the institution.
- Implement the FETCA 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 management of the College until a principal is appointed and be accountable for any functions relating to governance until 31 March 2014.
- Ensure the efficient and effective management of the college's resourcing until such time that a principal is appointed.
- 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 the funding is used for the purpose intended and in accordance with the conditions set out in the PFMA.
- Determine the curriculum, after consultation with Academic Board and due consideration of the institution's academic activities.
- Ensure that the learning and teaching environment is conducive and contributes towards a sustainable 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, Eastern Cape Department of Education, Eastern Cape 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 hour work week with extended work hours 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 the administrator is an emergency intervention to bring the college to the required standards of governance and management within a time 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