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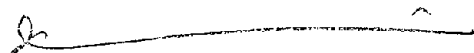
GENERAL NOTICE

NOTICE 197 OF 2008

Department of Education

Further Education and Training colleges act 16 of 2006

I, Duncan Baring Hindle, Director General of Education, hereby determine, in terms of section 29 and 35 of the Further Education and Training Colleges Act, 2006 (Act No 16 of 2006), read with Regulations 3(3) and 4 (1) of the Regulations for the Registration of Private Further Education and Training Colleges, 2007, an application for registration form (Form FPX-01), a guide for completing the application for Registration Form, an application for Amendment of Form (Form FPX-02), and the guide for completing the application for Amendment, as set out in the schedule.



MR DB HINDLE
DIRECTOR-GENERAL: EDUCATION
DATE: 21 January 2008



education

Department:
Education
REPUBLIC OF SOUTH AFRICA

**4. A GUIDE FOR COMPLETING THE APPLICATION FOR AMENDMENT AS A
PRIVATE FURTHER EDUCATION AND TRAINING COLLEGE¹
(Form FPX-02)**

¹ Note: Applicants must use this guide to complete the *Application for Amendment of Registration as a Private Further Education and Training College (Form FPX-02)*

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ABBREVIATIONS AND ACRONYMS USED IN THE GUIDE AND THE FORM

CIPRO	Companies and Intellectual Property Registration Office
DoE	Department of Education
FET	Further Education and Training
IRBA	Independent Regulatory Board for Auditors
SAQA	South African Qualifications Authority
NQF	National Qualifications Framework
Umalusi	General and Further Education and Training Quality Assurance Council

INTRODUCTION

In terms of the *Further Education and Training Colleges Act, 2006* (Act No. 16 of 2006) (hereafter referred as the Act) and the *Regulations for the Registration of Private FET Colleges, 2007* (hereafter referred to as the Regulations), a private FET college may apply to the Registrar of Private Further Education and Training Colleges (the Registrar) to amend its registration or provisional registration. This application must be submitted to the Registrar in full in a manner determined by the Registrar in the Government Gazette. In order to enable colleges to lodge applications for amendment, the DoE developed the *Application for Amendment Form (Form FPX-02)*.

The aim of this guide is to assist colleges that wish to apply for amendment of registration or provisional registration and it accompanies the *Application for Amendment Form (Form FPX-02)*, which is designed in accordance with the Act and the Regulations. It is important to bear in mind that this document is only a guide. The Registrar may require additional information to support the application.

The Act and the Regulations allow a college to apply for amendment of its registration or provisional registration in respect of the following:

- a) Change of legal name
- b) Change of form or type of company
- c) Changes in the qualifications for which it is registered
- d) Changes in the sites

IMPORTANT CONSIDERATIONS FOR COMPLETING THE APPLICATION FORM

All private colleges seeking to amend their registration or provisional registration should contact the DoE to be supplied with the relevant forms, the guide for completing the form and the schedule of fees. In order to obtain these documents, the DoE can be contacted telephonically at 0800 734 338 during office hours. Alternatively, the documents can be accessed in electronic format at the DoE website at: www.education.gov.za under *DoE Branches/Further Education and Training/Private FET Colleges/Directorate Documents*

When completing the *Application for Amendment*, the following must be borne in mind:

- a) Only relevant sections must be completed fully in the required format. In all instances sections A and B must be completed.
- b) In section B, an applicant must clearly indicate the types of amendment(s) for which the college is applying. A college is at liberty to apply for any or all of the following types of amendments as reflected in the Table below.

TYPE OF AMENDMENT	SPECIFIC TYPE	ANNEXURE(S) REQUIRED
1. Change of the legal name of the college		1 only
2. Change of type or form of Company		2 only
3. FET qualifications	Addition of qualifications	3 and 7
	Qualification name change	7
	Qualification discontinuation	5
4. Sites of delivery	Addition of site(s)	4, 7 and 8
	Discontinuation of site(s)	6

- c) An application for a particular type of amendment must be accompanied by the appropriate annexure as indicated in the third Column of the above Table. A brief explanation of each annexure is provided in section G of this Guide.
- d) A college wishing to apply for amendment to its qualifications and/or sites must apply to Umalusi for accreditation for the new qualification/s and/or site/s. Umalusi will in turn forward the accreditation report to the DoE.

- e) A college that wishes to discontinue a qualification or site must also inform Umalusi in writing.
- f) The application must be submitted to the Registrar with a non-refundable fee prescribed in the *Schedule of fees (FPX-02)*. The non-refundable fee is payable per application, not per type of amendment.
- g) The non-refundable application fee must be paid by means of a bank guaranteed cheque made out to the Department of Education.
- h) The application must be submitted as a signed hard copy and must indicate the date of submission to the DoE.
- i) 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.
- j) The application consists of the following sections:

FORM

Section A: Administrative data (Items 1-7)

Section B: Types of amendment (Items 8.1-8.4)

Section C: Amendment to the legal name (Items 9-10)

Section D: Amendment to type or form of company (Items 11-13)

Section E: Amendment to FET qualifications (Items 14-17)

Section F: Amendment to sites of delivery (Items 18-20)

ANNEXURES 1 – 8

Annexure 1: Official proof of change of legal name

Annexure 2: Official proof of change of type or form of the company

Annexure 3: Qualification feasibility report

Annexure 4: Site and qualification feasibility report

Annexure 5: Report on qualification discontinuation

Annexure 6: Report on site discontinuation

Annexure 7: Accreditation report

Annexure 8: Occupational health and safety report

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

A. ADMINISTRATIVE DATA

In the spaces provided in the *Application for Amendment Form (Form FPX-02)*, the required information must be provided as explained per item below. Each explanation corresponds to the item on *Form FPX-02*.

Item 1: Legal name of the college

The legal name of the college that is applying for amendment of registration or provisional registration must be supplied. This must be the same name in which the college is registered as a private FET college.

Item 2: DoE registration number

The registration number that appears on the college's certificate of registration as a private FET college issued by the DoE must be filled in.

Item 3: Postal address

The postal address for all correspondence with the college must be supplied.

Item 4: Physical address

The physical address of the college must be filled in. The street, number, suburb and city or town must be clearly indicated.

Item 5: Telephone number

The telephone number of the college must be filled in.

Item 6: Fax number

The fax number that may be used for all correspondence with the college must be filled in.

Item 7: E-mail address

The e-mail address to which all correspondence may be sent must be filled in.

B. TYPES OF AMENDMENT

Item 8: Type(s) of amendment

By means of an (x), a college lodging an application for amendment must indicate types of amendment for which the application is lodged:

- 8.1 Amendment to the legal name
 - 8.2 Amendment to the type of company
 - 8.3 Amendment to qualifications
 - 8.4 Amendment to sites
-

C. AMENDMENT TO THE LEGAL NAME

Item 9: New legal name of the college

If the college is applying for an amendment to its legal name, the new legal name must be supplied.

Item 10: New trading name

If the college's trading name, abbreviation or acronym or the translation of its name is to change, the new trading name, abbreviation, acronym or translation must be filled in.

D. AMENDMENT TO THE TYPE OR FORM OF COMPANY

Item 11: New type or form of company

The new type of the company must be filled in. The conversion from one type of company to another must comply with the requirements and procedures stipulated in the *Companies Act, 1973 (Act No. 61 of 1973)*.

Item 12: Registration number

The company registration number issued by CIPRO must be supplied.

Item 13: Company origin

The origin of the company must be indicated by inserting the word "local" or "foreign" in the space provided.

E. AMENDMENT TO QUALIFICATIONS

E1. ADDITION OF QUALIFICATIONS

Item 14: Details of qualifications to be added

In the Table provided, the following details of each qualification must be submitted:

- NQF field
- NQF level
- Qualification identity number
- Qualification title
- Minimum number of credits

For more details regarding the registration of qualifications on the NQF, SAQA can be contacted at 012 439 5000.

The following explanation must be taken into account before responding to this item:

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 to which field your learning programme is aligned.

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 and electrical infrastructure construction.

E2. QUALIFICATION NAME CHANGE**Item 15: Details of the qualification that is to undergo a name change**

The following details of the qualification that is to undergo a name change must be provided:

- Registered qualification name
- Proposed new name
- Title of the qualification
- Qualification identity number

E3. DISCONTINUATION OF QUALIFICATIONS

Item 16: Details of each qualification that is to be discontinued

Regulations require colleges to ensure that a qualification is continued long enough to enable any cohort of students to complete the full qualification. In cases where such discontinuation is unavoidable, the college is required to, apart from informing the Registrar, make reasonable arrangements to enable the affected students to complete the qualification at a comparable public or private college and/or reimburse the affected students appropriately.

In the Table provided, the following details of each qualification that is to be discontinued must be supplied:

- Name of the qualification
- Reason for discontinuation
- Qualification title
- Qualification ID

Item 17: Total number of student and staff to be affected by the discontinuation of qualification(s)

In the Table provided, the data on student and staff that are to be affected by the discontinuation of the qualification must be supplied by race, gender and staff category.

F. AMENDMENT TO SITES OF DELIVERY

F1. ADDITION OF SITES

Item 18: Details of sites to be added

"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 sites where FET qualifications are delivered.

The following details of the proposed sites of delivery must be supplied:

- The name of the additional site
- Physical address of the site
- The province where the site is located
- Qualifications to be offered at the site

F2. DISCONTINUATION OF SITES

Item 19: Details of each site of delivery that is to be discontinued

The following details of each site of delivery that is to be discontinued must be supplied:

- The name of the site
- Physical address of the site
- The province where the site is located
- Registered qualifications to be affected

Item 20: Total number of students and staff to be affected by the discontinuation of a site

In the Table provided, the data on student and staff that are to be affected by the discontinuation of the qualification must be submitted by race, gender and staff categories.

G. ANNEXURES

Annexure 1: Official proof of change of legal name

As official proof of change of legal name, a college must submit with its application a certified copy of the *Certificate of change of name of company* (CM9) issued by CIPRO of the Department of Trade and Industry.

Annexure 2: Official proof of change of type or form of the company

As official proof of change of form or type of the company, a college must submit with its application for amendment, certified copies of the following documents issued by CIPRO:

- a) *Certificate of Incorporation*
- b) *Certificate of change of name of the company*
- c) *Memorandum of Association*
- d) *Articles of Association*
- e) *Content of register of directors, auditors and officers*
- f) *Certificate of Registration of Memorandum of External Company (if applicable)*
- g) *Memorandum of External Company (if applicable)*

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

Annexure 3: Qualification feasibility report

A college wishing to apply for approval of an additional qualification must submit an application for amendment together with a *Qualification Feasibility Report*, which, in terms of format and content, must address the following:

- a) *Rationale for the addition of the qualification*
- b) *Proposed date of implementation*
- c) *Description of the market to be served*
- d) *Current and long-term demand for the proposed qualification*
- e) *Degree of concentration of similar qualifications at other neighbouring public and private education colleges*
- f) *Fees to be charged*
- g) *Affordability of qualification pricing to the target market*
- h) *How the college has prepared itself structurally, operationally and functionally for the growth*

The report must be dated and signed by the Chief Executive Officer or an official of similar standing in the college.

Annexure 4: Site and qualification feasibility report

A college wishing to apply for the approval of an additional site must submit an application for amendment together with a *Site and Qualification Feasibility Report* which, in terms of format and content, must address the following:

- (a) *Rationale for the addition of such site*
- (b) *Proposed date of implementation*
- (c) *Description of the target market to be serviced by the proposed site*
- (d) *Current and long-term demand for the proposed qualification(s) at the site*
- (e) *Degree of concentration of similar qualifications at other public and private providers in the vicinity of the proposed site*
- (f) *Affordability of the qualification pricing to the market to be serviced*
- (g) *How the college has prepared itself structurally, operationally and functionally for the growth*

The report must be dated and signed by the Chief Executive Officer or an official of similar standing in the college.

Annexure 5: Report on qualification discontinuation

A college wishing to discontinue a registered qualification must submit an application for amendment together with a report on qualification discontinuation, which must deal with, but not limited to, the following:

- a) *Rationale for discontinuation*
- b) *Proposed date of implementation*
- c) *Anticipated impact of the qualification discontinuation on the college*
- d) *Copy of a letter sent to staff and students informing them of the proposed discontinuation*
- e) *List of names, ID numbers and signatures of students and staff indicating that they have been informed of the discontinuation*
- f) *Arrangements made for affected students and staff*
- g) *Dispute(s) if any, arising from these arrangements or any other contractual obligations and how they are to be resolved*

This report must be dated and signed by the Chief Executive Officer or an official of similar standing in the college.

Annexure 6: Report on site discontinuation

A college wishing to discontinue a site must submit an application for amendment to which a report on the site to be discontinued should be attached. The report must deal with, but not be limited to, the following:

- a) *Rationale for the site discontinuation*
- b) *Proposed date of implementation*
- c) *Anticipated impact of site discontinuation on the college*
- d) *Copy of a letter sent to staff and students informing them of the proposed discontinuation*
- e) *List of names, ID numbers and signatures of students and staff indicating that they have been informed of the discontinuation*
- f) *Arrangements made for affected students and staff*
- g) *Dispute(s) if any, arising from these arrangements or any other contractual obligations and how they are to be resolved*

This report must be dated and signed by the Chief Executive Officer or official of similar standing in the college.

Annexure 7: Accreditation report

In order to finalise the evaluation of an application for amendment, the Registrar must consider the advice of *Umalusi* on the applicant's application for accreditation. Therefore, on lodging an application for amendment to add a qualification or a site, an applicant is also required to submit to *Umalusi* an application for accreditation of the said qualification or site. Private colleges wishing to enquire about accreditation should contact *Umalusi* directly at:

The Senior Manager
Evaluation and Accreditation
Umalusi

Private Bag X1
QUEENSWOOD
0121

Telephone: 012 349 1510

Facsimile: 012 349 1511

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

Annexure 8: Occupational health and safety report

An occupational health and safety compliance audit report must be submitted with an application for amendment to add a site. The audit report for each site 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 site complies with the following pieces of legislation:

- a) *Occupational Health and Safety Act, 1993;*
- b) *Mine Health and Safety Act, 1996 (if applicable);*
- c) *General Administrative Regulations 2003;*
- d) *General Safety Regulations 2003;*
- e) *Major Hazard Installation Regulations 2001;*
- f) *Regulations for Hazardous Biological Agents 2001;*
- g) *Explosives Regulations 2003;*
- h) *Construction Regulations, 2003(if applicable);*
- i) *Asbestos Regulations 2002 (if applicable);*
- j) *Diving Regulations 2002;*
- k) *Environmental Regulations for Workplaces 2003;*
- l) *Facilities Regulations 2004;*
- m) *Hazardous Chemical Substances Regulations, 2003(if applicable);*
- n) *Lead Regulation 2002;*
- o) *Noise Induced Hearing Loss Regulations 2003;*
- p) *Driven Machinery Regulations 2003;*
- q) *General Machinery Regulations 1988;*
- r) *Lift, Escalator and Passenger Conveyor Regulations 1994;*
- s) *Vessel Under Pressure Regulations 1996;*
- t) *Electrical Installation Regulations 1992;*
- u) *Regulations for the Integration of the Occupational Health and Safety Act;*
- v) *Electrical Machinery Regulations 1988 (if applicable)*
- w) *Any other applicable 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:**
 - o Checklists and other documents used to arrive at the above audit opinion
 - o Graphic representation of findings

CHECKLIST

Please make sure that you have submitted *Form FPX-02* and attached all documents listed below. Fill in this form and submit it with your application.

REQUIRED INFORMATION	SUBMITTED YES/NO	COLLEGE'S COMMENTS	FOR OFFICE USE ONLY
Form FPX-02: <i>Application Form</i>			
Accompanying fee			
Annexure 1 <i>Official proof of change of legal name, as issued by CIPRO</i>			
Annexure 2 <i>Official proof of change of type or form of company, as issued by CIPRO</i>			
Annexure 3 <i>Programme feasibility report</i>			
Annexure 4 <i>Site and programme feasibility Report</i>			
Annexure 5 <i>Report on programme discontinuation</i>			
Annexure 6 <i>Report on site discontinuation</i>			
Annexure 7 <i>Accreditation report</i>			
Annexure 8 <i>Occupational health and safety compliance audit report(s)</i>			