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**GOVERNMENT NOTICE**

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**DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

No. 208

26 March 2014

**DEPARTMENT OF HIGHER EDUCATION AND TRAINING****EXTENSION OF THE PERIOD OF APPOINTMENT OF MR BM JACOBS  
AS ADMINISTRATOR TO KING HINTSA 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 extend the appointment of Mr BM Jacobs as Administrator to King Hintsa Public Further Education and Training College, as published in Notice No.162, Government Gazette No. 36216 of 8 March 2013, to continue to execute the functions of both council and management, from 8 March 2014 until 31 August 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: 07/03/2014

**SCHEDULE****TERMS OF REFERENCE****ADMINISTRATOR FOR KING HINTSA PUBLIC FET COLLEGE****PREAMBLE AND BACKGROUND**

The appointment of the Administrator is necessitated due to serious maladministration of King Hintsa Public Further Education and Training (FET) College and the fact that the term of office of council ended during July 2011. In light thereof, an Administrator is to be appointed to take over the functions of both council and management, contemplated in Section 46(4) of the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006), (FET Colleges Act, 2006), as amended.

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**

An administrator is appointed to act in line with the provisions of Section 46(4) and (6) of the FET Colleges Act, 2006. 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 continue to execute the functions of council of King Hintsa FET College, from 8 March 2014 until 31 August 2014.
2. To continue to execute the functions of management and administration; to identify and initiate processes, initiatives and interventions to restore proper governance and administration; and to ensure effective functionality at King Hintsa FET College, from 8 March 2014 until 31 August 2014.
3. To initiate processes, initiatives and interventions to restore proper governance and administration; and to ensure effective functionality at King Hintsa FET College.
4. To provide a range of services or interventions, in line with the FET Colleges Act, 2006 (Act No. 16 of 2006) (FET Colleges Act) as amended, and other relevant legislation to ensure functionality of the FET College.
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 prerequisites of the FET Colleges Act, 2006, Standard 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 impeding functionality, 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 August 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, 2006, 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 10 above.

#### **GENERIC SCOPE OF WORK**

- Ensure the college adopts a unique educational character inclusive of the mission and value system of the institution.
- Implement the FETCA Act, 2006 as amended; 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 until 31 August 2014.
- Establish appropriate financial, planning and management controls to safeguard public funds to the approved accounting standards for FET Colleges and/or Public Finance Management Act (PFMA) standards.
- 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.

- Ensure that the information standards, standardized management processes and reporting requirements for the 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 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

### **DURATION OF EXTENDED APPOINTMENT**

Effective from 8 March 2014 until 31 August 2014.

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