



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

COMMUNIQUE TO REGISTERED PRIVATE COLLEGES REGARDING SUBMISSION OF ANNUAL REPORTS

BACKGROUND

Regulation 18 of the *Regulations for Registration of Private Further Education and Training, 2007*, developed under the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)* provides that for a registered private college to maintain its registration it must:

- a) Continue to fulfil the requirements of the Act;
- b) Discharging the responsibilities of a private college in terms of these regulations and the Act;
- c) Comply with any condition imposed by the Registrar in terms of Section 37 or 38 of the Act;
- d) Notify the Registrar of any changes, including, but not limited to a change in the name or in any of the sites;
- e) Comply with any reasonable process arranged by the Registrar after consultations with the private colleges for the purpose of monitoring compliance with the requirements of the Act and condition of the registration and
- f) Report immediately to the registrar about the following:
 - I. Reduction or loss of any physical resources necessary for the proper conduct of a programme;
 - II. Reduction or loss of any supporting services of a programme;
 - III. Any significant reduction in the financial or personnel resources needed to sustain a programme; or
 - IV. Failure to meet a commitment made to the registrar in process of registration or as a result of monitoring or review.

A registered private college must submit an annual report by end of April each year for the purpose of monitoring compliance with the requirements of the Act and conditions of registration as contemplated in Regulation 18(e). The requirement to submit such an annual report by the date above is indicated in the registration letter of every private college. An annual report comprises, but not limited to, valid and original or certified copies of the following:

- a) Proof of registration or incorporation as a juristic person under the *Companies Act, 2008 (Act No. 71 of 2008)*;
- b) Umalusi certificate of accreditation / accreditation letter;
- c) Audited annual financial statements issued by an auditor who is registered with the *Independent Regulatory Board for Auditors*;
- d) Financial surety or guarantee for student protection against unforeseen financial risks;
- e) Occupational Health and Safety report); and
- f) Tax clearance certificate.

Failure by a registered private college to submit an annual report constitutes reasonable grounds for the registrar to review and cancel the registration of a private college forthwith.

CESSATION OF COURTESY REMINDER LETTER

The Department has been, over the years, issuing a courtesy reminder letter to registered private colleges to submit annual reports. It is important to state that there is no legal obligation on the part of the Department to issue such a courtesy reminder letter since the requirement to submit annual reports by registered private colleges is explicitly stipulated in the Act, regulations and the registration letter. Some registered private colleges have used non-receipt of a courtesy reminder letter as a ground of appeal to the Minister against the decision of the registrar to cancel their registration. In the context of the background above, **the Department will henceforth cease to issue a courtesy reminder letter to registered private colleges to submit annual reports.**



Ms A Singh

Registrar: Private Colleges

Date: 06 April 2021