DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 429

15 MAY 2017

SECTION 41 B OF THE CONTINUING EDUCATION AND TRAINING ACT, 2006 (ACT NO.16 OF 2006)

THE POLICY AND PROCEDURES FOR REGULATING THE OPENING, MERGING AND CLOSING OF COMMUNITY EDUCATION AND TRAINING COLLEGES LEARNING SITES

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education and Training, in terms of the Continuing Education and Training Act, 2006 (Act No.16 of 2006), hereby publish the *Policy and procedures for regulating the opening, merging and closing of Community Education and Training (CET) Colleges' Learning Sites.*

A copy of the policy as identified by the signature of the Minister on each page is available on the website of the Department at www.dhet.gov.za. Hard copies may also be collected at the Department of Higher Education and Training, 123 Francis Baard Street, Pretoria.

Dr BE Nzimande, MP
Minister of Higher Education and Training

Date: 05/04/2017

higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

POLICY AND PROCEDURES FOR REGULATING THE OPENING, MERGING AND CLOSING OF COMMUNITY EDUCATION AND TRAINING COLLEGES LEARNING SITES

Published by the Department of Higher Education and Training
Private Bag X174
Pretoria
0001
South Africa
Tel: +27 12 312 6018
Fax: +27 12 324 2059
Policy and procedures for regulating the opening, merging and closure of CET college learning sites is also available on:
www.dhet.gov.za/community education and training
Publication date: .....

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ABBREVIATIONS AND ACRONYMS

ABET	Adult Basic Education and Training
AET	Adult Education and Training
AGSA	Auditor-General of South Africa
CET	Community Education and Training
CET Act	Continuing Education and Training Act No 16 of 2006
CLC	Community Learning Centres
DHET	Department of Higher Education and Training
FET	Further Education and Training
EMIS	Education Management Information System
PALCS	Public Adult Learning Centres
PEDS	Provincial Education Departments
TVET	Technical and Vocational Education and Training

1. BACKGROUND AND CONTEXT

1.1 The existence of the current learning sites of Community Education and Training Colleges, (which in terms of the section 10.2 Of the *National Policy on Community Education and Training Colleges, 2015* are referred as Community Learning Centres) can be traced from 1994 when they were inherited as night schools from the previous regime. In 1995, *A National Adult Basic Education and Training Framework: Interim Guidelines, September 1995* came into effect to guide curriculum and related aspects. Night schools were transformed to become Public Adult Learning Centres (PALCs) regulated in terms of the *Adult Basic Education and Training Act, Act No 52 of 2000.* The Democratic Government was determined to increase access to adult basic education in order to accommodate the unemployed members of communities that were available during the day. The PALCs in different provinces started to operate during the day and evenings. Flexibility with regard to operational times dictated by availability of learners and infrastructure became the permanent feature of adult education.

1.2 In line with the recommendations of the *Adult Education and Training Conference, 2007* aimed at improving learner attainment, an attempt was made by some of the Provincial Departments of Education to launch fulltime PALCs and increase hours of tuition in some of the centres. The Provincial Education Departments' (PEDs) initiatives regarding required operational time in the implementation of curriculum were limited by budgetary and infrastructural constraints which continues to play itself out in the new CET College sub-system to date.

1.3 In 2009, the administration of the *Adult Basic Education and Training Act, Act No 52 of 2000* was transferred to the Minister of Higher Education and Training. The Department of Higher Education and Training (hereafter referred to as "the Department") inherited 3 276 PALCs that were characterized by different administrative systems with regard to their establishment, opening and closing. Each PED did what is deem pragmatically fit at the time. It is these disparate regimes that continue to constitute some of the challenges that the Department has to contend with in its endeavour to establish a single national system.

1.4 As a point of departure to this effect, the *Higher Education and Training Laws Amendment Act, 2010 (Act No 25 of 2010)* transferred the legislative responsibility of Adult Education and Training to the Minister of Higher Education and Training; whereas the *Further Education and Training Amendment Act of 2013(Act No1 of 2013)* repealed the *Adult Basic Education and Training Act, Act No 52 of 2000.*

1.5 A new policy position for AET was articulated in the *White Paper for Post School Education and Training System,* November 2013, which advocated the absorption of the PALCs into the Community Colleges, a third-tier institutional types alongside the Universities and TVET Colleges.

1.6 While the CET Act provides for the establishment of Community Colleges as a third-tier institution of the Post School Education and Training (PSET) system. The National Policy on Community Education and Training Colleges maintains that Community Colleges exist as multi-centre institutions. The clustered learning sites under each CET College are currently known as Community Learning Centres and serve as learning sites of each Community College in line with Government Notices No. 297, 298, 299, 300, 301, 302, 303, 304 and 305 published in the Government Gazette No. 38674 of 7 April 2015. The learning sites are found in different districts and municipalities closer to the communities that they serve.

1.7 The CET Act empowers College Councils to exercise their oversight and fiduciary responsibilities over each CET college in the interest of the CET college and remain responsive to the needs of the communities that college serves.

1.8 The CET Act provides for the establishment and or declaration of a public college. The Act further provides for the CET governance structures such as the College Council, Academic Board, the Student Representative Council, and representations of students and staff in these structures. Among others, the Council has to exercise its oversight on the following:

a) Institutional funding
b) Management
c) Financial management
d) Supply Chain Management
e) Staffing and human resource management, administration and development
f) Learning programmes
g) Enrolment
h) Institutional resourcing
i) Student and staff health, safety and welfare
j) Asset Management and Maintenance
k) Infrastructure acquisition
l) Internal policies, processes and procedures
m) Regulating the opening, merging and closure of learning sites (also known as the CLCs)
n) Implementation of the CET college strategic and annual performance plans
o) Stakeholder relations

2. OBJECT OF THE POLICY

The responsibility for opening, merging and closing the CET College learning sites vests with the College Council. The College Council is expected to be consistent with legal provisions in exercising its authority in this regard. It is for this reason that the Department provides these policy and procedures that seek to:

a) provide guidelines for the establishment or opening of CET college learning sites
b) set parameters within which to merge and close CET college learning sites must be handled
c) standardise practices regarding the opening, merging and closing of CET college learning sites across nationally.

3. LEGISLATIVE FRAMEWORK

3.1 The Bill of Rights in the *Constitution of the Republic of South Africa*, 1996 (Act No 108 of 1996) establishes the right to education in section 29 (1) as follows:

Everyone has the right to:

~ *Basic education, including adult basic education; and*
~ *Further education, which the State, through reasonable measures must make available and accessible.*

3.2 Sections 7 and 8 of the *CET* Act No 16 of 2006, maintain that the Minister may by notice in the Gazette, merge two or more public colleges into a single college and may close a public college provided he/she has given written notice to colleges in question of the intention to do so. However, this Ministerial authority does not apply to the opening, merging and closure of college learning sites. This vests with the Councils as part of their execution of their fiduciary responsibilities in the interest of the CET college system.

3.3 The National Policy on Community Education and Training Colleges maintains that Community Colleges exist as multi-centre institutions. The clustered learning sites under each CET College are currently known as Community Learning Centres and serve as learning sites of each Community College in line with Government Gazette No. 38674 of 7 April 2015.

3.4 *Promotion of Administrative Justice Act*, Act No 3 of 2000 requires adherence to administrative procedures that are fair towards those that are affected by the action(s) to be undertaken. The merging and closing of Community Learning Centres are administrative actions that have implications for college employees at the site affected as

well as communities served by the merging or closure of the learning site. It is therefore imperative that the Council must take into account this piece of legislation in its execution of administrative action referred to in this policy.

3.5 The requirement by the Auditor-General of South Africa (AGSA) that the performance information (in this case enrolments and completion rates) must be verifiable enjoins the Community Education and Training Colleges with the support of the Department's regional offices to undertake the verification of enrolment in CET Colleges.

3.6 The College Council as constituted in terms of the CET Act is charged with the responsibility to exercise its authority within the existing legal frameworks that regulate the provision of continuing education and training.

3.7 Section 20(1) of the CET Act provides that the staff of a public college shall be appointed by the Minister in terms of the Public Service Act in post established in the organizational structure of the Department and identified as posts of the respective college (b) and the Council in post established in additional to posts referred to in 20(a). Further section 20(2) of the CET Act provides that subject to the Public Service Act, and other applicable law, the Minister must establish posts contemplated in 20(1)(a) and appoint staff in the identified posts. Section 41B of the CET Act provides that the Minister shall determine a policy for post-provisioning. When opening, merging and closing learning sites, the College Council must act consistently within the legal provisions above and within the confines of applicable policies and legislation to reconcile the needs of the communities with available resources.

3.8 The *National Development Plan: Vision 2030* sets a target of 1 million students to be enrolled for the CET sector. Individual CET Colleges are expected to make a calculated contribution towards the attainment of the set target. The ability of the CET Colleges in marketing their learning programmes should remain high on the college agenda.

3.9 The Department assumes the responsibility of monitoring compliance and performance in all college operations and to report on regular basis. The Department together with CET colleges are expected to ensure that quality teaching and learning occurs in all CET Colleges and in the same breath ensure that there is value for money in the utilization of resources.

4. OPENING OF A NEW LEARNING SITE

a) Each Community College has a number of gazetted learning sites that are also known as Community Learning Centres (CLCs) that can have a number of satellites to facilitate the delivery of learning programmes.

b) The need to establish a Community Learning Centre may be initiated by the CET College or come as a request from the community. The process of establishment of a new learning site is the competency of the College Council. Proper processes must be followed in order to guard against mushrooming of learning sites.

4.1 Steps to be undertaken when opening a new learning site

4.1.1 Before opening a new learning site the CET College Council must:

a) Obtain empirical evidence from the management and the Academic Board that justifies the opening of a learning site,
b) This will include the following:

i. Identification of responsive programmes to be offered at the proposed CLC
ii. Ensure appropriate infrastructure that is safe and conducive to learning
iii. Establish total cost implications for the new Learning site and confirm the availability of resources.
iv. Conduct consultative sessions with communities in order to elicit their support.
v. Ensure availability of suitably qualified lecturers and trainers.
vi. Support by the sector education and training authorities based of the CET college value proposition.
vii. Support by local government, other government departments, private and public employers.
viii. If after considering all these factors, the Council still takes a resolution to open an new learning sites, the Council must inform the Minister in writing of its resolution so that the new learning site can be added through a Notice published in the Government Gazette so that it legally forms part of the learning sites that fall under the college

4.1.2 The notification to the Minister must contain the following details:

a) The name of the new learning site;
b) The physical address of the centre;
c) The Education Management Information Systems number;

d) The examination centre number if applicable; and

e) The date of operation.

5. MERGING OF COMMUNITY LEARNING CENTRES

a) The merging of two or more learning sites may be initiated by the College Council based on the advice of the management and the Academic Board or recommended to the College Council by the Departmental officials based on the findings during the monitoring and support visits.

b) The merger of learning sites could be attributed to the decline of students enrolment in one or two learning site including sites that exist within a close proximity of five (5) to six (6) kilometer-radius resulting in depleted numbers of students.

c) During the merging of learning sites, it is of utmost importance to act reasonably and accommodate all parties that are affected by the administrative action that is undertaken.

5.1 Procedure to be followed in merging Community Learning Centres

5.1.1 The Principal and the Academic Board of the CET College Council must be in possession of empirical evidence in a form of reports that warrants merging of two or more sites.

5.1.2 After having consulted with the staff of the affected sites, the College Council must publish a notice of intention to merge the sites in order to inform the communities of the affected sites, students and staff.

5.1.3 Community leadership, staff and students must be given 60 days written notice for redeployment in case of staff and possible relocation and cost implications for students and the impact of the merger on the community.

5.1.4 A list of vacant and funded posts and their location should be provided to enable lecturers to exercise their choice.

5.1.5 Lecturers must respond in relation to redeployment in writing within 60 days of receipt of the notice.

5.1.6 The affected communities or interested parties must also be informed of their right to make written representations within 60 days of the publication of the notice which must be considered by Council.

5.1.7 If, after considering all representations, the Council decides to take a resolution to merge the learning sites in question, it must inform staff, students and community leadership in writing.

5.1.8 The Council must also inform the Minister of its resolution in writing so that the new centre can be added through a Notice in the Gazette to ensure that it legally forms part of the learning sites that fall under the college.

5.2 The notification to the Minister must contain the following details:

a) The name of the new learning site;

b) The physical address of the centre;

c) The Education Management Information Systems number;

d) The examination centre number if applicable; and

e) The date of operation.

6. CLOSURE OF COMMUNITY LEARNING CENTRES

6.1 The Principal and the Academic Board of the CET College Council must be in possession of empirical evidence in a form of reports that warrants closure of a learning site.

6.2 After having consulted with the staff, student and community leadership of the affected site, the College Council must publish a notice of intention to close the sites in order to inform the communities of the affected sites, students and staff.

6.3 Community leadership, staff and students must be given 60 days written notice for redeployment in case of staff and possible relocation and cost implications for students and the impact of the closure on the community.

6.4 A list of vacant and funded posts and their location should be provided to enable lecturers to exercise their choice. Students must also be informed of the available options for them.

6.5 Lecturers must respond in relation to redeployment in writing within 60 days of receipt of the notice.

6.6 The affected communities or interested parties must also be informed of their right to make written representations within 60 days of the publication of the notice which must be considered by Council.

6.7 If, after considering all representations, the Council decides to take a resolution to close the learning site in question, it must inform staff, students and community leadership in writing.

6.8 The Council must also inform the Minister of its resolution in writing so that the centre can removed through a Notice in the Gazette so that it is legally removed a part of the learning sites that fall under the college.

6.9 The notification to the Minister must contain the following details:

a) The name of the closed learning site;

b) The physical address of the site;

c) The reasons for the closure;

d) Management of centre assets;

e) The process of staff placement/redeployment/retrenchment;

f) Measures to assist current students;

g) The Education Management Information Systems number;

h) The examination centre number if applicable; and

i) The date of ceasing operations.

7. CET COLLEGE CONSULTATION WITH THE REGIONAL OFFICE

7.1 It is advisable that the CET College council and management consult with relevant regional office as a support structure of the CET College on matters relating to the envisaged opening, merging or must be appraised on the intentions of the college that hinges on the policy for opening, merging and closure of Community Learning Centres. This will serve to align information towards building a credible Community Education and Training System.

8. SHORT TITLE AND COMMENCEMENT

8.1 This policy shall be cited as the *Policy and Procedures for Regulating the Opening, Merging and Closure of CET College Learning Sites.*

8.2 This policy shall take effect on the date of publication by notice in the Government Gazette.