

GOVERNANCE AND MANAGEMENT OF CET COLLEGES

1. Introduction

The Continuing Education and Training Act 16 of 2006 (formerly the Further Education and Training Colleges Act) provides the legislative framework for the regulation of continuing education and training, including the establishment, governance, management and funding of technical vocational education and training (TVET) and community education and training (CET) colleges. There are other, additional, policy instruments that have been developed to regulate CET colleges, namely the National Policy on Community Colleges, which was promulgated in July 2015, and the Draft National Policy for the Monitoring and Evaluation of CET Colleges, which was released for public comment in August 2016.

The purpose of the National Policy on Community Colleges is to provide a framework for managing the shifting the mandate for adult education and training from the provincial education departments to the (national) Department of Higher Education and Training. The Draft National Policy for the Monitoring and Evaluation of CET Colleges seeks to provide standards for monitoring, measuring, and evaluating the impact and the quality of access to, and success in, the CET programmes by adults and out-of-school youth.

This chapter will provide the main elements of the governance framework of CET colleges as provided for in the CET Act of 2006 and in the subsequent policy documents that have been mentioned above. Where there are deviations from the current legislative and policy provisions, these will be pointed out and the reasons for doing so will be provided. The recommendations strengthening the legislative provisions that pertain to the governance and management of CET colleges are highlighted with a text box.

2. Governance of CET Colleges

The governance framework of public colleges is outlined in Chapter 3 (Sections 9 to 18) of the CET Act of 2006. The main governance structures of community education and training colleges are the following:

- Council
- Academic Board
- Student Representative Council (SRC)

2.1 Council

2.1.1 Functions of College Council [§10 (1- 3) of CET Act]

The CET Act sets out the following as the main functions of the Council:

- a) Perform all functions that are necessary to govern the college, including the development of a college statute
- b) Develop, with the concurrence of the Academic Board, a strategic plan for the college. The strategic plan must:
 - Incorporate the mission, vision, goals and plan for the funding of the college
 - address past imbalances and issues of gender and disability
 - address issues of a safe learning environment for students, lectures and support staff
 - be approved by the Minister
- c) Determine the language policy of the college
- d) Ensure the college complies with the accreditation requirements of learning programmes
- e) Establish (after consultation with the SRC) student support services for the college

The Act is silent, however, about the responsibility of the Council and its scope of jurisdiction with regard to a number of key areas of college governance oversight. For example, the Act is silent about the Council's responsibility for the financial and budgetary priorities of the college. Given that the Council is responsible for developing the Strategic Plan of the college, it follows that it must also have responsibility for the budget of the college. Moreover, the various roles that a CET college has to play in community development - including, among others, the provision of vocational training that prepares people for participation in both the formal and informal economy, and the development of close partnerships with local communities (including local government, civil society organisations, employers' and workers' organisations) - necessitate that the Council has the requisite powers (and resources) to carry out this mandate.

The functions of the Council must be enhanced to include taking responsibility for the college budget, and for the management of college property and estates.

2.1.2 *Composition of the college Council* [§10 (4) of CET Act]

The Act provides for the college Council to consist of:

- a) The principal
- b) Five external members that are appointed by the Minister
- c) One member elected by the Academic Board
- d) One member representing donors
- e) One member of the academic staff, elected by the lecturers of the college
- f) One member representing the support staff of the college
- g) Two students elected by the SRC of the college
- h) Four additional external members with financial, human resources and legal skills, appointed by the Council in consultation with the Minister

Given the mandate of the CET college to be responsive to the needs of the community within which it is located, a mechanism needs to be created in the governance framework to make it possible for the college Council to engage with its stakeholders on a continuous basis in order to for it to be sensitised to these needs. This mechanism need not be accomplished via the direct and formal representation of these stakeholders in the Council, as this may result in an unwieldy Council due to the drastic increase in the size of its membership. An alternative to formal representation is the establishment of a non-statutory advisory committee consisting of representatives from the community, NGOs, local government and local employers, which would advise Council on various matters relating to community development and support.

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2.2 Academic Board

2.2.1 Functions of the Academic Board [§11 (1) of CET Act]

The Academic Board determines the learning programmes that will be offered by the CET college, as contemplated in Section 43 of the CET Act, and subject to approval of the Council.

The Academic Board is accountable to Council for:

- a) Academic functions of the college
- b) Establishment of internal academic monitoring and quality promotion systems
- c) Ensuring that the college complies with the accreditation requirements of learning programmes
- d) Performing any other function delegated to it by Council

2.2.2 Composition of the Academic Board [§11 (3) of CET Act]

The Academic Board of a CET College consists of:

- a) The principal
- b) The vice-principal or principals
- c) Lecturers
- d) Members of Council
- e) Members of the SRC
- f) Additional members as may be determined by the Council

The number and manner in which the persons contemplated in c) to f) above are appointed or elected, will be determined by the Council in accordance with the college statute.

2.3 Student Representative Council [§14 of the CET Act]

The establishment, composition, manner of election, term of office, functions and privileges of the SRC of a CET college will be determined by the Council after consultation with the students of the college, and subject to policy provisions that will be determined by the Minister. The Standard College Statute provides a template for regulating the establishment and functioning of college SRCs.

3. Management of CET colleges

Section 13 of the CET Act should provide the management framework for the CET college, but only contains this sentence:

The principal of a public college is responsible for the management and administration of the college.

The section therefore fails miserably in providing the required guidelines for the management of CET colleges. For example, the Act does not specify who the principal is accountable to for the performance of her/his duties. A strict reading of the legislation regards the college principal as a civil servant who is under the direct supervision of the DHET, through its regional offices, rather than a senior executive responsible for managing a post-secondary education institution. In this regard, the senior management of the CET college is seen to be accountable to the DHET, rather than to the Council. This interpretation of the legislation remains valid despite the stipulation in the section of the Standard College Statute that deals with management (appended as Schedule 1 to the CET Act of 2006) that the principal is the chief executive and accounting officer of the college.

It is imperative that the Council is given oversight responsibility for the performance of the senior managers of the CET college. This is important because the Council has to take responsibility for the commitments (goals and performance targets) that a college sets out in its Annual Performance Plan (APP). The Council cannot, however, be expected to take responsibility for the college's performance when it exercises no oversight over the performance of the college's principal, who is the person that is ultimately responsible for the implementation of the college's Strategic and Annual Performance Plans. This issue is not just about instilling good governance practice in CET colleges but also about engendering organisational identity and ownership within these nascent post-secondary education institutions.

The Council must take responsibility for the performance of the senior managers of the CET college. Even though the principal of a college is appointed by the Minister, there needs to be a delegation of authority to the Council with regard to the accountability of the principal for the performance of her/his duties. This is catered for under Section 50 (Delegation of functions) of the CET Act of 2006.

The role of the DHET regional office in relation to the oversight of CET colleges needs to be clarified. The primary role of the DHET regional office should be to provide administrative (including logistical and technical) support to the CET colleges, an arrangement that must be negotiated and agreed to *via* the Council. As the situation currently stands, the principal is accountable to the regional office for the performance of his or her duties, a situation that is clearly intolerable. It is a recipe for creating serious tensions between the Council and the regional office of the DHET.

The following issues do not belong to the governance section but must be brought to the attention of the DHET

- As a general point, the DHET needs to conduct an exercise to check for consistency between the Act, the College Statute and the Policy, especially in the areas dealing with college governance and management. For example, the Act stipulates that the Council shall determine the language policy of the college with the “concurrence of” the Academic Board. The Statute, on the other hand, states that it will do so “after consultation with” the Academic Board. Yet another document (Draft National Policy for Monitoring and Evaluation of CET Colleges), enjoins the Council to “mediate” these plans (Strategic Plan and Annual Performance Plan) with institutional stakeholders. These phrases do not mean the same thing – actually, it is not clear what “to mediate” a plan means in this context.

Another example is that the National Policy on Community Colleges allocates the responsibility for the development of the college Strategic Plan to the management of the CET college, whereas the CET Act stipulates this as the responsibility of the Council.

- There is an urgent need for capacity development interventions for college councils and management on critical aspects of institutional governance and management (e.g. strategic planning, enterprise risk management, financial management)