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## PROVINCIAL NOTICE

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF EDUCATION

NO. 36  
 30 JULY 2002

ADULT BASIC EDUCATION AND TRAINING ACT, 2000 (ACT No. 52 OF 2000):  
 REGULATIONS

I, Stone Sizani, Member of the Executive Council responsible for Education in the Province of the Eastern Cape, acting in terms of section 41 of the Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000), hereby make regulations in order to provide measures relating to the deliverance of basic education and training in public learning centres which are under the control of the Eastern Cape Department of Education, as provided in the Schedule thereto.

S. STANI  
 MEC: Department of Education

## SCHEDULE

## Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000), shall have the meaning so assigned to it and, unless the context indicates otherwise-

"adult education" means all organised formal and non-formal learning activities performed in specific registered centres for persons who are sixteen (16) years of age or older, except in special cases that are approved by the MEC, for the purpose of learning and training;

"centre governing body" means the governing body of a public adult basic education and training centre established in terms of section 9 of the Act;

"Department" means the Provincial Department responsible for education;

"director" means the Directorate for adult basic education and

training in the Department;

"director" means the Director of the adult basic and education and training section of the Department;

"funds" means all funds contemplated in section 23 of the Act;

"fees" means monies paid by a learner attending an adult basic learning centre;

"Head of Department" means the head of the Department;

"learner" means any person receiving education and training at a centre;

"Legislature" means the Provincial Legislature of the Province;

"life-long learning" means the educational opportunities for individuals in the South African society to access learning opportunities that will enable them to continue learning and acquiring new skills and knowledge;

"MEC" refers to Member of the Executive Council responsible for education in the Province;

"non-formal education" means all educational opportunities in a variety of contexts that will contribute towards individual and community development, education for democracy, civic culture and the development of life skills at the learner's pace;

"official" means a person employed by the Department for adult basic education and training;

"Province" means the Province of the Eastern Cape established by section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"quality assurance" means quality assurance referred to in section 32 of the Act;

"quality management" means actions, processes and structures necessary to ensure delivery of education of the highest quality;

"the Act" means the Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000). Application of the regulations

2. These regulations apply to public adult basic education and training offered at any public centre in the Province. The establishment of public adult learning centres

1. (1) A decision to establish a public adult learning centre must be taken by a community.
- (2) A community may, through its representative, apply to the MEC for registration of a centre.
- (3) The MEC must, if satisfied that the centre meets the requirements prescribed in these regulations or any other law, approve the establishment thereof.

Requirements for the establishment of public adult learning centres

4. (1) There must be a minimum of 100 (one hundred) learners per centre.

- (2) There must be a minimum of 10 and a maximum of 25 learners per educator.
- (3) There must be an interim governing body until the application has been approved.
- (4) The number of educators to be employed to a centre must be determined by the number of learners.

#### Provision of facilities to operate public adult learning centres

5. (1) Communities must assist to identify an appropriate venue where the centre will operate.
- (2) The Head of Department must assist the community if and when it encounters problems in obtaining an appropriate venue.
- (3) If the centre is to operate in a public school, the Head of Department and the school's governing body where the centre is to operate, must enter into an agreement contemplated in section 4 (3) of the Act.

#### Closure of a public adult learning centre

6. (1) An official must have visited the centre at least three times, spread over 90 days and must have rendered a support system to the community of the centre before a recommendation for closure can be considered.
- (2) A centre or class will be closed:
  - (a) if the centre continuously records less than 50 learners (as reflected in its statistical report); and after three visits by an official over a period of 90 days the centre will lose its status and become either a satellite or class of another nearby centre;
  - (b) when the centre or class fails to meet the minimum ratio of 1 educator to 10 learners over a period of 90 days, and the remaining learners are referred to a nearby class or centre.
  - (c) in the event of there being a need that a centre be closed or its status be changed, an official in consultation with the centre governing body must submit a motivated recommendation to the MEC who would confirm the change of status or closure in writing.
- (3) The centre governing body concerned must be informed in writing of the intended closure of a centre.
- (4) The educators' and learners' support materials of the closed centre must be utilised where there is need, on the approval of an official who is a district manager of the area concerned.

#### Governance and management of public adult learning centres

7. (1) The management of a public adult learning centre must be undertaken by the centre manager under the authority of the Head of Department.
- (2) Elected members are chosen to represent the groups to which they belong as follows:
  - (a) The centre manager as ex officio member;
  - (b) two co-opted members one nominated on the basis of skill and expertise and the other nominated to represent an organisation or

business enterprise or group of persons who contribute periodically or permanently towards the existence and welfare of the centre;

- (c) two community members nominated by the community where the centre is situated;
- (d) two learners nominated from the learners of the centre concerned;
- (e) two educators representing the interests of the educators at the centre concerned;
- (f) one expert in the field of adult basic education and training; and
- (g) one member representing an organisation of disabled persons.

#### Functions of a centre governing body

8. A centre governing body must-

- (a) promote the best interests of the public centre and strive to ensure its development through the provision of quality education for all learners at the centre;
- (b) develop a business plan for the centre;
- (c) provide any information pertaining to the centre and its activities at the request of the Head of Department;
- (d) be responsible for budgeting and financial management systems of the centre;
- (e) promote the activities and the programmes of the centre;
- (f) supplement the procurement of learning and support material for the centre;
- (g) ensure that a conducive learning environment exists for learners;
- (h) elicit public support for the centre;
- (i) keep proper record of all governing body meetings;
- (j) develop the vision and mission statement of the centre;
- (k) subject to existing policy, determine the language policy for the centre;
- (l) recommend the appointment of educators of the centre in terms of the Employment of Educators Act;
- (m) establish and administer a public centre fund from voluntary contributions;
- (n) adopt a constitution for the centre;
- (o) adopt a code of conduct for learners at the centre;
- (p) discharge all other functions imposed upon it by or under this Act; and
- (q) discharge all other functions consistent with the functions conferred upon it by the Act and as determined by the Minister in the Government Gazette, or by the MEC by notice in the Provincial Gazette.

## Enhancement of capacity of centre governing bodies

9. (1) Out of funds appropriated for this purpose by a legislature the Head of Department must through district managers provide training for newly elected centre governing bodies to enable them to perform their functions effectively.
- (2) Introductory training should be conducted between January and March each year, and officials of a district office of the Department must submit the training report to the Provincial head office by 30th April of the year concerned.
- (3) Continuing training should be conducted between May and August to promote effective performance of their functions.
- (4) The Head of Department must ensure that centre managers and other officials of the Department render all necessary assistance to the centre governing bodies.

## Failure by centre governing bodies to perform functions

10. (1) In the event of a centre governing body failing to perform its functions, the Head of Department has the power to dissolve the centre and appoint one or more persons to perform those functions for a period not exceeding 90 days.
- (2) The period may be extended for further periods, not to exceed three months at a time.
- (3) The total period may not exceed one year.

## Refusal by members of centre governing bodies

11. A member of a centre governing body may recuse himself or herself when-

- (a) an issue discussed is of personal interest; and  
(b) when an issue discussed involves a close relative,

and must withdraw for the duration of discussion and decision making.

## Re-imbursment of members of centre governing bodies

12. (a) There is no remuneration for being a member of the centre governing body for the performance of the functions thereof.
- (b) A member may be re-imbursed only when necessary expenses have been incurred.

## Committees of centre governing bodies

13. (1) A centre governing body has the power to establish committees and executive committees.
- (2) Each committee must be chaired by a member of a centre governing body.
- (3) A centre must approve all decisions made by any committee thereof.
- (4) Committees to be established on the following:
- (a) Executive;
- (b) finance;

- (c) admission;
- (d) recruitment;
- (e) special needs;
- (f) safety and security;
- (g) disciplinary; and
- (h) entertainment.

#### Admission of learners to public adult learning centres

14. (1) A learner may only be registered if he or she is 15 years or older, except for exceptional cases, but subject to the approval of the Head of Department.
- (2) In cases where the Head of Department refuses admission, the learner must be informed in writing.
- (3) A learner may appeal against the decision of the Head of Department to the MEC.

#### Representative council for learners

15. (1) A representative council of learners must be established at every public adult learning centre.
- (2) The representative council must consist of two members in accordance with guidelines that may be stipulated by the MEC in the Provincial Gazette.
- (3) The term of office of members is one year.

#### Disciplinary measures

16. (1) The centre governing body must establish a code of conduct for its members subject to Provincial policy thereon.
- (2) The code of conduct must deal with disciplinary measures to curb racism, sexual violence and sexual harassment.

#### Staff employed by State at public adult learning centres

17. (1) The educator establishment of a public adult learning centre is determined by the allocation of posts by the Head of Department from the Provincial educator post establishment created by the MEC in terms of section 5 of the Employment of educators Act, and educators appointed in such posts are employed in terms of that Act.
- (2) Educators must be appointed on a part-time basis, and their appointment must be renewed yearly if recommended by the centre governing body for approval by head of Department.
- (3) In the case of the centre ceasing to operate, the centre governing body can recommend the transfer of educators to another existing centre where there is a need for educators.

#### Funding of public adult learning centres

18. (1) The MEC must allocate funds to public adult learning centres on a fair, equitable and transparent manner.
- (2) Such funding must be allocated annually, and sufficient information

regarding funding must be available before the end of an academic year.

- (3) Norms and standards regarding funding must be set in terms of National Policy Act, 1996 (Act No. 27 of 1996).
- (4) Learners must contribute fees for centre activities as stipulated by the centre governing body, and- (a) the centre governing body must determine how and when the fees must be paid; and (b) the treasurer of the centre governing body is responsible for collecting of fees.
- (5) Funds contemplated in section 23 of the Act must be deposited in a recognised centre bank account within 24 hours of receipt where possible.
- (6) The receipts, cheque and savings books are the property of the centre.
- (7) The centre account must have three signatories of which the treasurer must be one.
- (8) Each centre governing body must have a finance committee presided by the treasurer of the centre.
- (9) The treasurer must keep the financial records and statements of the public adult learning centres.
- (10) Each centre must submit a budget proposal for the centre to the MEC before the end of each financial year.
- (11) Each public adult learning centre must submit audited financial records and statements to the centre governing body concerned by the end of March of each year.

#### Quality assurance

19. (1) An annual report on quality assurance of adult basic education and training must be made to the Minister within 90 days after the end of the academic year by the MEC.
- (2) Continuous evaluation or whole centre evaluation report and summative evaluation report must be submitted to the MEC.
- (3) The MEC must establish an advisory council for adult basic education and training in the Province as contemplated in the Act.

#### General

20. (1) Existing structures at public adult learning centres, excluding private centres, must continue to operate as at present and for not longer than six months after the date of commencement these regulations.
- (2) Private centres are requested to register within one year of the commencement of these regulations, to comply with the Act.
- (3) The MEC may delegate any of his or her functions, or give instructions to perform any of his or her duties, to any employee of the Department.

#### Short title

21. These regulations are called the Adult Basic Education and Training Regulations, 2002.



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