

Department of Higher Education and Training
Recommended
Executive Committee Charter for CET Colleges



Department of Higher Education and Training
Community Education and Training College
Recommended Executive Committee Charter
Annexure 4

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AMENDMENT AND APPROVAL RECORD

Amendment No.	Amendment description	Originator	Reviewed by	Approved By	Date

Name of CETC:		
Executive Committee Charter		
Department: Governance Responsibility : Accounting Officer		
<p>_____</p> <p>Prepared and submitted by the Accounting Officer to Council</p> <p>Date: _____</p>	<p>_____</p> <p>Adopted by Council (Signed by Chairperson obo Council)</p> <p>Date: _____</p>	<p>Implementation Date:</p>

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1. Legislative framework and best practices

Key principles contained in the following legislation and best practices were applied to develop this charter:

- a) The South African Constitution Act No. 108 of 1996;
- b) Continuing Education and Training Colleges Act No. 16 of 2006, as amended;
- c) Public Finance Management Act, 1999 (Act No 1 of 1999, as amended by Act 29 of 1999)(PFMA);
- d) National Treasury Regulations of March 2005;
- e) The Companies Act No. 71 of 2008;
- f) King Report on Corporate Governance for South Africa 2002 (“King III”); and
- g) Protocol on Corporate Governance for the Public Sector 2002 (“The Protocol”).

2. Purpose

2.1 The standard College statute requires Council to establish an Executive Committee. The purpose of this Charter is to establish the terms of reference of the Exco.

2.2 The primary purpose of the Exco is to submit, for Council consideration, recommendations that will:

- a) implement the College’s strategic plan;
- b) monitor the College’s operations and financial performance; and
- c) address other matters as necessary.

3. Definitions, acronyms and abbreviations

For the purpose of this charter, unless the context indicates otherwise, the following definitions, acronyms and abbreviations are set out for the terms indicated:

3.1 **“Accounting Officer”**- is the Principal of the College.

3.2 **“Act”** – is the CET Colleges Act No. 16 of 2006, as amended.

3.3 **“DAF”**- is the Delegation of Authority Framework.

3.4 **“Days”** - shall be construed as calendar days unless qualified by the word "business", in which instance a "business day" will be any day other than a Saturday, Sunday or public holiday as gazetted by the government of the Republic of South Africa from time to time.

3.5 **“Department”**; **“DHET”** – is the Department of Higher Education and Training.

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- 3.6 **“College”, “CETC”** – is a Community Education and Training College.
- 3.7 **“Council”**- is the Council of the College established in terms of the Act.

- 3.8 **“Exco”** – is the Executive Committee of the College.

- 3.9 **“Management”** – are collectively the College Principal and Vice Principals.

- 3.10 **“PFMA”** – is the Public Finance and Management Act.

4. Reporting lines

The Exco will report to the College Council.

5. Composition

- 5.1 The members of the College Council will elect the members of the Exco.

- 5.2 At least 50 per cent of the members of the Exco must be external persons who are members of the Council, besides the Accounting Officer and the CFO.

- 5.3 An external member of the College Council shall serve as the Chairperson of Exco.

- 5.4 The term of office of the Exco shall coincide with the Council term for elected members.

- 5.5 Members of the Exco shall be notified in writing of their appointment by the Chairperson of the Council, and their terms of reference shall be included in their letters of appointment.

6. Secretary of the Executive Committee

- 6.1 The Exco shall appoint an internal member of staff to serve as the Secretary of the Committee.

- 6.2 The Secretary of the Exco should be subjected to adequate secretarial training to enable him/her to discharge his/her duties effectively.

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7. Meeting procedures

- 7.1 The Exco shall meet as often as it needs to but should have a minimum of 4 meetings a year and a maximum of 7 meetings. The additional 3 meetings should have the prior approval of the Council.
- 7.2 The Exco shall report on its meetings at the next meeting of the Council.
- 7.3 In the absence of the Chairperson of the Exco, the committee may appoint any external member of the Council as chairperson for the duration of the meeting.
- 7.4 A quorum of 50%+1 of members is necessary for the Exco meeting to be properly constituted and proceed provided that at least two external members of the Council are present.
- 7.5 A Exco member who is absent from three (3) consecutive meetings without an apology shall be deemed to have resigned from the Exco.
- 7.6 Members shall be advised of the meeting date at least 14 days prior to the meeting.
- 7.7 An agenda and meeting pack for the Exco shall be circulated to all members at least seven (7) business days before the meeting. Minutes of the previous meetings shall be included with the Exco pack.
- 7.8 All Exco recommendations shall be presented to the Council for approval.
- 7.9 Members of management may be excused from any meetings where their presence might discourage open discussion among the Exco members or unduly influence decisions that are not within the College's prerogative.

8. Functions

The Exco is assigned, but not limited to the following functions:

- 8.1 To oversee implementation of strategies and decisions taken by the Council.
- 8.2 To recommend planned (budgetted) expenditure greater than R1 million, or within the limits as set by the DAF to Council, and further recommend the strategic, financial, risk management and internal control policies, procedures and systems for the approval of Council, as motivated by the Council subcommittees.

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- 8.3 To act as liaison between Council and the Planning and Resource Committee (who will monitor management), on the implementation of the strategic plan.
- 8.4 To oversee the preparation of the Annual report for approval by the Council.
- 8.5 To oversee the preparation of the College Strategic Plan, Annual Performance Plan and Operating plans.
- 8.6 To review business plans and expenditure, and planned capital projects, and make recommendations to Council.
- 8.7 To recommend to Council, any necessary and appropriate increases in estimated total costs of projects included in the approved budget over and above the pre-approved variation in the Supply Chain Management Policy, that management are proposing.
- 8.8 To review operations of the College in comparison with the College's budget.
- 8.9 To receive reports from management on legal matters and litigation of material concern.
- 8.10 To recommend to Council any sale or disposal of moveable assets proposed by management, above the delegated authority of the Accounting Officer.
- 8.11 To recommend to Council the write-off of all bad debts or settlement or abandoning of legal actions to recover amounts due to the College.
- 8.12 To recommend to Council the write-off resulting from impairment of assets per the College's financial policies.
- 8.13 To set the framework and policy to monitor and manage stakeholders, and provide guidance to all employees regarding liaison with both internal and external stakeholders.
- 8.14 To address any other matters, as necessary.

9. Resources

The College should avail resources, as necessary, for the Exco to fulfill its mandate without prejudice and within the confines of the College statute.

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10. Change of mandate

The Exco may not change the terms of this Charter nor act *ultra vires* to the mandate it is given, without the prior approval of the College Council.

11. Remuneration

Exco members not holding executive office in the College or not employed in the public service shall be remunerated for their services on Exco, based on the DHET guidelines.

12. Adoption of charter

This Charter is effective from the date on which it is adopted by the Council.

13. Availability of charter

A copy of this Charter should be made available on the College website.

14. Annual review of charter

This Charter will be subject to an annual review by College management to ensure its relevance. Colleges should forward any inputs and recommendations to the CET Branch of the Department for possible consideration during the annual review process.

Any recommended changes agreed by the CET Branch of DHET to the Executive Committee Charter should be presented to the College Council for approval.