THE LAIKIPIA COUNTY TECHNICAL AND VOCATIONAL TRAINING BILL, 2014

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THE LAIKIPIA COUNTY TECHNICAL AND VOCATIONAL TRAINING BILL, 2014

A Bill for

AN ACT of County Assembly of Laikipia to provide for the establishment of technical and vocational training institutions, the promotion of vocational and technical training education and for connected purposes.

ENACTED by the County Assembly of Laikipia as follows-

PART I- PRELIMINARY

Short title.

1. This Act may be cited as the Laikipia County Technical and Vocational Training Act, 2014.

Interpretation.

2. In this Act, unless the context otherwise requires-

"Department" means the department of the County Executive Committee responsible for education;

"Executive Member" means the member of the County Executive for the time being responsible for education;

"Coordinating Committee" means the County Pre-primary Education Coordinating Committee established under section 7;

"Management Committee" means the Pre-Primary School Management Committee established under section 12;

"school" means a public pre-primary school established or sponsored by the county government;

"technical and vocational training institution" means a county technical and vocational training established under this Act.

Purpose of the Act.

3. The purpose of this Act is to -

(a) provide for the implementation of section 9 of Part 2 of the Fourth Schedule to the Constitution;

(b) promote access and availability of technical and vocational training;

(c) facilitate technical skills acquisition and development; and

(d) enhance employability capacity and supply of skilled labour.

PART II- ADMINISTRATION

Functions of the Department.

4. The Department shall be responsible for–

(a) promoting acquisition of technical skills and manpower development;

(b) facilitate the establishment and development of technical and vocational training institutions;

(c) facilitating the human resource development oftechnical training teachers and personnel involved in provision of technical and vocational training;

(d) facilitatecertification compliance with standards for technical and vocational training;

(e) resource mobilization for promotion and development of technical and vocational training;

(f) promote innovation and technology acquisition by technical and vocational training

institutions;

(g) providing liaison and facilitating collaboration between the county government and national government and other county governments; and

(h) carrying out any other function that may be assigned by the Executive Member in furtherance of the purpose of the Act.

Staff.

5. (1) The County Public Service Board shall in consultation with the Executive Member recruit technical and vocational training teachers and such staff as are necessary for providing technical and vocational training on such terms as the Board and the County Executive Committee may determine.

(2) Notwithstanding subsection (1), the Department or a technical and vocational training institution may, with the approval of the County Executive Committee recruit such staff as are necessary on short term or part-time basis for the purposes of providing technical and vocational training services.

PART III- MANAGEMENT OF TECHNICAL AND VOCATIONAL TRAINING INSTITUTIONS

Principles of technical and vocational training.

6. The Department and technical vocational training institutionshall be guided by the following principles–

(a) accessand availability of opportunities for technical and vocational training;

(b) innovation and creativity in technical training and learning process;

(c) market driven and oriented technical and vocation training;

(d) modernization of training facilities and programs;

(e) equitable distribution of technical and vocational training institutions;

(f) participation and collaboration between community and county government; and

(g) wholistic empowerment and lifeskills development.

Establishment of County Technical and Vocational TrainingCoordinating Committee.

7. (1) There is established theCounty Technical and Vocational Training Coordinating Committee.

(2) The CoordinatingCommittee shall consist of appointed by the Executive Member–

(a) the Chief Officer responsible for education who shall be the Chairperson;

(b) the county officer responsible for matters related to youth affairs;

(c) one officer representing the national government on matters related to technical and vocation education;

(d) onerepresentative ofprincipals of county technical and vocational training institutions nominated by the forum of principals of the county technical and vocational training institutions;

(e) one representative of youth organizations appointed by the Executive Member with the approval by the County Executive Committee;

(f) one representative of women organizations appointed by the Executive Member with the approval by the County Executive Committee;

(g) two professionals qualified and experienced in matters related to technical and vocational training, one of whom shall be of either gender, appointed by the Executive Member with the approval by the County Executive Committee;

(h) onerepresentative offaith based organizations appointed by the Executive Member with the approval by the County Executive Committee; and

(i) one staff of the Department designated by the Executive Member, who shall be an *ex-officio* member and the Secretaryto the Committee.

(3) The County Executive Committee may designate any county officers to be co-opted members of the Coordinating Committee for the purposes of representing other relevant county departments:

Provided that the number of such co-opted officers shall not exceed three persons.

(4) A person shall not be appointed under subsection (2) (e), (f), (g) (h) unless the person is a holder of at least a diploma in education or a related field from a recognized institution.

(5) The term of office of a person appointed under subsection (2) (e), (f), (g) (h) shall be three years and may be renewed for one further and final term of three years.

Removal from office.

8. A person appointed under subsection (2)

(e), (f), (g) and (h), may –

(a) at any time resign by issuing notice in writing to the Chairperson;

(b) be removed from office by the Executive Member for-

(i) serious violation of the Constitution or any other written law;

(ii) gross misconduct, whether in the performance of the functions of the office or otherwise;

(iii) physical or mental incapacity to perform the functions of office;

(iv) has been absent from three consecutive meetings of the Board without the permission of the chairperson;

(v) incompetence; or

(vi) bankruptcy.

Functions of the Coordinating Committee.

9. The Coordinating Committee shall be responsible for–

(a) advising the County Executive Committee on policies, programs, strategies and plans to be adopted in promotion of technical and vocational training;

(b) reviewing the implementation of this Act and advising the County Executive Committee on appropriate measures to be adopted in ensuring comprehensive implementation of this Act;

(c) facilitating coordination of

government and non government programs for promotion of technical and vocational training;

(d) mobilizing resources for promoting and developing technical and vocational training; and

(e) carrying out any other function as may be assigned by the Executive Member in furtherance of the purpose of this Act.

Establishment of technical and vocational training institutions.

10. (1) There shall be in the county such vocational training institutions as may be approved by the County Executive Committee.

(2) The Executive Member shall facilitate the establishment of technical and vocational training institutions under this Act.

(3) A technical and vocational training existing prior to the commencement of this Act, shall be deemed to have been established under this Act at the commencement of this Act.

(4) The County Executive Committee shall ensure thatthe institutions established under this section are equitably distributed within the county.

Classification of institutions.

11. (1) The County Executive Committeeshall, in accordance with the prescribed criteria, classify the institutions established under this Act as –

(a) technical training institution;

(b) vocational training institution; or

(c) any other category as it may be appropriate.

(2) Subject to the approval by the County Executive Committee, the Executive Member may,designatean institution classified under this section to be a specialized technical or vocational training institution for the purposes of providing specific training or field of training.

Establishment of management committee.

12. (1) There is established a Management Committee in each technical and vocational training institution.

(2) The Management Committee shall consist of–

(a) a non-executive Chairperson appointed by the Executive Member with the approval by the County Executive Committee;

(b) the county officer responsible for technical and vocational training or the representative;

(c) thePrincipal of the institution who shall be an *ex-officio* member and the secretary to the Committee;

(d) two representatives of parents or guardians in the institution nominated by the parents or guardians, one of whom shall be of either gender and appointed by the Executive Memberwith the approval by the County Executive Committee;

(e) two professionals qualified and experienced in matters related to technical and vocational training, one of whom shall be of either gender, appointed by the Executive Member with the approval by the County Executive Committee; and

(f) onerepresentative of the local community appointed by the Executive Member with the approval by the County Executive Committee.

(5) The term of office for a member appointed under subsection (2) (d), (e) and (f) shall be three years and the person may be eligible for appointed for a further and final term of three years:

Provided that a person appointed under subsection (2) (d) shall cease being a member upon the student sponsored by the parent or the guardian ceases being a student in the institution.

(6) A member appointed under subsection (2) (d), (e) and (f) may be ceasing being a member as stipulated under section 9.

Functions of the Committee.

13. The Management Committee shall be responsible for–

(a) providing oversight over management and administration of the institution;

(b) promoting development of the institution;

(c) preparingand implementing the institution's strategic plan in accordance with this Act;

(d) mobilizing the local community to participate in promotion and development of technical and vocational training;

(e) mobilizing resources for development of the institution;and

(f) carrying out any other function in furtherance of the purpose of this Act.

Conduct of business.

14. The conduct and regulation of the business and affairs of the Coordinating Committee and Management Committee shall be as prescribed.

Technical and vocational training master plan.

15. (1) The Department shall, within six months upon coming into force of this Act, prepare a ten year technical and vocationaltraining master plan which shall form part of County Integrated Development Plan as a sectoral plan.

(2) The master plan shall provide among others

for–

(a) infrastructure development in the institutions;

(b) human resource planning and development;

(c) modernization of training facilities and equipment;

(d) measures intended to enhance quality and standards of technical and vocational training;

(e) strategies for resource mobilization; and

(f) any other matter as may be required by the Executive Member.

(3) The master plan prepared under this section may be reviewed and updated annually.

Reporting by Department.

16. (1) The Department shall prepare an annual status report on technical and vocational training which shall provide among others for–

(a) the progress made in the implementation of this Act;

(b) the enrollment, retention, completion and transition levels in technical and vocational training institutions;

(c) the challenges faced in the implementation of this Act and proposed measures;

(d) the level of community participation in technical and vocational training;

(e) the level of collaboration with national government and other government or non government entities;

(f) the level of funding received for development of technical and vocational training;

(g) theemerging issues and trends in relation to technical and vocational education in the county; and

(h) any other matter as may be required by the Executive Member.

(2) The Executive Member shall submit the report to the County Executive Committee for consideration.

(3) The Executive Member shall after the report is considered by the County Executive Committee, publish and publicize the report within the county.

(4) The management Committee shall submit such reports as may be required by the Executive Member.

Establishment of institution's management organs.

17. Subject to the approval by the County Executive Committee, the Executive Member shall prescribe other organs of management of an institution established under this Act to manage matters such as academic affairs and student affairs among others.

PART IV- SERVICE DELIVERY

Enrolment.

18. Any person may enroll in an institution established under this Act upon meeting the established enrolment criteria, qualifications related to the course and upon payment of such fees as may be determined and in the prescribed form.

Enrolment criteria.

19. Subject to the approval by the County Executive Committee, an institution established under this Act shall establish the admission criteria in relation to any course offered by the institution.

Fees.

20. (1) Subject to the approval by the County Executive Committee, an institution established

under this Act may levy such fees for provision of education and training services.

(2) The County Executive Committee shall, ensure that the fees to be levied under this section are affordable taking into consideration the costs of providing the services.

(3) Notwithstanding subsection (1) and (2), the County Executive Committee establish a subsidy scheme for poor and needy students who may not afford to pay the required fees under this section which may include–

(a)education bursaries;

(b) partial or full scholarship; or

(c)waiver of payment of fees.

Support for persons with disabilities.

21. (1) Notwithstanding section 20, the County Executive Committee shall establish an education support scheme for persons with disabilities who enroll in any institution under this Act.

(2) The education support scheme established under subsection (1) may include–

(a)education bursaries;

(b) partial or full scholarship; or

(c)waiver of payment of fees.

(3) The Executive Member shall publish the list of beneficiaries under this Act.

Accreditation.

22. (1) An institution established under this Act shallseek accredited under the relevant written law and may seek accreditation under any international standard.

(2) The Executive Member shall in consultation with the County Executive Committee facilitate the accreditation of the institutions under this section.

Academic or training

23. (1) An institution established under this Act

programs.

shall develop and provide such academic or training programs as shall be appropriate in accordance with the national policy or standard related to technical or vocational training.

(2) The academic or training programs developed under subsection (1)shall, where appropriate be accredited under the relevant written law.

(3) An institution established under this Act shall ensure that an academic or training program developed under this section is appropriate and relevant to the demand or need in the job market, trade or industry.

(4) The County Executive Committee may, in consultation with the institutions established under this Act recommend courses or training programs that may be adopted by the an institution.

Standards.

24. (1) An institution established under this Act shall progressively attain and maintain such academic standards relevant to the nature of the institution and programs provided and shall seek to be a center of excellence in the field of operation and in accordance with the prescribed standards.

(2) The Department shall facilitate each institution to attain and maintain the education standards.

Academic calendar.

25. Subject to the approval by the County Executive Committee, the Executive Member shall prescribe the academic calendar for the institutions established under this Act.

Planning unit.

26. An institution established under this Act shall be a planning unit for the purposes of planning, budgeting and service delivery.

Strategic plan.

27. (1) The Management Committee shall prepare a five year strategic plan which shall be approved by the County Executive Committee.

(2) The strategic plan shall provide among others for–

(a) the strategies for implementing the matters provided for in master plan

prepared under section 15 in respect to the institution;

(b) the resource mobilization strategies to implement the strategic plan;

(c) strategies for community mobilization and participation;

(d) the requirements under this Act that relate to institutional management or development; and

(e) any other matter as may be required by the Executive Member.

(3) The strategic plan prepared under this section may be reviewed and updated annually.

Quality management systems.

28. (1) An institution established under this Act shall establish and implement such quality management systems which shall be certified in accordance with international certification standards for management practices.

(2) The Department shall facilitate institutions established under this Act to be establish and implement the management systems under this section.

Integration of persons with disabilities.

29. (1) The institutions established under this Act shall ensure that there are teaching and learning facilities and equipment for persons with disabilities.

(2) Notwithstanding subsection (1), the County Executive Committee may designate an institution to provide specialized training for persons with disabilities.

Collaboration or partnership.

30. The Department and the institutions established under this Act shall collaborate or partner with the national government, other county governments, private sector and not-for-profit organizations in provision of technical and vocational training under this Act.

Resourcing of institutions.

31. The Department shall progressively ensure that-

(a) each institution is equipped with the necessary modern training and learning materials and facilities;

(b) there is sufficient deployment of qualified tutors or trainers in each institution; and

(c) there is in place such facilities for extra curriculum activities for facilitating student development.

Performance management system.

32. An institution established under this Act shall adopt the performance management system as may be prescribed by the county government.

Reporting by management committee

33. (1) The Management Committee shall cause to be prepared quarterly management reports and annual status report which shall be submitted to the County Executive Committee for consideration.

(2) The annual status report referred to under subsection (1) shall be prepared and submitted not later than three months after the end of each financial year and shall include among others–

(a) the status of implementation of the institution's strategic plan and any relevant county or national policy;

(b) the enrollment, retention and transition rates for students including specific information related to each program provided by the institution;

(c) the level of establishment and implementation of quality management;

(d) the infrastructure development and investment undertaken during the year;

(e) the emerging trends among students in the institution;

(f) any information related to introduction of new courses during the year;

(g) the challenges faced during the year and proposed measures to mitigate the challenges;

(h) partnerships or collaboration undertaken during the year as provided under section 30; and

(i) the proposed future projections in relation to provision of technical and vocational training .

PART V- FINANCIAL PROVISIONS

Finances of the institutions.

34. (1) The finances of the institutions shall consist of–

(a) such monies as shall be appropriated by the County Assembly;

(b) the fees payable under this Act;

(c) such grants or transfers as may be received from the national government; and

(d) such grants or donations as may be received from any lawful source.

(2) Subject to subsection (1), the County Assembly shall, in each financial year appropriate monies for operations and development of institutions established under this Act.

Budget.

35. (1) The management Committee shall cause to be prepared the annual budget which shall be submitted to the Executive Member for consideration and integration with the county

annual estimates of income and expenditure.

(2) The institution's budget prepared under this section shall be in accordance with the strategic plan prepared under this Act.

Financial reporting.

36. The Management Committee shall cause to be prepared and submitted to the Executive Member such financial reports as may be required under the Public Finance Management Act, 2012.

PART VI- GENERAL PROVISIONS

Regulations.

37. (1) The Executive Member may, make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may-

(a) prescribe the fees payable;
(b) prescribethe criteria for classifying institutions;

(c) prescribe the procedure for the conduct of business for committees;

(d) prescribe the organs to be established in institutions for management of certain matters;

(e) prescribe the academic calendar; and

(f) prescribing the forms.

Transition.

38. A person who, immediately prior to the commencement of this Act was a member of a committee of a technical or vocational training institution which the county government is responsible for, shall cease being a member of the committee upon the appointment of the management committee under this Act.

MEMORANDUM OF OBJECTS AND REASONS

Firstly, the Billprovides for the implementation of section 9 of Part 2 of the Fourth Schedule to the Constitution.

Secondly, the Bill seeks to provide for the establishment and management of technical and vocational training institutions in the county. This will enhance human capital development in the county, which will increase the opportunities of the youth and county residents to join the skilled labour market.

PART I of the Bill provides for preliminary matters. It provides for the purpose of the Bill which include the promotion of access and availability of technical and vocational training, facilitation of skills development and acquisition and enhancement of employability and supply of skilled labour.

PART II of the Bill provides for administration. It provides for assignment of functions to th**e** Department responsible for educationwhich include promotion and facilitation of development of technical and vocational institutions, promotion of technology acquisition and facilitation of human resource management and development. The Part also provides for recruitment of staff and technical training teachers for the institutions. This will ensure that the institutions established under the Bill will be adequately resourced.

PART III of the Bill provides for management of technical and vocational training institutions. The Part provides for principles of technical and vocational training that will guide the provision of technical training such as access and availability of opportunities for training, innovation and creativity, market driven and creativity in the provision of education and modernization of training facilities among others.

The Part provides for the establishment of the county technical and vocational training coordinating committee consisting of government and representatives from non state actors. The Committee is responsible for advising the County Executive Committee on matters related to technical and vocational training and facilitating coordination of government programs and resource mobilization related to technical and vocational training.

The Part also provides for the establishment and classification of technical and vocational training institutions, establishment of a management committee for

each institution, the preparation of technical and vocational training master plan and requirement for reporting by he department.

PART IV of the Bill provides for service delivery. It provides for enrolment system and process, the levying of fees, support for persons with disabilities, accreditation, development of academic and training programs, compliance with standards, development of strategic plan which provides for a framework for implementing the master plan, the quality management systems, integration of persons with disabilities, collaboration with national government, resourcing of institutions, performance management system and reporting by management committees.

PART V of the Bill provides for financial provisions including financing of the institutions, preparation of budget and financial reporting.

PART VI of the Bill provides for general provisions which provides for the power to make Regulations and transitional provisions.

Dated the 12th November 2014.

XXXXXXXX
Chairman, XXXXXXXX Committee