

PARLIAMENT OF KENYA
THE SENATE

SENATE BILLS DIGEST

Issue No. .../2022

THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL,
2022

Sponsor:	Sen. Moses Kajwang'
Date of Publication:	26 th October, 2022
Date of First Reading:	8 th November, 2022
Committee referred to:	Standing Committee on Education
Type of Bill:	Ordinary Bill

1. Purpose of the Bill

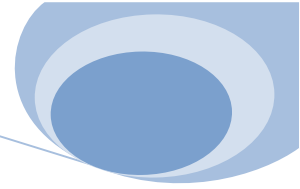
This Bill seeks to put in place a legal framework to govern the establishment and management of vocational education and training institutions with the counties. One of the functional areas of county governments as provided for under Part 2 of the Fourth Schedule to the Constitution relates to village polytechnics and homecraft centres.

2. Background of the Bill

The Technical and Vocational Education and Training Act, 2013 was enacted to provide for, among others, –

- (a) the establishment of a technical and vocational education and training system;
- (b) the governance and management of institutions offering technical and vocational education and training;
- (c) the coordinated assessment, examination and certification; and
- (d) mechanisms for promoting access and equity in training.

In recent times, the National Government in a bid to implement the Competence-Based Education and Training policy framework which is aimed at delivering industry responsive skills has rolled out new technical and vocational courses. There is therefore need to have similar structures in the counties in order to address the shortage of vocational skills currently being experienced in the job market.



The Bill therefore seeks to provide a framework for establishing and managing vocational institutions in the county.

3. Overview of the Bill

The Bill therefore proposes the following —

Part I of the Bill provides for preliminary matters and sets out various definitions, the guiding principles in relation to implementation of vocational education and training, as well as the obligations of the National government, county governments and owners of institutions registered under the Act.

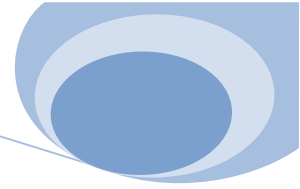
This Part also makes provision for trainees with disability in clause 7 and confers an obligation on the county governments to ensure that measures are put in place including facilities and institutions to cater for the needs of trainees with disability.

Part II sets out the procedure for the establishment, registration and accreditation of vocational education and training centres. Clause 8 categorises the vocational and training centres as either public or private. It further sets out the criteria for registration and the circumstances under which the registration of a vocational education and training centre may be cancelled or revoked.

This part of the Bill further outlines procedures to be followed for the sponsorship of public vocational education and training centres by private persons or religious institutions, registers to be kept and registration requirements in clauses 10, 11, 12 and 13.

Clause 16 specifies the process through which a vocational and educational centre may be cancelled and deregistered. Clause 19 specifies the penalty of violation of the various clauses of this part as being a fine not exceeding five million shillings or imprisonment for a term not exceeding three years or both.

Part III provides for the management of vocational education centres. It provides that the county governments shall be responsible for the management of vocational education and training within the county. Every public vocational education and training centre shall have a Board of Management responsible for the conduct of education and training. It also provides for managers and instructors of vocational education and training and their qualifications to ensure that the vocational



education and training centres are professionally managed and operated in accordance with the provisions of this Act. This part further provides that the vocational education and training centres shall issue an annual report on governance.

Part IV provides for the standards and quality of education and training. It sets out provisions relating to the curriculum, vocational education and training programmes to be implemented, examination and competency assessment as well as quality assurance. The recognised curriculum development bodies shall be responsible for developing the curricula while the recognized examination, assessment and certification bodies shall be responsible for administering assessment and issuance of certifications.

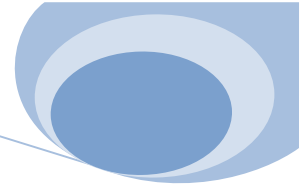
Part V sets out transition provisions in relation to existing institutions offering vocational education and training which are subject to registration under this Act. Once the Act become operational, all institutions offering vocational education and training which are registered under Basic Education Act, the Technical and Vocational Education and Training Act and offering courses up to artisan certificate level and those institutions as the Cabinet Secretary specifies shall be deemed registered under the Act.

This Part also provides for the formulation of regulations by the Cabinet Secretary and the county executive committee member for the better carrying into effect the provisions of the Act.

Part VI contains miscellaneous provisions of the Bill. Clause 37 contains the general penalty for offences committed under this Bill for which there is no penalty specified. Offenders if found guilty by a court of law, are liable to a fine not exceeding three million shillings or to imprisonment for a term not exceeding two years or both. Clause 38 permits the Cabinet Secretary to make regulations for the better carrying out of the provisions of the Bill.

4. Consequences of the Bill

The Bill seeks to put in place a legal framework that creates governance in the establishment and management of vocational education and training in county governments. Therefore, if enacted, it will create significant changes to the current structure of county vocational education and training institutions whether private or public.



5. Way Forward

Pursuant to standing order 145 (5) of the Senate Standing Orders, the Standing Committee on Education shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee submits its report to the Senate.

Further, pursuant to standing order 148 (1) of the Senate Standing Orders, the Committee is required to submit its report on the Bill to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, therefore by **8th December, 2022**.

Any comments on the Bill may be submitted to the Office of the Clerk of the Senate, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email: clerk.senate@parliament.go.ke and copied to educationcommittee.senate@parliament.go.ke.

Note:

1. This Digest reflects the Bill as published and does not cover any subsequent amendments to the Bill after publication.
2. The Digest does not have any official legal status.