



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT (SECOND SESSION)

THE SENATE

THE STANDING COMMITTEE ON EDUCATION

**REPORT ON THE COUNTY VOCATIONAL EDUCATION AND
TRAINING BILL, 2022 (SENATE BILLS NO. 3 OF 2022)**

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CLERK AT THE TABLE	M. Adigibode

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ABBREVIATIONS AND ACRONYMS

AVTK	Association of Vocational Trainers of Kenya
CECM	County Executive Committee Member
CoG	Council of Governors
CVTC	County Vocational Training Centre
IRI	International Republican Institute
KAVETC	Kenya Association of Vocational Education and Training Centres
KL-MIS	Kenya Labour Management Information System
KNQA	Kenya National Qualifications Authority
MoE	Ministry of Education
NITA	National Industrial and Training Authority
TVET	Technical Vocational Education and Training
TVETA	Technical Vocational Education and Training Authority
TVET-MIS	Technical and Vocational Education and Training Management Information Systems
VSO	Voluntary Services Overseas

PRELIMINARIES

The Standing Committee on Education is established pursuant to standing order 228(3) and the Second Schedule of the Senate Standing Orders. The Committee is mandated to *“Consider all matters related to education and training.”*

1.1 Membership of the Committee

1. Sen. Joe Nyutu, MP	Chairperson
2. Sen. Peris Tobiko, CBS, MP	Vice Chairperson
3. Sen. (Prof) Margaret Kamar, EGH, MP	Member
4. Sen. Johnes Mwaruma, MP	Member
5. Sen. John Kinyua Nderitu, MP	Member
6. Sen. Agnes Kavindu Muthama, MP	Member
7. Sen. Joseph Githuku Kamau, MP	Member
8. Sen. James Kamau Murango, MP	Member
9. Sen. Lenku Ole Kanar Seki, MP	Member

1.2 Mandate of the Committee

Pursuant to the provisions of the Fourth Schedule of the Senate Standing Orders, the Standing Committee on Education is mandated to consider all matters relating to education and training. Specifically-

1. Build capacity of Committee Members to undertake their roles in line with Article 96 of the Constitution;
2. Develop and facilitate the development of legal frameworks, policies and guidelines in the Education Sector;
3. Provide oversight for the Education Sector;
4. Facilitate budgetary resources toward the Education Sector; and
5. Any matter that relates to education and training.

CHAIRPERSON'S FOREWORD

Mr. Speaker Sir,

The County Vocational Education and Training Bill, 2022 (Senate Bills No. 3 of 2022) seeks to provide a framework for the establishment of systems for the administration of training in vocational education and training within a county.

Mr. Speaker Sir,

The County Vocational Education and Training Bill, 2022 (Senate Bills No. 3 of 2022) was read a First Time in the Senate on 8th November, 2022 and thereafter stood committed to the Senate Standing Committee on Education for consideration.

Pursuant to the provisions of Article 118 and standing order 145 (5) of the Senate Standing Orders, the Standing Committee on Education invited interested members of the public to submit their representations on the Bill.

The Committee further held an engagement retreat with stakeholders in the TVET sector and sought to acquaint itself with their roles, mandate and functions. The Committee received both oral and written submissions and representations that they had on the Bill.

Mr. Speaker Sir,

On behalf of the Committee, I wish to sincerely thank the Ministry of Education, the Council of Governors, the Semi-Autonomous Government Agencies, Civil Society Organizations and individuals who responded to our call and made their well-researched and articulate oral and written submissions. The Committee reviewed all the submissions received and has taken into account the views of all stakeholders in proposing the amendments to the Bill and preparation of this report.

Mr. Speaker Sir,

As I conclude, I wish to sincerely thank the Members of the Committee for their insightful contributions during the consideration of this Bill and development of the report.

The Committee also thanks the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the execution of its mandate.

Mr. Speaker, Sir

It is now my pleasant duty, pursuant to standing order 145 (5) of the Senate Standing Orders, to present the Report of the Standing Committee on Education on the County Vocational Education and Training Bill, 2022 (Senate Bills No. 3 of 2022).

I thank you

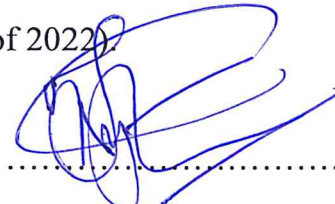
Signed..........Date.....15/02/2023.....

SEN. JOE NYUTU, MP

CHAIRPERSON, STANDING COMMITTEE ON EDUCATION

ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON EDUCATION

We, the undersigned Members of the Senate Standing Committee on Education, do hereby append our signature to adopt the Report on the County Vocational Education and Training Bill, 2022 (Senate Bills No. 3 of 2022).

1. Sen. Joe Nyutu, MP Chairperson 

2. Sen. Peris Tobiko, CBS, MP Vice-Chairperson 


3. Sen. (Prof.) Margaret Kamar, EGH, MP Member 

4. Sen. Johnes Mwaruma, MP Member 

5. Sen. John Kinyua Nderitu, MP Member 

6. Sen. Agnes Muthama, MP Member 

7. Sen. Joseph Githuku Kamau, MP Member 

8. Sen. James Kamau Murango, MP Member 

9. Sen. Lenku Ole Kanar Seki, MP Member 

CHAPTER ONE

1. INTRODUCTION

Background

The County Vocational Education and Training Bill, 2022 (Senate Bills No. 3 of 2022) seeks to put in place a legal framework to govern the establishment and management of vocational education and training with the county. 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 home craft centres.

The Bill was read a First Time on 8th November, 2022 and thereafter stood committed to the Senate Standing Committee on Education for consideration and facilitation of public participation.

Overview of the Bill

The County Vocational Education and Training Bill provides 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.

It makes provision for trainees with special needs 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 special needs.

The County Vocational Education and Training Bill sets out the procedure for the establishment, registration and accreditation of vocational education and training centres. 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, and the procedures to be followed for the sponsorship of public vocational education and training centres by private persons or religious institutions.

The Bill 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.

The Bill 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 recognized 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.

It further sets out transition provisions in relation to existing institutions offering vocational education and training which are subject to registration under this Act.

CHAPTER TWO

2 OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL

Pursuant to the provisions of Article 118 of the Constitution and Standing Order 145 (5) of the Standing Orders of the Senate, the Senate Standing Committee on Education invited interested members of the public and stakeholders to submit their representations on the Bill. The representations were to be made either orally during a Committee meeting or through submission of written memoranda.

The invitations for submissions were made vide advertisements which appeared in the *Daily Nation* and the *Standard* on Saturday, 12th November, 2022 (*Annex 1*). The deadline for submission of views was Friday, 25th November, 2022. At the close of the public participation period, a total of twelve (12) written memoranda had been received by the Committee and tabulated for the Committee's consideration.

During the Committee meetings held on Tuesday, 24th November, Tuesday, 29th November and Tuesday, 6th December, 2022, the Committee considered stakeholder submissions and resolved to invite targeted Technical and Vocational Education and Training (TVET) stakeholders to a consultative meeting to acquaint itself on their respective roles, mandate and functions and deliberate further on the provisions of the Bill.

The consultative forum was held on 7th February, 2023 and brought together the following stakeholders -

1. The Ministry of Education, State Department for TVET
2. The Council of County Governors (CoG)
3. The Technical and Vocational Education and Training Authority (TVETA)
4. The Kenya National Qualifications Authority (KNQA); and

5. The National Industrial Training Authority (NITA)

During the stakeholder engagement, the Committee was also apprised on the coordination mechanisms between the roles, functions and mandate of the national government agencies and the county governments.

The stakeholders registered their views and proposed amendments which are captured and presented in a matrix annexed in this Report. (*Annex 2*).

CHAPTER THREE

3 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1 COMMITTEE OBSERVATIONS

Following extensive discussions with the stakeholders and analysis of the submissions and comments received from the members of public, the Committee makes the following observations, That -

1. There exists inconsistencies in the implementation of TVET Legal and Policy Framework and the management of the Vocational Training Centres which has greatly affected the quality of Vocational Education and Training in the country;
2. The TVET sector is inadequately resourced and there is no financing policy by the two levels of government Further, there is no clear structure for funding TVET trainees and they do not benefit from Higher Education Loans Board fund. This has led to dilapidated infrastructure, obsolete training and learning equipment, poor remuneration of trainers and provision of poor quality education and training;
3. The conversion of the Kshs. 2 billion grant, funding the rehabilitation of vocational training centres and village polytechnics into equitable share in 2022/2023 Financial Year has greatly affected the functioning of these institutions;
4. Technical and Vocational Education and Training is delivered by different providers at various qualification levels and follows different curricula and examinations are administered by different examination bodies across the counties;

5. Technical and Vocational Training and Education is seen as a less preferred option which hinders its development and adversely affects its choice by learners partly because of its lack of clear opportunities and pathways to higher education;
6. Curriculum delivery in TVET is theory-based as opposed to combining theory and practice and there are inadequate mechanisms for quality assurance as most TVET institutions continue to use obsolete technology;
7. TVET Management Information System (TVET-MIS) is a nationwide web-based system aimed at data collection directly from the vocational training centres and youth polytechnics. However, despite the usefulness of the TVET-MIS is not linked to the Kenya Labour Management Information System (KL-MIS) which is domiciled under the Ministry of Labour and is guided by labour market surveys on skills demand in both formal and informal sectors;
8. There is need to have a uniform naming system for TVET institutions across the country for standardization purpose; and
9. There is need for a policy intervention to provide for a framework for inter-county transfers of trainers and instructors.

3.2 COMMITTEE RECOMMENDATIONS

The Committee therefore recommends –

1. amendment to the **definition** of the words –
 - (a) Rationale: to be in conformity with section 26(1) of the TVET Act, 2013 which provides for categories of training institutions.
 - (b) “trainee with special needs” to make it all inclusive and adopt the language of the sector policy for learners and trainees with disability;
 - (c) “trainer” in line with the definition provided in the Technical and Vocational Education and Training Act, 2013.
2. the substitution of Vocational Education and Training Centres with Vocational Training Centres in the entire Bill.
3. amendments to specific provisions of the Bill that cater for the roles that are shared by various TVET stakeholders such as the TVETA, the KNQA and the NITA;
4. re-drafting of clause 4(g) of the Bill for clarity purposes and to avoid confusion with clause 5(h) which provides *partnerships and linkages to support vocational education and training and collaboration with international, national and local institutions*;
5. re-drafting of clauses 4(l) and 4(m) of the Bill which are repetitive and substituting waivers with exemptions as per international best practice.
6. amendment of clause 11 of the Bill to provide for a register of instructors and trainers in the counties;
7. amendment of clause 21 of the Bill to reduce the membership of the Board of Management to provide for a lean Board. Further, the Board members should have a minimum qualification of post-secondary certificate;

8. amendment of clause 27 of the Bill to provide for the submission of the annual report of the Board of Management to the Technical and Vocation Education Fund Board;
9. amendment of clause 29 of the Bill to provide for additional and different qualifications for both the principal and the trainers as per their roles. Further, an amendment to provide for substitution of principal with centre manager as the head of the vocational training and education centre and for the licensing and registration of the two officers under the Industrial Training Act to reflect that the current practice where the Vocational Education and Training Centres offer both TVET and NITA programmes;
10. amendment of clause 31 of the Bill to replace training standards with qualifications standards since the national qualifications' framework prescribed by KNQA has not prescribed training standards but qualification standards;
11. amendment of clause 34 of the Bill to provide for clearer timelines on transition; and
12. amendment of clause 38 of the Bill to provide for consultation between the Cabinet Secretary and the CECMs during regulation making.

LIST OF APPENDICES

Annex 1: Advertisement as published in the Media

Annex 2: Matrix of Submissions to the Bill by the Stakeholders

Annex 3: Signed Minutes of the Committee Sittings during consideration of the Bill

Annex 4: Copy of the Bill.

Annex 1.

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT THE SENATE

**The County Vocational Education and Training Bill
(Senate Bills No.3 of 2022)**

SUBMISSION OF MEMORANDA

The County Vocational Education and Training Bill (Senate Bills No.3 of 2022) was read a First Time in the Senate on Tuesday, 8th November, 2022 and thereafter stood committed to the Senate Standing Committee on Education.

Pursuant to the provisions of Article 118 and standing order 145(5) of the Senate Standing Orders, the Senate Standing Committee on Education now invites interested members of the public to submit any representations that they may have on the Bill.

The representations may be made by way of written memoranda on email to the Clerk of the Senate on the address clerk.senate@parliament.go.ke and copied to educationcommittee.senate@parliament.go.ke to be received on before **Friday, 25th November, 2022.**

The Bill may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

**J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

Annex 1

Annex 2

Annex 2:

STAKEHOLDER VIEWS ON THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL, 2022 (SENATE BILLS NO. 3 OF 2022)

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
1.	Short title	Voluntary Services Overseas (VSO) Kenya & International Republican Institute (IRI)	<ul style="list-style-type: none"> deletion of the word 'county' in the title of the Bill. Rationale: It exempts the national government from responsibility and though vocational training is a devolved function, the national government still has responsibility as it is a national framework. 	Accepted.
2.	Preliminary	Ministry of Education	<ul style="list-style-type: none"> replacement of Vocational Education and Training Centres with Vocational Training Centres in the entire Bill. Rationale: to be in conformity with section 26(1) of the TVET Act, 2013 which provides for categories of training institutions. 	Accepted.
3.	Clause 2	Kenya National Qualifications Authority (KNQA)	<ul style="list-style-type: none"> Definition of Authority means TVETA yet the Act subscribes to more than one regulatory authority including KNQA. 	Rejected. The definition cannot be amended to mean another institution but the Bill will be amended to include other regulatory bodies responsible for vocational training.
4.		KNQA	<ul style="list-style-type: none"> Definition of Council means TVET CDACC yet the Act subscribes to more than one assessment body including KNEC, NITA. 	
5.		Association of Vocational Trainers in Kenya (AVTK)	<ul style="list-style-type: none"> inclusion of the words, 'and registered by TVETA' in the definition of private vocational education and training centres. 	
				Rejected. Already covered in clause 12 of the Bill

Sumit

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
6.		AVTK	<ul style="list-style-type: none"> inclusion of the words, 'and registered by TVETA' in the definition of public vocational education and training centres. 	Rejected.
7.		Kenya Association of Vocational Education and Training Centres (KAVETC)	<ul style="list-style-type: none"> Delete the words 'and includes a sponsored vocational education and training centre' from the definition of the words 'public vocational education and training centre' 	Rejected. Clause 10 (1) provides for sponsorship of public CVETCs.
		KAVETC	<ul style="list-style-type: none"> Substitute the definition of the word 'sponsor' with the following - <i>"sponsor" means a person or institution or organization that makes a significant contribution and impact either as a partner or interested party on the training programmes, financial and infrastructural development of a public or private vocational education and training centre.</i> 	Rejected. The definition provided in the Bill is sufficient.
8.	Clause 2	KAVETC	<ul style="list-style-type: none"> Define vocational education and training centres. 	Rejected. The proposal is already catered for in the Bill. Vocational education and training centres have been defined and categorized as either private or public.
9.	Clause 2	VSO & IRI	<ul style="list-style-type: none"> Substitute the definition of the words 'trainee with special needs' with the following – <i>"Trainee with special needs" means a trainee whose</i> 	Accepted. The definition to be redrafted in light of the proposed

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			<p><i>cognitive characteristics, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are different and include trainees with permanent disabilities and/or other special needs, to the extent that their learning growth and development necessitates accommodation.</i></p> <ul style="list-style-type: none"> • Rationale: The definition needs to be inclusive and to adopt the language of the sector policy for learners and trainees with disabilities. 	suggestions and for clarity.
10	Clause 2	AVTK	<ul style="list-style-type: none"> • Proposes that vocational course and trainer be defined. 	<p>Defining a vocational course might be restrictive given that different training centres might offer different courses.</p> <p>Trainer to be defined in line with the TVET Act, 2013.</p>
11			<ul style="list-style-type: none"> • Proposes that cross referencing in the definition of transitional certificate be rectified 	This was rectified during the publication of the Bill.
12	New clause	NITA	<ul style="list-style-type: none"> • The roles of NITA and TVETA should be spelt out clearly. • Rationale: Both institutions are involved in the regulation and implementation of training and 	The specific provisions relating to other institutions involved in the regulation and implementation of

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			assessment for Vocational Education and Training Centres.	training and assessment for Vocational Education and Training Centres to be amended to address the issue.
13	Clause 3 provides for the guiding principles. Clause 3(e) makes reference to ensuring that interventions are based on objective information and methods.	VSO & IRI	<ul style="list-style-type: none"> Delete clause 3(e) and substitute with 'ensuring that interventions are based on evidence'. 	The definition needs to be redrafted for clarity.
14	Clause 4 provides for the obligations of the National Government. Clause 4(b) provides that the national government shall be responsible for the development of examination standards and certification.	VSO & IRI	<ul style="list-style-type: none"> Proposes that the national government should be responsible for the <i>development of a competency-based training assessment and certification policy, framework, and capacities.</i> 	Rejected. Clause 4(b) is general and covers the proposed obligation which appears to be specific and is limiting.
15		AVTK	<ul style="list-style-type: none"> Proposes that national government should be responsible for the development of examination standards and certification <i>of trainees and sensitizing the general public on the same.</i> 	Rejected.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
16	Clause 4(c) provides for the development of a curriculum and co-curricular on vocational education and training.	VSO & IRI	<ul style="list-style-type: none"> Delete sub-clause 4(c) and substitute with the following- <i>'development of competency-based curriculum and co-curriculum activities for vocational education and training'</i> 	Rejected. Clause 4(c) is general and covers the proposed obligation which appears to be specific and is therefore limiting.
17	Clause 4(d) provides for accreditation of institutions and programmes on county vocational training and education in collaboration with the respective county executive committee members.	Council of Governors	<ul style="list-style-type: none"> Proposes that accreditation be done in collaboration with County Governments. Rationale: While the role is a preserve of the TVET Authority, there is need for collaboration with County Governments to ensure that the County Vocational training and education institutions and programmes accredited cater to the needs of the County Governments. 	Rejected. The proposal is already catered for in the Bill.
		KAVETC	<ul style="list-style-type: none"> Insert the words 'Registration, licensing and' immediately before the word 'accreditation' to provide for additional functions of the Cabinet. Secretary. 	Rejected. The proposal is already catered for in clauses 12 and 13 of the Bill.
		KNQA	<ul style="list-style-type: none"> Clauses 4(n) and (d) are repeated. 	Clause 4(n) deals with registration and accreditation of private centres.
18				
19	Insert a new clause after 4(d)	Council of Governors	<ul style="list-style-type: none"> Proposes the accreditation of Private Vocational and Education Training Centres in consultation with County Governments. Rationale: The County Governments should play a role in the registration process of private 	Rejected. The proposal is already catered for in clause 4(n) of the Bill.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			Vocational and Education Training Centres to ensure that they meet the standards set out by the County Governments.	
20	Clause 4(e)	KAVETC	<ul style="list-style-type: none"> Insert the words 'and capacitating trainers on new programmes or technology' immediately after the word 'trainers' to provide for additional functions of the Cabinet Secretary. 	Rejected. The definition proposed is restrictive.
21	Clause 4(e)	Council of Governors	<ul style="list-style-type: none"> Proposes that accreditation of vocational education and training trainers be done by the County Governments. Rationale: The role of training and registration of vocational trainers is a preserve of County Governments. The National Government's role is limited to accreditation for standards setting purposes. 	Rejected. Training and registration of trainers and the accreditation of institutions and institutions is a function of the National Government.
22	Clause 4(g) provides for the establishment of partnerships and linkages to support vocational education and training.	Council of Governors	<ul style="list-style-type: none"> Proposes the deletion of this provision. Rationale: This is an exclusive function of County Governments. 	Clause 4(g) should be redrafted for clarity to avoid confusion with clause 5(h) which provides for that county governments can collaborate with international, national and local institutions in the provision of vocational education and training.
23	Clause 4(g)	KAVETC	<ul style="list-style-type: none"> Insert new sub-clauses immediately after sub-clause (g) as follows – 	Rejected.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			<p>(h) establish target group and coordinate posting of students leaving general education to vocational education and training centers;</p> <p>(i) ensure linkages between industries and vocational education and training centers through other government departments for internship, industrial training, field attachment and skills upgrading.</p>	Partnerships and linkages to support vocational education and training already provided for in the Bill.
24	Clause 4(h) provides for setting of standards for the registration and licensing of vocational education training institutions by the county governments.	AVTK	<ul style="list-style-type: none"> Proposes the deletion of county governments in the provision. 	Rejected.
25	Clause 4(i)		<ul style="list-style-type: none"> Proposes the redrafting of clause 4(i) to indicate vocational trainers rather than just trainers. 	<p>Rejected.</p> <p>The entire Bill is about vocational training so the reference to trainers would only be about vocational trainers.</p>
26	Clause 4(j) provides for provision of	Council of Governors	<ul style="list-style-type: none"> Delete this provision as this is an exclusive function of County Governments. 	<p>Rejected.</p> <p>The proposal does not prejudice</p>

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
	budget support and resource mobilisation to subsidise vocational education and training at the counties.			counties in any way.
27		Ministry of Education	<ul style="list-style-type: none"> Proposes that resource mobilisation should be done in liaison with the National Treasury. Rationale: to take into cognizance that Vocational Training Centres are a devolved function and should therefore be funded at the county level but the national government may intervene when necessary to enhance uniform delivery of VET across the country. 	Rejected. Though the provision will be redrafted for clarity.
28		VSO & IRI	<ul style="list-style-type: none"> Proposes that budget support should include access to student loans and a start-up package. 	Rejected. The proposal limits the type of support proposed to be offered by the National Government.
29		AVTK	<ul style="list-style-type: none"> Include in clause 4(j) the disbursement of the funds to the training centres through section 47 of the TVET Act, 2013 which provides for the establishment of the Technical and Vocation Education Fund. 	
30	Clause 4(k) provides for monitoring and evaluation of the implementation of vocational training programmes	Council of Governors	<ul style="list-style-type: none"> Delete clause 4(k) and substitute with <i>putting in place structures for purposes of assuring standards, quality and relevance of education and training in Vocational and Education Training Centers.</i> Rationale: Monitoring and evaluating of the implementation of vocational programmes in counties should be a function of individual county governments. The role of the 	Rejected. The proposal is extensively covered under paragraphs 4(b), (h), (i), (l), (m) of the Bill.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
	in the counties.		national government should be to put in place structures for quality assurance and standards.	
31	Clause 4(l)	1. VSO & IRI 2. AVTK 3. KNQA	<ul style="list-style-type: none"> Proposes to delete sub-clause (l) because it is similar to sub-clause (m). 	Accepted.
32		Ministry of Education	<ul style="list-style-type: none"> Delete both sections 4(l) & 4(m) and replace them with the following phrase – <i>provide for progression, recognition and equation of qualifications, credit transfers and waivers with respect to Vocational Education and Training in Counties as provided for in the Kenya National Qualification Framework.</i> Rationale: A national qualifications framework has already been developed by Kenya National Qualifications Authority. 	Accepted. The provision will be redrafted to take into account the proposal by the Ministry.
33	Clause 4(m) provides for the development and implementation of a national qualifications framework to provide for progression, recognition and equalisation of qualifications	KNQA	<ul style="list-style-type: none"> Include quality assurance of training and assessments in the Vocational Education Training Institutions. 	Rejected. Already covered in clause 33 of the Bill.
34		KNQA	<ul style="list-style-type: none"> Replace waivers with exemptions. 	Accepted.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
	, credit transfers and waivers with respect to vocational education and training in counties.			
35	Clause 4(n)	Council of Governors	<ul style="list-style-type: none"> Delete the word 'registration'. Rationale: Registration of private vocational and education training centers is the mandate of the County Governments as guided by the Constitution of Kenya. For standards setting purposes, it is the role of the National Government to accredit the institutions. 	Rejected. The proposal is inconsistent with the provisions of the TVET Act, 2013.
36	Clause 5 provides for the obligations of the county governments. Clause 5(a)	KAVETC	<ul style="list-style-type: none"> Insert the word 'tools' immediately before the words 'training infrastructure' 	Rejected. The word is superfluous.
37	Clause 5(c) provides for that counties are	VSO & IRI	<ul style="list-style-type: none"> Delete the words 'of personnel' in sub-clause (c) 	Accepted.
38	responsible for staffing of personnel in vocational institutions in the counties and supervision of training within the county.	Ministry of Education	<ul style="list-style-type: none"> Amend the provision to read as follows – <i>be responsible for the staffing and supervision of personnel in vocational education and training institutions in the county.</i> 	Rejected.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
39	Clause 5(d)	KAVETC	<ul style="list-style-type: none"> Insert a new sub-clause to deal with the <i>coordination, posting of trainees, examinations, co-curriculum activities and skills competitions to and linkages between local industries and the vocational education and training centers.</i> 	Rejected. This is a function of the National Government.
40			<ul style="list-style-type: none"> Insert a new sub-clause to deal with the <i>identification of local stakeholders for resource mobilization to the vocational training centers.</i> 	Rejected. The proposal is already covered in clause 5(h).
41	Clause 5(f)	VSO & IRI	<ul style="list-style-type: none"> Proposes that counties should collaborate with education assessment and resource centers in identifying trainees with disabilities. Rationale: It will be easier to work with Education assessment and resource centers (EARC) centers and support them by having to help in assessments and they may be best placed to advise on what to prioritize on. 	Rejected. The manner of selection (by the National Council for Persons with Disability) is provided for under Clause 7. Further, collaboration is covered in clause 5(h).
42	Clause 5 (g)	VSO & IRI	<ul style="list-style-type: none"> Proposes that counties should collaborate with partners in carrying out public awareness. Rationale: This has been suggested because there is a need to include other partners, institutions in creating public awareness. 	Rejected. Collaboration is already covered in clause 5(h) though the provision should be redrafted for clarity.
43	Clause 6	AVTK	<ul style="list-style-type: none"> Replace the role of the management of vocational training centre with the functions of the governing bodies of training institutions provided in section 28 of the TVET Act, 2013. 	Rejected.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
44	Clause 6(g) provides that a CEC may in consultation with the Council prescribe additional requirements for issuance of licenses to establish vocational training centre.	1. Ministry of Education 2. NITA	<ul style="list-style-type: none"> Remove the word Council. Rationale: Mentioning specific agencies will limit flexibility in the provision of the service. 	The Bill will be amended to include other bodies responsible for vocational training.
45	Clause 7 provides for trainees with disabilities. Clause 7(2)(c)	VSO & IRI	<ul style="list-style-type: none"> Proposes the removal of barriers and provision of the necessary accommodations in the existing county vocational education and training centers to facilitate effective inclusion of trainees with special needs. 	Rejected. The current clause is sufficient as drafted.
46	Clauses 7(1) and 11(1)	KNQA	<ul style="list-style-type: none"> Reference is made to CECM instead of County Government. 	Rejected. The reference to a specific office holder is necessary for implementation of specific provisions.
47	Clause 8 provides for categorization of vocational education and training centres.	Fred Oanda, P. Director, Accreditation & Outreach Services - TVET Authority	<ul style="list-style-type: none"> Delete the provision as the categorization has been provided for in section 26 (a) of the TVET Act, 2013 and which is a function of the National Government. 	Rejected. The categorization is necessary for clarity in the counties.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
48	Clause 10(1) provides for that a public vocational education and training centre may be sponsored by a private person.	KAVETC	<ul style="list-style-type: none"> The definition of a sponsor should include a faith organization or institution. Rationale: In case a sponsor is not available, the County Education Board will stand instead. 	Rejected. A person could be a natural person or a body corporate. Further, clause 10(4) recognizes faith-based sponsors.
49		VSO & IRI	<ul style="list-style-type: none"> The definition of a sponsor should include a religious institution or a corporate institution. Rationale: Its critical to include corporate institutions as well as give space for others to sponsor centers. 	
50	Clause 10(3)	VSO & IRI	<ul style="list-style-type: none"> Proposes that a sponsor should not participate and make recommendations on the review of the curriculum, curriculum materials, and other training tools and technologies. 	Rejected.
51	Clause 10(4)	VSO & IRI	<ul style="list-style-type: none"> Proposes that a faith-based institution shall follow the approved vocational education and training curriculum. 	Rejected. This is sufficiently covered under clauses 10(3) and (4) of the Bill.
52	Clause 11(1)(e)	VSO & IRI	<ul style="list-style-type: none"> Proposes that the CECM keeps an updated record of the Instructors and Trainees in all training centres. 	Accepted. A new paragraph to be drafted to provide for a register of instructors and trainers in the counties. Even though the register is maintained at the national level, there is no harm if

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
				counties keep a similar register.
53	Clause 11(1)	KNQA	<ul style="list-style-type: none"> Proposes that the CECM keeps a record of the programmes 	Rejected. Clause 11(1)(g) is sufficient as it provides that the CECM shall keep and maintain a register of such other particulars that the CECM shall determine.
54	Clause 11(2)	VSO & IRI	<ul style="list-style-type: none"> Proposes to restrict inspection of the registers to Kenyan citizens. 	Rejected. The proposal is unnecessarily discriminatory as there is no justification of limiting who can inspect the register.
55	Clause 11	KAVETC	<ul style="list-style-type: none"> Proposes that the county executive committee member shall keep and maintain a register of provisional certificate for applicants awaiting registration. Rationale: To enable them operate Bank Accounts. 	Rejected. There is no reason to operate on a provisional license. Registration can be fast tracked.
56	Clause 13 provides that registration and licensing of training centres shall be in accordance	NITA	<ul style="list-style-type: none"> The provision is not sufficient. In order for the centres to operate as NITA training and assessment centres, they must be accredited with National Industrial Training Authority. 	Rejected.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
	with TVET Act, 2013.			
57	Clause 15 provides for accreditation of foreign institutions by TVETA	KNQA	<ul style="list-style-type: none"> This should be done by KNQA in accordance with the KNQF Act, 2014. 	Rejected.
58	Part III provides for MANAGEMENT OF VOCATIONAL EDUCATION AND TRAINING	AVTK	<ul style="list-style-type: none"> Include funding in the title of Part III. Provide for the establishment of a county vocational education and training and skills advisory committee to advise the CECM on the development of the vocational training sector in the county. 	Rejected.
59	Clause 20 (2)	Council of Governors	<ul style="list-style-type: none"> Delete the words 'in consultation with the Authority'. Rationale: The implementation of vocational and technical education and training is fully devolved to county governments, and the determination of resources and infrastructures squarely lies with them, and it does not have to be done in consultation with the Authority. 	Rejected. The Authority provides necessary oversight over vocational education in the counties.
60	Clause 21 provides for the management Board of a county vocational education and	KAVETC	<ul style="list-style-type: none"> Proposes to reduce the number of Board of Management members to nine or eight to align it to TVET Act, 2013 as follows – <ul style="list-style-type: none"> <i>(a) two persons elected to represent parents of the trainees in the centre;</i> <i>(b) two persons representing local community in which the institution is built;</i> 	Accepted. The clause be redrafted to reduce the membership to nine as follows – <ul style="list-style-type: none"> <i>(a) two representative s of parents;</i>

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
	training centre.		<p>(c) one person nominated by the County Education Board;</p> <p>(d) one representative of the teaching staff elected by Centre trainers;</p> <p>(e) one representatives of the sponsor of the centre and where sponsor is not available another nominee from county education Board;</p> <p>(f) one person to represent special interest groups in the community; and</p> <p>(g) one person to represent persons with disability.</p>	<p>(b) a representative of the Director of Vocational Education in the county;</p> <p>(c) one representative of special interest groups in the community;</p> <p>(d) one representative of the sponsor;</p> <p>(e) two members with technical knowledge</p> <p>(f) one representative of special interest groups; and</p> <p>(g) one representative of persons with disabilities.</p>
61		Fred Oanda, P.	<ul style="list-style-type: none"> Management Boards already exist under section 27 and specifically 28(a) of the TVET Act. Consider the technical expertise and limit membership to seven. Rationale: This will enable institutions to finance Board operations. 	
62		Mr. Jethro Kalo, Principal of a TVC	<ul style="list-style-type: none"> Proposes the provision of a lean Management Board in line with the TVET Act, 2013. 	
63		Dr. Paul Machochi Wanyeki Deputy Director - Compliance and Enforcement, Technical and Vocational Education and Training Authority (TVETA)	<ul style="list-style-type: none"> Proposes that the composition of the Board be reduced from the current proposed thirteen to seven. Further, the Board members must have a minimum qualification above O' level. Rationale: The membership of the Board of management is bloated. 	The Board members should also have a minimum qualification of post-secondary certificate.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
64		Council of Governors	<ul style="list-style-type: none"> • Include the Ward Administrator and MCA in the membership of the Board. • Rationale: To ensure that the Act speaks to the needs of the Counties. 	Rejected.
65		Ministry of Education	<ul style="list-style-type: none"> • Change the membership of the Board as follows – <ol style="list-style-type: none"> 1. VTC Principal who shall serve as Board Secretary 2. Two parents 3. The area chief 4. A representative of the area MCA 5. One person representing the sponsor 6. Two people to represent the local industry 7. One person to represent persons with disabilities • Rationale: A BoM of thirteen members is overcrowded and inevitably delays board deliberations. In conformity with the TVET Act, 2013, a membership of nine members is more appropriate. 	
66	Clause 21	AVTK	<ul style="list-style-type: none"> • Change the membership of the Board as follows – <ol style="list-style-type: none"> 1. Two parents 2. One person representing the community 3. One person representing the county education board 4. One person representing the teaching staff elected by centre instructors 5. One representative of sponsors 6. One person representing the chamber of commerce or jua kali association 	

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			<p>7. One person representing the alumni</p> <p>8. One person representing the institution of technicians and technologists of Kenya</p> <p>9. One person representing special interest</p> <p>10. One person representing persons with disabilities</p>	
67	Clause 21(5)	AVTK	<ul style="list-style-type: none"> Proposes that the CECM shall in appointing the Board members ensure that the members elected are God-fearing, trustworthy and hate dishonest gains. 	Rejected.
68			<ul style="list-style-type: none"> Further, the members should have a post-secondary certificate in a technical or business field. 	Accepted but with amendments.
69	Clause 27 provides for the submission of the annual report by the Board to the CECM.	AVTK	<ul style="list-style-type: none"> Proposes that the annual report be also submitted to the Technical and Vocation Education Fund Board established under section 48 of the TVET Act, 2013. 	Accepted.
70	Clause 29	Dr. Paul Machochi Wanyeki	<ul style="list-style-type: none"> An instructor should have a qualification higher than what they are training. The minimum qualification for the instructors be a craft certificate from the field of specialty with a mandatory addition of pedagogical training. Rationale: Having the same qualification for instructors may lead to an acute shortage of instructors in VTCs since the country is having an acute shortage of qualified instructors. Further, the trainers' qualification framework sets the 	Accepted. The minimum requirement of qualification should be deleted. Further, pedagogical training should be introduced.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			minimum qualification of a VTC instructor at craft level.	
71	Clause 29	AVTK	<ul style="list-style-type: none"> The qualifications of principal and trainer should be different with principal being a Diploma holder and at least ten years' experience as a trainer and three years' experience in management of a vocational training centre. A trainer should have a craft certificate and technical diploma or a technical diploma and a higher diploma and three years industrial experience as a technician. 	Accepted but with amendments.
72	Clauses 29(1) and (2)	Mr. Jethro Kalo	<ul style="list-style-type: none"> Redraft clause 29 to harmonize the person in charge of a TVET institution. Rationale: Clause 29(1) talks of a principal while clause 29(2) speaks of a manager. 	Accepted. The provision to be redrafted to substitute the word "principal" wherever it appears with "centre managers".
73	Clause 29(1) provides that a principal or a trainer must be licensed and registered as a trainer under the TVET Act, 2013.	NITA	<ul style="list-style-type: none"> A principal or trainer should also be licensed and registered under the Industrial Training Act. 	Accepted.
74	Clause 30 provides for the development of the vocational	1. KNQA 2. NITA	<ul style="list-style-type: none"> The provision should be redrafted to include other curriculum development institutions. 	Accepted.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
	education and training curricula.			
75	Clause 30(1)	Council of Governors	<ul style="list-style-type: none"> The development of curricula should be done by the CECM in consultation with recognized examination and certification bodies. Rationale: The provision is in contravention of the spirit of devolution. 	Rejected.
76	Clause 30(1) provides that the Council shall in consultation with CECs and recognized curriculum development institutions be responsible for development of vocational education and training curricula.	Mr. Jethro Kalo and Mr. Saitoti Wainaina	<ul style="list-style-type: none"> Proposes review of curriculum every eight (8) years to incorporate emerging trends in technology as well as current environmental, social, economic and political developments around the world. The current KNEC Artisan Certificate Curriculum has been in use since 1989. Further, proposes to delineate the certification issued by various institutions. For instance, all artisan certificate level programmes be exclusively left as a mandate of County Vocational Education and Training Centres. The National Government TVCs, TTIs and National Polytechnics to train craft level and above, while universities to stick to degree programs. 	Rejected. Curriculum review is administrative and should be necessitated by other factors.
77	Clause 31 (1) and 31 (4)	Council of Governors	<ul style="list-style-type: none"> Proposes that vocational education and training centres offer programmes up to craft level. Rationale: There is a need to be clear whether the programmes are from craft level or up to craft level. The section contradicts itself. 	Rejected. VTCs should offer training up to artisan level, which is a higher qualification than craft level.

Senate Standing Committee on
Education

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			County Governments propose that VTCs can provide up to craft level.	
78	Clause 31(1)	Dr. Paul Machocho Wanyeki, VSO & IRI	<ul style="list-style-type: none"> Craft be replaced with Artisan level. 	Rejected. Already provided as such in the Bill.
79	Clause 31(3)(b)	VSO & IRI	<ul style="list-style-type: none"> Redraft clause 31(3)(b) as follows – <i>'carry out activities aimed at holistic development to equip trainees with the skills, values, ethics and competences required for working and living.'</i> 	Accepted but with further amendments.
80	Clause 31	KNQA	<ul style="list-style-type: none"> Replace training standards with qualifications standards clause 31(3)(d). Rationale: National qualifications framework has not prescribed training standards but qualification standards. 	Accepted.
81		NITA	<ul style="list-style-type: none"> Redraft to reflect that the current practice where the Vocational Education and Training Centres offer both TVET and NITA programmes. 	Accepted.
82		AVTK	<ul style="list-style-type: none"> Placement of trainees should be done as per the Universities and TVET Acts. 	Rejected.
83	Clause 32 provides for examination and competency assessment.	AVTK	<ul style="list-style-type: none"> Proposes that a CECM should put in place measures to ensure that all trainees are presented for national examinations and assessed in preparation for certification by the Council. 	Rejected.
84	Clause 32(1) provides that examination and	1. KNQA 2. NITA	<ul style="list-style-type: none"> Replace the Council with assessment bodies. 	Accepted.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
	competency assessment shall be done by the Council in consultation with the CECM and recognised examination and assessment and certification bodies.		<ul style="list-style-type: none"> • Rationale: There are other examination and assessment bodies for that level like NITA and KNEC. 	
85	Clause 33 provides that TVETA in consultation with the CECM and relevant quality assurance and standards bodies shall be responsible for quality assurance.	NITA	<ul style="list-style-type: none"> • There is need to recognize the role of NITA in quality assurance. 	Accepted.
86	Clause 34 and 35 provide for existing vocational education and training centres and preservation of licenses, certificates and	Fred Oanda, P.	<ul style="list-style-type: none"> • In view of the provisions of Clause 4(d) & (e) of the Bill, clause 34 and 35 is rendered nugatory and should be expunged. 	Accepted with amendments.
87		KNQA	<ul style="list-style-type: none"> • There should be timelines for the transition 	

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
	registration respectively.			
88	Clause 35 provides for preservation of licenses, certificates and registration.	AVTK	<ul style="list-style-type: none"> Proposes that a CECM should put in place measures to assist all vocational trainers whose academic qualification is lower than a technical diploma to progress within six years from the commencement of the Act. 	Rejected.
89	Clause 38 provides for the making of regulations.	Council of Governors	<ul style="list-style-type: none"> The Cabinet Secretary should consult CECs in making the Regulations. 	Accepted.

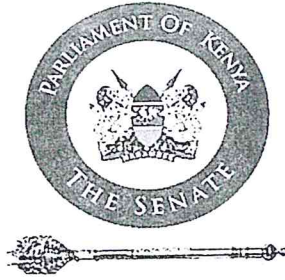
GENERAL COMMENTS		
	STAKEHOLDER	PROPOSAL
90.	Mr. Fredrick Ndirangu Mwangi Kiiriangoro Vocational Training Centre	<ul style="list-style-type: none"> Proposes to incorporate the same scheme of service across counties for instructors.
91.		<ul style="list-style-type: none"> Proposes that those who have upgraded their education level from Artisan level to degree be given first priority in employment once the Public Service Commission advertises the positions.
92.		<ul style="list-style-type: none"> Proposes that instructors in Vocational training with degree level and have personal numbers be transferred to newly constructed TTI (Technical Training Institute) because they have adequate experience to allow them to move from job group L and above because county job groups do not allow for the same.
93.		<ul style="list-style-type: none"> Proposes to change the qualification of people running the State Department of Vocational Training to PDH level.
94.		<ul style="list-style-type: none"> Proposes that all Centre Managers be issued with appointment letters similar to those of primary and secondary school teachers.
95.	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> There is lack of enough Trainee Management Systems in County Vocational Education and Training Centres.

GENERAL COMMENTS		
	STAKEHOLDER	PROPOSAL
		<ul style="list-style-type: none"> • There is need to equip County Vocational Education and Training Centres with adequate human resources, curriculum, buildings, equipment, tools (google classroom, zoom).
96.	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> • County Vocational Education and Training Centres should offer customized courses tailored to address grassroots challenges. There is therefore need to – <ul style="list-style-type: none"> (a) compel the Council to work with the County Vocational Education and Training Centres to create suitable curriculums; (b) compel the Kenya National Qualifications Authority to recognize courses offered at County Vocational Education and Training Centres for purposes of credit transfer and upward/horizontal mobility; and (c) allow County Vocational Education and Training Centres to customize the curriculum to respond to changing local opportunities.
97.	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> • Proposes to have instructors remunerated by the County Public Service Boards or grants from the National Government since they are not remunerated well.
98.	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> • Implement the 2012 or 2018 TVET Schemes of Service and effect substantive appointments and promotions. • Staff who have stagnated in one job group for over 10 years and most Managers, Deputies, Senior instructors, HoDs have not been substantially appointed and therefore do not have commensurate salaries.
99.	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> • Proposes capacity building for instructors in County Vocational Education and Training Centres to ensure the knowledge they dispense is up to date.
100	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> • Facilitate CVETCs to equip communities with skills for instance allocating each village/estate in the ward a day for practical training. Theoretical training can be offered via online platforms.
101	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> • Proposes to compel the National and County Governments to support fresh graduates through provision of graduate start-up kits (equipment, tools, grants/loans) zero-rating of light-

GENERAL COMMENTS		
	STAKEHOLDER	PROPOSAL
		industry raw materials, offering them subsidized light-industry raw materials like farmers getting subsidized fertilizers.
102	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> Proposes that procurement be done by the County Vocational Education and Training Centres which are best placed to identify their needs. Further, procurement at the county level is slow and trainees wait inordinately long to get necessary services.
103	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> Proposes to include County Vocational Education and Training Centres in school feeding programmes. Rationale: During drought season in the Arid and Semi-Arid Lands, most County Vocational Education and Training Centres experience trainee drop out.
104	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> County Vocational Education and Training Centres should be facilitated to carry out income generating activities as per the local economy to supplement funding received from the Government which is not enough to meet all the needs of the Training Centres.
105	Mr. Saitoti Wainaina	<ul style="list-style-type: none"> County Vocational Education and Training Centres should be facilitated to access development partners.
106	Fred Oanda, P.	<ul style="list-style-type: none"> The implementation of the Bill shall result in fragmented and weak regulatory systems of the VTCs since each County Government shall establish its own set of training standards. This Bill shall therefore inhibit the reforms in TVET that are already at advanced stages of implementation.
107	VSO & IRI	<ul style="list-style-type: none"> Proposes obligating the CECM to publish an annual report of the Vocational Education and Training in the county summarizing the progress made in the financial year, budget allocations, total enrolment, new enrolments and graduated trainees, and staffing levels of the training centres, among other information useful to the public.
108	AVTK	<ul style="list-style-type: none"> Upward mobility of trainees should be considered in the development of the curriculum. Rationale: To enable trainees to join higher levels of training institutions.
109	KAVETC	<ul style="list-style-type: none"> The Bill does not address home craft centres which are currently underutilised.

GENERAL COMMENTS		
	STAKEHOLDER	PROPOSAL
		<ul style="list-style-type: none"> • Rationale: Home craft centres have unique advantages and County Governments should put up these institutions to accommodate the desiring population who cannot join active TVET programmes
110	Mr. Jethro Kalo	<ul style="list-style-type: none"> • Proposes a uniform naming system for TVET institutions to avoid the use of multiple names such as polytechnics.

Annex 3.



MINUTES OF THE FOURTH SITTING OF THE STANDING COMMITTEE ON EDUCATION HELD ON WEDNESDAY, 8TH FEBRUARY, 2023, AT SAWELA LODGE, LAKE NAIVASHA, NAKURU COUNTY AT 2:30 P.M.

PRESENT

- | | |
|--------------------------------------|--------------------|
| 1. Sen. Joe Nyutu, MP | - Chairperson |
| 2. Sen. Peris Pesi Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 4. Sen. John Kinyua Nderitu, MP | - Member |
| 5. Sen. Agnes Kavindu Muthama, MP | - Member |
| 6. Sen. James Kamau Murango, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---|----------|
| 1. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 2. Sen. Joseph Githuku Kamau, MP | - Member |
| 3. Sen. Lenku Ole Kanar Seki, MP | - Member |

SENATE SECRETARIAT

- | | |
|---------------------------|------------------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer/Committee Clerk |
| 2. Ms. Carolyne Cheruiyot | - Senior Legal Counsel |
| 3. Mr. Yusuf Duale | - Committee Clerk |
| 4. Mr. Kenneth Maina | - Research Officer |
| 5. Mr. Dennis Amunavi | - Research Officer |
| 6. Ms. Alice Nanyama | - Secretary, DSEC |
| 7. Mr. Johana Macharia | - Accountant |
| 8. Mr. Jonathan Lemut | - Fiscal Analyst |
| 9. Ms. Njeri Manga | - Media Relations Officer |
| 10. Ms. Fatuma Abdi | - Audio Recording Officer |
| 11. Ms. Hawa Abdi | - sergeant-at-Arms |

MIN/SEN/SCE/013/2023

PRELIMINARIES

The meeting was called to order at thirty-five minutes past two followed by a word of prayer said by Sen. James Kamau Murango, MP.

8 x 10mm

MIN/SEN/SCE/014/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. Peris Pesi Tobiko, CBS, MP as follows:

1. Prayer
2. Adoption of the Agenda
3. Consideration of the County Vocational Education and Training Bill, 2022
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN/SEN/SCE/015/2023

CONSIDERATION OF THE COUNTY
VOCATIONAL EDUCATION AND
TRAINING BILL

1. The Secretariat presented the Matrix of stakeholder submissions to the County Vocational and Education Training Bill for Committee consideration and comments;
2. The Committee observed that-
 - a. the conversion of the Kshs. 2 billion grant, funding the rehabilitation of vocational training centres and village polytechnics into equitable share in 2022/2023 Financial Year has greatly affected the functioning of these institutions;
 - b. TVET Management Information System (TVET-MIS) is a nationwide web-based system aimed at data collection directly from the vocational training centres and youth polytechnics. However, despite the usefulness of the TVET-MIS is not linked to the Kenya Labour Management Information System (KL-MIS) which is domiciled under the Ministry of Labour and is guided by labour market surveys on skills demand in both formal and informal sectors;
 - c. there is need to have a uniform naming system for TVET institutions across the country for standardization purpose; and

- d. there is need for a policy intervention to provide for a framework for inter-county transfers of trainers and instructors
3. The Committee resolved to-
- a. amend the Bill to provide for the submission of the annual report of the Board of Management to the Technical and Vocation Education Fund Board; and
 - b. replace training standards with qualifications standards since the national qualifications' framework prescribed by KNQA has not prescribed training standards but qualification standards.
4. The Committee further resolved to hold a meeting on Tuesday, 14th February, 2023 to consider and adopt the Committee Report on the Bill

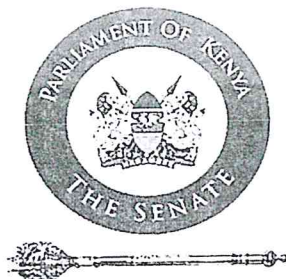
MIN/SEN/SCE/016/2022

ADJOURNMENT AND DATE OF
NEXT MEETING

There being no other business, the meeting was adjourned at thirty minutes past five. The Committee resolved to hold the next meeting on notice.

SIGNED: DATE:

(CHAIRPERSON: SEN. JOE NYUTU, M.P.)



**MINUTES OF THE THIRD SITTING OF THE STANDING COMMITTEE ON
EDUCATION HELD ON WEDNESDAY, 8TH FEBRUARY, 2023, AT SAWELA
LODGE, NAIVASHA, NAKURU COUNTY AT 9:00 A.M.**

MEMBERS PRESENT

- | | |
|--------------------------------------|--------------------|
| 1. Sen. Joe Nyutu, MP | - Chairperson |
| 2. Sen. Peris Pesi Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 4. Sen. John Kinyua Nderitu, MP | - Member |
| 5. Sen. Agnes Kavindu Muthama, MP | - Member |
| 6. Sen. James Kamau Murango, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---|----------|
| 1. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 2. Sen. Joseph Githuku Kamau, MP | - Member |
| 3. Sen. Lenku Ole Kanar Seki, MP | - Member |

SENATE SECRETARIAT

- | | |
|---------------------------|------------------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer/Committee Clerk |
| 2. Ms. Carolyne Cheruiyot | - Senior Legal Counsel |
| 3. Mr. Yusuf Duale | - Committee Clerk |
| 4. Mr. Kenneth Maina | - Research Officer |
| 5. Mr. Dennis Amunavi | - Research Officer |
| 6. Ms. Alice Nanyama | - Secretary, DSEC |
| 7. Mr. Johana Macharia | - Accountant |
| 8. Mr. Jonathan Lemut | - Fiscal Analyst |
| 9. Ms. Njeri Manga | - Media Relations Officer |
| 10. Ms. Fatuma Abdi | - Audio Recording Officer |
| 11. Ms. Hawa Abdi | - Sergeant-at-Arms |

IN ATTENDANCE

- | | |
|-------------------------|--|
| 1. Dr. Paul Wanyeki | - TVET Authority |
| 2. Mr. Fred Oanda | - TVET Authority |
| 3. Ms. Sylvia Akoto | - TVET Authority |
| 4. Mr. Stanley Maindi | - Kenya National Qualification Authority |
| 5. Mr. Andrew Too | - TVET Authority |
| 6. Ms. Josephine Kasera | - TVET Authority |

MIN/SEN/SCE/009/2023

PRELIMINARIES

The meeting was called to order at nine o'clock followed by a word of prayer said by Sen. James Kamau Murango, MP.

MIN/SEN/SCE/010/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. Peris Pesi Tobiko, CBS, MP as follows:

1. Prayer
2. Adoption of the Agenda
3. Consideration of the County Vocational Education and Training Bill, 2022
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN/SEN/SCE/011/2023

CONSIDERATION OF THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL

1. The Committee invited the stakeholders drawn from the TVET Authority and Kenya National Qualifications Authority to present their oral and written submission on the Bill;
2. The Committee observed that there exists some inconsistencies in the implementation of TVET Legal and Policy Framework and the management of the Vocational Training Centres which has greatly affected the quality of Vocational Education and Training in the country;

3. Technical and Vocational Education and Training is delivered by different providers at various qualification levels and follows different curricula and examinations are administered by different examination bodies across the counties; and
4. The Committee resolved to amend specific provisions of the Bill to cater for the roles that are shared by various TVET stakeholders such as the TVET Authority, the Kenya National Qualifications Authority (KNQA) and the National Industrial Training Authority (NITA).

MIN/SEN/SCE/012/2023

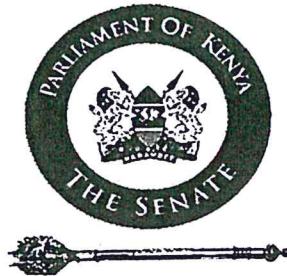
ADJOURNMENT AND DATE OF THE
NEXT MEETING

There being no other business, the meeting was adjourned at eleven. The Committee resolved to hold the next meeting at half past eleven.

SIGNED:

DATE:

(CHAIRPERSON: SEN. JOE NYUTU, M.P.)



**MINUTES OF THE EIGHTH SITTING OF THE STANDING COMMITTEE ON
EDUCATION HELD ON TUESDAY, 6TH DECEMBER, 2022, AT THE
COMMITTEE ROOM 5, PARLIAMENT BUILDINGS AT 11:00 A.M.**

MEMBERS PRESENT

- | | |
|---|---------------|
| 1. Sen. Joe Joseph Nyutu Ngugi, MP | - Chairperson |
| 2. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 3. Sen. John Kinyua Nderitu, MP | - Member |
| 4. Sen. Agnes Kavindu Muthama, MP | - Member |
| 5. Sen. Joseph Githuku Kamau, MP | - Member |
| 6. Sen. James Kamau Murango, MP | - Member |
| 7. Sen. Lenku Ole Kanar Seki, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--------------------------------------|--------------------|
| 1. Sen. Peris Pesi Tobiko, CBS, MP | - Vice-Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member |

SENATE SECRETARIAT

- | | |
|-----------------------------|------------------------------------|
| 1. Ms. Veronicah Kibati, MP | - Principal Clerk Assistant I |
| 2. Ms. Carol Cheruiyot | - Senior Legal Counsel |
| 3. Ms. Faith Kamau | - Legal Counsel II |
| 4. Kenneth Maina | - Research Officer |
| 5. Ms. Njeri Manga | - Media Relations Officer |
| 6. Mr. Joseph Otieno | - Audio Recording Officer |
| 7. Mr. William Z. Omondi | - Audio Recording Officer |
| 8. Mr. Humphrey Ringera | - Research Officer/Clerk Committee |
| 9. Mr. Yusuf Duale | - Committee Clerk |

MIN/SEN/SCE/039/2022

PRELIMINARIES

The meeting was called to order at twenty minutes past eleven followed by a word of prayer said by the Chairperson, Sen. Joe Nyutu, MP.

MIN/SEN/SCE/040/2022

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Agnes Kavindu Muthama, MP as follows:

1. Prayer
2. Adoption of the Agenda
3. Confirmation of Minutes of the 6th and 7th Committee Meetings
4. Matters Arising from the Minutes of the 6th and 7th Committee Meetings
5. Consideration of the County Vocational Education and Training Bill (*Senate Bill. No. 3*) 2022 (*Committee Paper No. 7*)
6. Any Other Business
7. Date of the Next Meeting and Adjournment

MIN/SEN/SCE/041/2022

**CONFIRMATION OF MINUTES OF THE 6th
& 7th COMMITTEE MEETINGS**

- (a) The Minutes of the sixth meeting of the Committee held on Thursday, 24th November, 2022 were confirmed after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Lenku Ole Kanar Seki, MP.
- (b) The Minutes of the seventh meeting of the Committee held on Tuesday, 29th November, 2022 were confirmed after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Agnes Kavindu Muthama, MP

MIN/SEN/SCE/042/2022

**CONSIDERATION OF THE COUNTY
VOCATIONAL EDUCATION AND
TRAINING BILL, 2022**

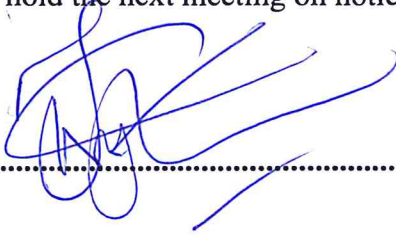
1. The Committee deliberated on the County Vocational and Training Bill, 2022 (Senate Bills No. 3 of 2022) and resolved to-
 - a) to hold a working retreat to extensively acquaint itself with the provisions of the County Vocational Education and Training Bill, 2022, the stakeholder submissions to the Bill, Committee Stage amendments and the Committee Report;
 - b) hold a meeting with targeted stakeholders within the Technical Vocational Education and Training (TVET) sector to acquaint itself with their respective mandate, functions and roles; and
 - c) visit to Kenya Technical Training Institute (KTTI) in Gigiri and the National Industrial Training Authority (NITA) to acquaint itself with their respective mandate and functions.

MIN/SEN/SCE/043/2022

ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at forty one minutes past one. The Committee resolved to hold the next meeting on notice.

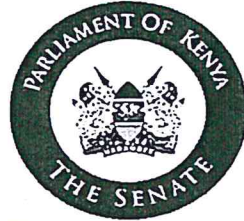
SIGNED.....



DATE.....

15/02/2023

(CHAIRPERSON: SEN. JOE NYUTU, M.P.)



MINUTES OF THE SEVENTH SITTING (HYBRID) OF THE STANDING COMMITTEE ON EDUCATION HELD ON TUESDAY, 29TH NOVEMBER, 2022, AT THE COUNTY HALL BOARDROOM, GROUND FLOOR AT 11:00 A.M.

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Joe Joseph Nyutu Ngugi, MP | - Chairperson |
| 2. Sen. Peris Pesi Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 4. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 5. Sen. Agnes Kavindu Muthama, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|----------------------------------|----------|
| 1. Sen. James Kamau Murango, MP | - Member |
| 2. Sen. John Kinyua Nderitu, MP | - Member |
| 3. Sen. Lenku Ole Kanar Seki, MP | - Member |
| 4. Sen. Joseph Githuku Kamau, MP | - Member |

SENATE SECRETARIAT

- | | |
|-----------------------------|---|
| 1. Ms. Veronicah Kibati, MP | - Principal Clerk Assistant I |
| 2. Ms. Carol Cheruiyot | - Senior Legal Counsel |
| 3. Ms. Faith Kamau | - Legal Counsel II |
| 4. Ms. Njeri Manga | - Media Relations Officer |
| 5. Ms. Fatuma Abdi | - Audio Recording Officer |
| 6. Mr. William Z. Omondi | - Audio Recording Officer |
| 7. Mr. Humphrey Ringera | - Research Officer/Clerk to the Committee |
| 8. Mr. Yusuf Duale | - Committee Clerk |

MIN/SEN/SCE/035/2022

PRELIMINARIES

The meeting was called to order at fifteen minutes past eleven followed by a word of prayer said by the Vice-Chairperson, Sen. Peris Pesi Tobiko, CBS, MP.

MIN/SEN/SCE/036/2022

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. Joe Joseph Nyutu, MP as follows:

1. Prayer;

2. Adoption of the Agenda;
3. Consideration of the County Vocational Education and Training Bill (Senate Bills. No. 3 of 2022) (*Committee paper 6*);
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/SCE/037/2022

CONSIDERATION OF THE COUNTY VOCATIONAL
EDUCATION AND TRAINING BILL (SENATE BILLS
NO. 3 OF 2022) (COMMITTEE PAPER 6)

1. The Committee was informed that at the close of the public participation period, a total of nine (9) memoranda had been received and tabulated in a matrix for consideration;
2. The Committee considered submissions to clauses 1 to 8 and resolved to continue consideration of the submissions to the remaining clauses at the next meeting; and
3. The Committee requested the Secretariat to revise the considered submissions as recommended, clean-up the text for any grammatical errors and draft the Committee report for consideration and adoption within the requisite timelines.

MIN/SEN/SCE/038/2022

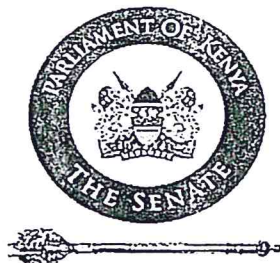
ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at forty minutes past twelve. The Committee resolved to hold the next meeting on notice.

SIGNED.....

DATE.....06/12/2022

(CHAIRPERSON: SEN. JOSEPH NYUTU NGUGI, M.P.)



**MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE ON
EDUCATION HELD ON THURSDAY, 24TH NOVEMBER, 2022 AT 11.00 A.M. IN
THE FIRST FLOOR BOARDROOM, RED CROSS BUILDING, PARLIAMENT
BUILDINGS.**

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Peris Pesi Tobiko, CBS, MP | - Vice-Chairperson |
| 2. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 3. Sen. John Kinyua Nderitu, MP | - Member |
| 4. Sen. Lenku Ole Kanar Seki, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--------------------------------------|---------------|
| 1. Sen. Joseph Nyutu Ngugi, MP | - Chairperson |
| 2. Sen. James Kamau Murango, MP | - Member |
| 3. Sen. Agnes Kavindu Muthama, MP | - Member |
| 4. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 5. Sen. Joseph Githuku Kamau, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---------------------------------------|
| 1. Ms. Faith Kamau | - Legal Counsel II |
| 2. Ms. Njeri Manga | - Media Relations Officer |
| 3. Mr. Dennis Amunavi | - Research Officer III |
| 4. Ms. Fatuma Abdi | - Audio Officer |
| 5. Mr. Humphrey Ringera | - Research Officer II/Committee Clerk |
| 6. Mr. Yusuf Duale | - Committee Clerk |

MIN/SEN/SCE/029/2022

PRELIMINARIES

The meeting was called to order at twenty-five minutes past ten followed by a word of prayer by the Vice-Chairperson, Sen. Peris Tobiko, CBS, MP.

MIN/SEN/SCE/030/2022

ADOPTION OF THE AGENDA

The agenda of the meeting was proposed by Sen. Lenku Ole Kanar Seki, MP and seconded by Sen. (Prof.) Margaret Kamar, EGH, MP as follows:

1. Prayer;

2. Adoption of the Agenda;
3. Confirmation of Minutes of the 2nd, 3rd, 4th and 5th Committee Meetings;
4. Matters Arising from the Minutes of the 2nd, 3rd, 4th and 5th Committee Meetings;
5. Consideration of the County Vocational Education and Training Bill (Senate Bills No. 3 of 2022);
6. Any Other Business;
7. Adjournment and Date of the Next Meeting.

MIN/SEN/SCE/031/2022

CONFIRMATION OF MINUTES OF THE
2nd, 3rd, 4th & 5th COMMITTEE MEETINGS

- (a) The Minutes of the second meeting of the Committee held on Thursday, 27th October, 2022 were confirmed after being proposed by Sen. Lenku Ole Kanar Seki, MP and seconded by Sen. John Kinyua Nderitu, MP.
- (b) The Minutes of the third meeting of the Committee held on Thursday, 10th November, 2022 were confirmed after being proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. Lenku Ole Kanar Seki, MP.
- (c) The Minutes of the fourth meeting of the Committee held on Wednesday, 16th November, 2022 were confirmed after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Lenku Ole Kanar Seki, MP.
- (d) The Minutes of the fifth meeting of the Committee held on Tuesday, 22nd November, 2022 were confirmed after being proposed by Sen. Lenku Ole Kanar Seki, MP and seconded by Sen. (Prof.) Margaret Kamar, EGH, MP.

MIN/SEN/SCE/032/2022

MATTERS ARISING FROM THE
MINUTES OF THE PREVIOUS MEETING

Ex-MIN/SEN/SCE/027/2022

-MEETING WITH THE CABINET
SECRETARY, MINISTRY OF EDUCATION

The Committee resolved to seek for clarification and supplementary information from the Cabinet Secretary on the following issues-

1. The number of learners who have dropped out of school in each County within the last twelve months as a result of famine and drought; and
2. Updated data on coverage of the school feeding programmes in the country providing a list of all beneficiary schools in each county, the characteristics of the feeding programmes being offered and the criteria used to determine the choice of the programme.

MIN/SEN/SCE/033/2022

CONSIDERATION OF THE COUNTY
VOCATIONAL EDUCATION AND
TRAINING BILL (SENATE BILLS NO.3 OF
2022)

- (a) The Committee was informed that the County Vocational Education and Training Bill, (Senate Bills. No. 3 of 2022) was read a First Time in the Senate on 8th November, 2022 and thereafter stood committed to the Senate Standing Committee on Education for consideration;
- (b) The Secretariat presented the Bill Digest and analysis and the Committee observed that pursuant to the provisions of Article 118 and standing order 145(5) of the Senate Standing Orders, stakeholders and interested members of the public had been invited to submit memoranda to the Bill by 25th November, 2022; and
- (c) The Committee resolved to consider all written memoranda submitted during the next meeting and requested the Secretariat to circulate a matrix for advance reading by the members of the Committee immediately after the deadline for receiving submissions.

MIN/SEN/SCE/034/2022

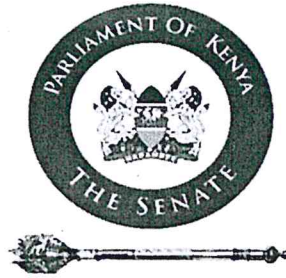
ADJOURNMENT AND DATE OF NEXT
MEETING

There being no other business, the meeting was adjourned at twenty minutes after twelve noon. The Committee resolved to hold the next meeting on notice.

SIGNED.....

(CHAIRPERSON: SEN. JOSEPH NYUTU NGUGI, M.P.)

DATE. 06/12/2022



**MINUTES OF THE NINTH SITTING OF THE STANDING COMMITTEE ON
EDUCATION HELD ON WEDNESDAY, 15TH FEBRUARY, 2023, AT
COMMITTEE ROOM 5, PARLIAMENT BUILDINGS AT 1:00 P.M.**

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Joe Nyutu, MP | - Chairperson |
| 2. Sen. Peris Pesi Tobiko, CBS, MP | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 4. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 5. Sen. Joseph Githuku Kamau, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-----------------------------------|----------|
| 1. Sen. John Kinyua Nderitu, MP | - Member |
| 2. Sen. Agnes Kavindu Muthama, MP | - Member |
| 3. Sen. Lenku Ole Kanar Seki, MP | - Member |
| 4. Sen. James Kamau Murango, MP | - Member |

SENATE SECRETARIAT

- | | |
|--------------------------|------------------------------------|
| 1. Mr. Humphrey Ringera | - Research Officer/Committee Clerk |
| 2. Ms. Carolyn Cheruiyot | - Senior Legal Counsel |
| 3. Mr. Kenneth Maina | - Research Officer |
| 4. Mr. Dennis Amunavi | - Research Officer |
| 5. Ms. Fatuma Abdi | - Audio Recording Officer |
| 6. Ms. Hawa Abdi | - Sergeant-at-Arms |

MIN/SEN/SCE/033/2023

PRELIMINARIES

The meeting was called to order at twenty-nine minutes past one and the proceedings were opened with a word of prayer said by the Chairperson.

MIN/SEN/SCE/034/2023**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. Johanes Mwaruma, MP and seconded by Sen. Peris Pesi Tobiko, CBS, MP as follows:

1. Prayer
2. Adoption of the Agenda
3. Confirmation of Minutes of the Previous Committee Meetings
4. Matters Arising from the Minutes of the Previous Committee Meetings
5. Consideration and Adoption of the Draft Committee Report on the County Vocational Education and Training Bill, 2022 (Senate Bills No. 3 of 2022)
6. Any Other Business
7. Date of the Next Meeting and Adjournment

MIN/SEN/SCE/035/2023**CONFIRMATION OF MINUTES OF THE
PREVIOUS COMMITTEE
MEETINGS**

1. The Minutes of the 8th Sitting of the Committee held on 6th December, 2022 were confirmed as true records of the proceedings after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Joseph Githuku, MP
2. The Minutes of the 3rd Sitting of the Committee held on 8th February, 2023 were confirmed as true records of the proceedings after being proposed by Sen. Jones Mwaruma, MP and seconded by Sen. Peris Tobiko, CBS, MP;
3. The Minutes of the 4th Sitting of the Committee held on 8th February, 2023 were confirmed as true records of the proceedings after being proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. Sen. Peris Tobiko, CBS, MP

MIN/SEN/SCE/036/2023**MATTERS ARISING FROM MINUTES OF THE
PREVIOUS MEETING**

There were no matters arising from the Minutes of the previous meetings.

MIN/SEN/SCE/037/2023

**CONSIDERATION AND ADOPTION OF THE
DRAFT COMMITTEE REPORT ON COUNTY
VOCATIONAL EDUCATION AND TRAINING
BILL, 2022**

1. The Secretariat presented a draft report on the County Vocational Education and Training Bill, 2022 (Senate Bills No. 3 of 2022) for Committee consideration and adoption;
2. The Committee considered the draft report and it was unanimously adopted;
3. The report was proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Peris Tobiko, CBS, MP.

MIN/SEN/SCE/038/2022

ANY OTHER BUSINESS

1. The Committee was informed that a meeting is scheduled to take place on Thursday, 16th February at 10:00 a.m. to deliberate on the plight of the Early Childhood Development Education (ECDE) teachers and caregivers at the counties, countrywide.

MIN/SEN/SCE/039/2022

**ADJOURNMENT AND DATE OF
NEXT MEETING**

There being no other business, the meeting was adjourned at fifteen minutes past two. The Committee resolved to hold the next meeting on 16th February, 2023 at 10:00 a.m.

SIGNED: DATE:

(CHAIRPERSON: SEN. JOE NYUTU, M.P.)

Annex A.

SPECIAL ISSUE

Kenya Gazette Supplement No. 162 (Senate Bills No. 3)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2022

NAIROBI, 26th October, 2022

CONTENT

Bill for Introduction into the Senate—

PAGE

The County Vocational Education and Training Bill, 2022 29

4 sent

**THE COUNTY VOCATIONAL EDUCATION AND
TRAINING BILL, 2022**

ARRANGEMENT OF CLAUSES

Clause

PART I – PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Guiding principles.
- 4—Obligations of the National Government.
- 5—Obligations of the county governments.
- 6—Role of the management of a vocational education and training centre.
- 7—Trainees with disability.

**PART II – ESTABLISHMENT, REGISTRATION
AND ACCREDITATION OF VOCATIONAL
EDUCATION AND TRAINING CENTRES**

- 8—Categories of vocational education and training centres.
- 9—Establishment of public county vocational education and training centres.
- 10—Sponsorship.
- 11—Register to be kept.
- 12—Requirement for registration of vocational education and training centres.
- 13—Registration and licensing of vocational education and training centres.
- 14—Requirements in relation to a vocational education and training centre.
- 15—Accreditation.
- 16—Cancellation of a licence.
- 17—Notice of non-compliance.
- 18—Closure of a vocational education and training centre.
- 19—Penalty.

**PART III – MANAGEMENT OF VOCATIONAL
EDUCATION AND TRAINING CENTRES**

- 20—Management of vocational education and training within the county.
- 21—The management board of a vocational education and training centre.
- 22—Functions of the Board.
- 23—Conduct of business and affairs of the Board.
- 24—Committees of the Board.
- 25—Remuneration of members of the Board.
- 26—Vacation of office of member of the Board.
- 27—Annual report on governance.
- 28—Record keeping.
- 29—Vocational education and training trainers.

**PART IV – STANDARDS AND QUALITY OF
EDUCATION AND TRAINING**

- 30—Framework of curriculum.
- 31—Education and training programmes.
- 32—Examination and competency assessment.
- 33—Quality assurance.

**PART V –TRANSITIONAL
PROVISIONS**

- 34—Existing vocational education and training centres.
- 35—Preservation of licences, certificates and registrations.
- 36—Transfer of assets, liabilities and staff.

PART VI – MISCELLANEOUS PROVISIONS

- 37—General penalty.
- 38—Regulations.

**THE COUNTY VOCATIONAL EDUCATION AND
TRAINING BILL, 2022**

A Bill for

**AN ACT of Parliament to provide a framework for the
establishment of systems for the administration of
training in vocational education and training
within a county, and for connected purposes**

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the County Vocational
Education and Training Act, 2022.

Short title.

2. In this Act —

Interpretation.

“Authority” means the Technical and Vocational
Educational and Training Authority established under
section 6 of the Technical and Vocational Education and
Training Act;

No. 29 of 2013.

“Board” means a board of management of a public
vocational education and training centre established under
section 21(1);

“Cabinet Secretary” means the Cabinet Secretary
responsible for matters relating to vocational education
and training;

“Council” means the Technical and Vocational
Education and Training Curriculum Development,
Assessment and Certification Council established under
section 44(1) of the Technical and Vocational Education
and Training Act;

- Limited → NITA KNQA, University

“County Education Board” means the County
Education Board established under section 17 of the Basic
Education Act;

No. 14 of 2013.

“county executive committee member” means the
county executive committee member responsible for
matters relating to vocational education and training within
each county;

“county public service board” means the Board
established under section 57 of the County Governments
Act;

No. 17 of 2012.

“curriculum” means all approved courses taught or programmes offered in a vocational education and training centre;

“integrated vocational education and training centre” means a vocational education and training centre designed to accommodate and provide courses and training suitable for the needs of a trainee with disability or special needs;

“Kenya Institute of Curriculum Development” means the Kenya Institute of Curriculum Development established under section 3 of the Kenya Institute of Curriculum Development Act;

No. 4 of 2013.

“National Qualifications Framework” means the national system for the articulation, classification, registration, quality assurance, and the monitoring and evaluation of national qualifications as developed in accordance with the Kenya National Qualifications Framework Act;

“principal” means the administrator of a vocational education and training centre who is responsible for the implementation of policy guidelines and professional practice in a vocational education and training centre;

No. 22 of 2014.

“private vocational education and training centre” means a vocational education and training centre established, owned or operated by a private person;

“public vocational education and training centre” means a vocational education and training centre established, owned or operated by a county government and includes a sponsored vocational education and training centre;

“sponsor” means a person or institution that makes a significant contribution and impact on the academic, financial and infrastructural development of a vocational education and training centre;

“trainee” means a person enrolled in a vocational education and training centre to pursue vocational education and training;

“trainee with disability” means a trainee whose mental characteristics, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are impaired and include a trainee

who suffer from long term disability which has a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities including learning growth and development;

“transitional certificate” means a certificate issued under section 34(4); and

“vocational education and training” means the vocational education and training programmes imparted to a trainee in a vocational education and training centre.

3. Every person shall, in the exercise of powers and performance of functions under this Act, be guided by the following principles—

Guiding principles.

- (a) co-ordinated public participation in the formulation, implementation, monitoring and evaluation of policies and plans; promotion of uniform standards of vocational education and training in the country;
- (b) equality, equity and non-discrimination in the provision of vocational education and training, and the recognition of trainees with disability;
- (c) promotion of innovativeness, technology transfer and an entrepreneurial culture;
- (d) transparency in the allocation and utilization of public and private resources, and in the implementation of programmes and activities relating to vocational education and training;
- (e) ensuring that interventions are based on objective information and methods;
- (f) accountability through developmentally appropriate methods of monitoring and evaluation in tracking the skills and knowledge acquisition of a trainee, and the improvement of the vocational education and training education system and programs; and
- (g) collaboration with the national government and relevant stakeholders in the implementation of activities necessary for the provision of vocational education and training.

4. The Cabinet Secretary shall, for the co-ordinated development, management and implementation of county

Obligations of the National Government.

vocational education and training by county governments, be responsible for the—

- (a) development of an education, training and research policy on county vocational education and training;
- (b) development of examination standards and certification;
- (c) development of a curriculum and co-curricular on vocational education and training;
- n → * (d) accreditation of institutions and programmes on county vocational training and education in collaboration with the respective county executive committee members;
- (e) training and registration of vocational education and training trainers;
- (f) capacity building and technical assistance on the implementation of county vocational education and training to the county governments;
- (g) establishment of partnerships and linkages to support vocational education and training;
- (h) setting of standards for the registration and licensing of vocational education training institutions by the county governments;
- (i) setting of standards for minimum qualification for trainers working in vocational training centres;
- (j) provision of budget support and resource mobilisation to subsidise vocational education and training at the counties;
- (k) monitoring and evaluation of the implementation of vocational training programmes in the counties;
- (l) development and implementation of a national qualifications framework to provide for progression, recognition and equation of qualifications, credit transfers and waivers;
- (m) development and implementation of a national qualifications framework to provide for

progression, recognition and equalisation of qualifications, credit transfers and waivers with respect to vocational education and training in counties; and → Exemption

- ✕ (n) registration and accreditation of private vocational and education training centres in collaboration with the respective county executive committee members.

5. Each county government shall, for the development of vocational education and training in the respective county and implementation of this Act—

Obligations of the county government.

- (a) put in place the necessary training infrastructure, equipment, learning and teaching resources in the delivery of vocational education and training in the respective county;
- (b) formulate and implement county specific programmes, plans and policies to ensure availability, accessibility and effective delivery of vocational education and training;
- (c) be responsible for the staffing of personnel in vocational education and training institutions in the county and supervision of vocational education and training within the county;
- (d) implement the policies, strategies and standard developed by the county government for the delivery of vocational education and training and implementation of this Act;
- (e) provide the funds necessary for the development of vocational education and training centres and for the administration of vocational education and training within the county;
- (f) identify trainees with disability in the county, undertake an assessment of their needs and put in place measures for the provision of vocational education and training to them;
- (g) carry out public awareness and advocacy programmes in relation to vocational education and training in the county;
- (h) collaborate with international, national and local institutions in the provision of vocational education and training; and

- (i) promote the circulation of and access to up-to-date and timely information on vocational education and training.

6. A person who is issued with a licence to establish a vocational education and training centre shall—

- (a) put in place the structures necessary for the management and administration of vocational education and training programmes in the centre;
- (b) employ qualified trainers and other personnel to offer services at the vocational education and training centre;
- (c) administer a curriculum on vocational education and training approved in accordance with this Act;
- (d) ensure the provision of quality services in the vocational education and training centre;
- (e) ensure that the premises meet the requirements of the occupational health and safety regulations and building standards prescribed under this Act and any other law;
- (f) provide the necessary training and learning materials and equipment; and
- (g) meet such other requirements as may be prescribed under this Act and as the county executive committee member in consultation with the Council may prescribe for the delivery of quality vocational education and training services within the respective county.

Role of the management of a vocational education and training centre.

- Redraft - TVETA.

7. (1) Each county ^{Government} executive member shall, in consultation with the National Council for Persons with Disabilities established under section 3 of the Persons with Disabilities Act, establish a mechanism for the identification of trainees with disabilities and put in place such measures as may be necessary to ensure access to and provision of vocational education and training to trainees with disabilities.

Trainee with disability.

No. 14 of 2003.

(2) In performing the functions under subsection (1), the county executive committee member shall—

- (a) put in place the necessary infrastructure and mechanisms to ensure that trainees with disability are provided with appropriate interventions;

- (b) establish adequate vocational education and training centres, facilities and rehabilitation services to cater for trainees with disability;
- (c) equip existing county vocational education and training centres with the necessary structures to enable access by persons with disability;
- (d) conduct training and capacity building programmes targeting managers, trainers and staff of vocational education and training centres that provide vocational education and training to trainees with disability;
- (e) put in place adequate facilities and ensure that every public vocational education and training centre providing training to trainees with disability is accessible and has adequate trainers; and
- (f) put in place measures to ensure the production of or access to affordable assistive aids and devices for trainees with disability.

(3) The county executive committee member shall, in consultation with the National Council for Persons with Disability, make regulations setting out the criteria for the identification of trainees with disabilities under subsection (1) and for the effective implementation of this Act.

PART II – ESTABLISHMENT, REGISTRATION AND ACCREDITATION OF VOCATIONAL EDUCATION AND TRAINING CENTRES

8. Vocational education and training centres shall be categorised as —

- (a) public vocational education and training centres;
or
- (b) private vocational education and training centres.

9. Each county government shall, in consultation with the relevant stakeholders, establish and maintain such vocational education and training centres as it may consider necessary.

10. (1) A public vocational education and training centre may be sponsored by a private person.

Categories of
vocational
education and
training centres.

*— Reject TVETA's
Proposal.*

Establishment of
public county
vocational
education and
training centres.

Sponsorship.

(2) A sponsorship arrangement entered into under subsection (1) shall be for the enhancement of vocational education and training programmes and contribute directly or indirectly to the quality of vocational education and training administered in the vocational education and training centre.

(3) A sponsor shall not compromise the implementation of any law applicable to the vocational education and training centre or compromise the professional standards and ethics of instructions in a vocational education and training centre.

(4) Notwithstanding the fact that the sponsor of a vocational education and training centre is a faith based institution, the curriculum in the vocational education and training centre shall be secular.

11.(1) The county executive committee member in each county government shall keep and maintain a register of—

Registers to be kept.

- (a) persons registered to provide vocational education and training within the county;
- (b) licensed vocational education and training centres within the county;
- (c) vocational education and training centres whose licence has been cancelled or suspended;
- (d) vocational education and training centres updated assets and liabilities;
- (e) learners in all training centres;
- (f) vocational education and training centres integrated development plans for inclusion in the County Integrated Development Plans; and
- (g) such other particulars as the county executive committee member may from time to time determine.

(2) A person may inspect the register and obtain a copy of, or an extract of the register from the county executive committee member upon payment of such fee as shall be prescribed under the county legislation.

12. A person shall not own or operate a private vocational education and training centre unless—

Registration of vocational education and training centres.

- (a) the vocational education and training centre is registered in accordance with the Technical and Vocational Education and Training Act; and
- (b) such person is issued with a licence to operate a vocational education and training centre.

No. 29 of 2013.

13. The registration and licensing of vocational education and training centres shall be in accordance with Part IV of the Technical and Vocational Education and Training Act.

Registration and licensing of vocational education and training centres.
No. 29 of 2013.

14. In establishing a vocational education and training centre, a county government shall ensure that the —

Requirements in relation to a vocational education and training centre.

- (a) premises meet the occupational health, safety regulations and building standards prescribed under this Act and the respective county legislation;
- (b) vocational education and training offered at the centre meet the requirements set out under this Act and any other relevant law;
- (c) vocational education and training centre is accessible, taking into account the disability of trainees;
- (d) trainers and other staff of the vocational education and training centre are registered and qualified to offer vocational education and training; and
- (e) vocational education and training centre is equipped with suitable training infrastructure, and learning and teaching resources.

15. (1) A foreign institution which intends to offer vocational education and training in Kenya under this Act, shall apply to the Technical and Vocational Education and Training Authority Board for accreditation.

Accreditation.

No. 29 of 2013.

(2) An accredited institution may apply to the county executive committee member in the prescribed form for approval to enter into an arrangement with a licenced

vocational education and training centre in a respective county for purposes of offering joint training or a training programme.

(3) A training programme offered under subsection (2) shall be approved by the Cabinet Secretary in consultation with the Authority.

16. (1) The county executive committee member may, in consultation with the Authority, and subject to the provisions of section 17, cancel a licence and deregister a vocational education and training centre if –

Cancellation of a licence and deregistration.

- (a) the vocational education and training centre violates any of the provisions of this Act or any other applicable law;
- (b) a serious criminal activity has been or is being committed in the vocational education and training centre; or
- (c) the vocational education and training centre has ceased to be a vocational education and training centre or closed down.

(2) The county executive committee member shall not cancel a licence under subsection (1) unless the county executive committee member –

- (a) issues to the licensee a notice specified under section 17 of at least fourteen days of its intention to cancel the licence; and
- (b) grants the licensee an opportunity to be heard.

17. (1) A county executive committee member shall, in consultation with the Authority, and before cancelling a licence and deregistering a vocational education and training centre, issue to the licensee a compliance notice in the prescribed form.

Notice of non-compliance.

(2) A compliance notice issued under subsection (1) shall –

- (a) be in writing;
- (b) contain information on the areas of non-compliance and the steps required to be undertaken in order to comply;
- (c) set out the time within which to comply with the notice; and

- (d) contain information on the consequences of non-compliance.

(3) A county executive committee member may, upon request by the licensee, extend the period for compliance for such period as the county executive committee member may consider necessary to ensure compliance.

18. (1) A person shall not close down a vocational education and training centre unless the person has applied for, and obtained, the approval of the county executive committee member.

Closure of a vocational education and training centre.

(2) A person who intends to close down a vocational education and training centre for any other reason other than the grounds set out under section 16 shall, in the prescribed form,—

- (a) inform the county executive committee member of the intention to close down the vocational education and training centre; and
- (b) submit a report to the county executive committee member setting out—
 - (i) the number of trainees who have not completed training and the level of training of each trainee;
 - (ii) the management and persons employed in the vocational education and training centre;
 - (iii) any investigations or cases that may have been commenced, pending or instituted against the vocational education and training centre; and
 - (iv) such other information as the county executive committee member may require.

(3) The county executive committee member shall, upon receipt of an application to close down a vocational education and training centre under subsection (2), consider the application within thirty days and approve the application except where—

- (a) the manager has failed to comply with subsection (2); or
- (b) the closure will not be in the best interest of the public.

19. A person who contravenes the provisions of sections 10(3), 12, 15 and 18(1) of this Act, commits an offence and shall be liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years, or to both.

Penalty.

PART III — MANAGEMENT OF VOCATIONAL EDUCATION AND TRAINING

20. (1) Each county government shall be responsible for the overall governance and management of vocational education and training under this Act within the respective county.

Management of vocational education and training within a county.

(2) The county executive committee member in each county shall, in consultation with the Authority, determine the vocational education and training resources and infrastructure requirements within the county.

21. (1) There is established in every county vocational education and training centre, a Board to be known as the Board of Management.

Management Board of a vocational education and training centre.

(2) The Board shall not be a corporate entity.

(3) The membership of the Board shall comprise—

- (a) six persons elected to represent parents of the trainees in the centre or local community;
- (b) one person nominated by the County Education Board;
- (c) one representative of the teaching staff elected by centre trainers;
- (d) three representatives of the sponsor of the centre;
- (e) one person to represent special interest groups in the community; and
- (f) one person to represent persons with disability.

(3) The county executive committee member shall appoint the persons nominated to the Board by a notice in the *gazette*.

(4) The county executive committee member shall, in appointing the members under subsection (3), take into account the need to ensure gender and ethnic representation.

22. The functions of the Board shall, in addition to the functions under section 29 of the Technical and Vocational Education and Training Act, be to —

Functions of the Board.

- (a) oversee the provision of education and training in the vocational education and training centre in accordance with the provisions of this Act or any other law;
- (b) manage the property of the vocational education and training centre;
- (c) manage the vocational education and training programmes in the vocational education and training centre by promoting and maintaining standards, quality and relevance of education and training;
- (d) develop and implement a vocational education and training strategic plan for the centre;
- (e) mobilize resources for the vocational education and training centre;
- (f) regulate the enrolment and exclusion of trainees from the vocational education and training centre;
- (g) prepare annual estimates of revenue and expenditure for the vocational education and training centre;
- (h) incur expenditure on behalf of the vocational education and training centre;
- (i) receive, on behalf of the vocational education and training centre, fees, grants, donations, bequests or other moneys and to make disbursements on behalf of the vocational education and training centre; and
- (j) carry out such other functions as may be necessary for the effective management of the vocational education and training centre.

23. The Board shall conduct its affairs in accordance with the provisions of the Second Schedule of the Technical and Vocational Education and Training Act.

Conduct of business and affairs of the Board.
No. 29 of 2013.

24. (1) The Board may establish such committees as it may consider appropriate to perform such functions and discharge such responsibilities as it may determine.

Committees of the Board.

(2) The Board may co-opt such persons, not exceeding two in number, to sit in a committee, whose knowledge and skills are found necessary for the performance of the functions of the Board.

25. Members of the Board shall be paid such allowances and disbursements for expenses as may be approved by the County Public Service Board in consultation with the Salaries and Remuneration Commission.

Remuneration of members of the Board.

26. The office of a member of the Board shall become vacant if the member —

Vacation of office of member of the Board.

- (a) dies;
- (b) resigns by a letter addressed to the county executive committee member;
- (c) is convicted of an offence punishable by imprisonment for at least six months;
- (d) is absent from three consecutive meetings of the Board without the permission of the Chairperson;
- (e) contravenes Chapter Six of the Constitution;
- (f) has a physical or mental incapacity that renders the person unfit to perform the functions of office;
- (g) is incompetent; or
- (h) is adjudged bankrupt.

27. The Board shall submit an annual report on the management of a vocational education and training centre to the county executive committee member as may be prescribed in a county legislation.

Annual report on governance.

28. Every vocational education and training centre shall avail to the county executive committee member and the County Education Board on request, —

Record keeping.

- (a) a register of the trainees who attend or have attended the vocational education and training centre;
- (b) a record of the attendance of trainees at the vocational education and training centre;

- (c) a record of all fees and other charges paid in respect of a trainee's attendance at the vocational education and training centre;
- (d) a register of assets and liabilities of a vocational education and training centre; and
- (e) such other records as the county executive committee member may prescribe.

29. (1) A vocational education and training centre shall not employ a principal or a trainer unless that person

Vocational education and training trainers.

- (a) is licensed and registered as a trainer under the Vocational Education and Training Act;
- (b) has at least three years' experience in management or administration in the case of a principal;
- (c) meets the requirements set out under Chapter Six of the Constitution;
- (d) has not been adjudged bankrupt;
- (e) has not been convicted of an offence and sentenced to imprisonment for at least twelve months; and
- (f) meets such other requirements as may be prescribed under this Act or by a county legislation.

No. 29 of 2013.

(2) Each county government shall be responsible for the recruitment and remuneration of managers and trainers of public vocational education and training centres within the county, and the county assembly shall appropriate such funds as may be necessary to ensure the recruitment of adequate vocational education and training trainers in the county.

PART IV— STANDARDS AND QUALITY OF EDUCATION AND TRAINING

30. (1) The Council shall, in consultation with the county executive committee members and recognised curriculum development institutions, be responsible for the development of the vocational education and training curricula for vocational education and training provided under this Act.

Framework of curriculum.

(2) The Council shall, in consultation with the Kenya Institute of Curriculum Development, the Authority and the county executive committee member, review the curriculum framework to be used by all licensed vocational education and training centres within the county to suit the specific or special needs of the county.

(3) In reviewing the curriculum under subsection (2), the Council shall ensure that the curriculum is in compliance with the national policy and guidelines.

(4) A review of the curriculum under subsection (2) shall not be carried out unless the county executive committee member has consulted all relevant stakeholders likely to be substantially affected by a change in curriculum.

(5) As soon as practicable after reviewing the curriculum framework, the county executive committee member shall publish, by notice in the *Gazette*, —

- (a) the prescribed or reviewed curriculum framework;
- (b) any amendments to the curriculum framework; and
- (c) information regarding the place, time and manner in which a person can obtain information on, or a copy of, the curriculum framework or any amendments to it.

31. (1) A vocational education and training centre registered under this Act shall offer programmes up to artisan certificate level. *KNDA level 4*

Education and training programmes.

(2) A vocational education and training centre may, where possible, offer county specific technical and vocational education training programmes.

- Important - TVETA.

(3) In administering vocational education and training, a vocational education and training centre shall —

- (a) provide appropriate and adequate training and learning materials;
- (b) carry out activities aimed at enhancing skills development and creativity of the trainee;
- (c) adopt a trainee-centered approach training for the proper skills acquisition and development of the trainee;

- (d) follow the training standards prescribed by the national qualifications framework; and
- (e) integrate industrial attachment for the development of appropriate practical and innovative skills.

(4) A vocational education and training centre may, with the approval of the Cabinet Secretary and on such terms and conditions as the Cabinet Secretary may determine, offer programmes higher than artisan certificate level.

32. (1) The Council shall in consultation with the county executive committee member and recognised examination and assessment and certification bodies—

Examination and competency assessment.

- (a) be responsible for administering examination and assessing competencies; and
- (b) issue a certificate to a trainee who satisfies examination and competencies requirement.

(2) The Council shall, if satisfied that skills or competencies acquired by a person on the job are equivalent to qualifications within the training framework, issue corresponding certificates.

33. (1) The Authority shall, in consultation with the county executive committee member and relevant quality assurance and standards bodies, put in place structures for purposes of assuring standards, quality and relevance of education and training.

Quality assurance.

(2) The structures put in place for purposes of assuring standards, quality and relevance of education and training under subsection (1) shall take into account—

- (a) adoption of appropriate national and international standards;
- (b) credible quality assurance systems; and
- (c) processes for the continuous review and improvement of standards and quality assurance.

PART V — TRANSITIONAL PROVISIONS

34. (1) Subject to subsections (2), (3) and (4), every institution which, immediately before the commencement of this Act, was registered as an institution offering vocational education and training under—

Existing vocational education and training centres.

- (a) the Basic Education Act;
- (b) the Technical and Vocational Education and Training Act and offering programmes up to artisan certificate level; or No. 14 of 2013.
- (c) such other institutions as the Cabinet Secretary may specify, No. 29 of 2013.

shall be considered to be registered as a vocational education and training centre under this Act, and continues to be so registered for the relevant period of registration subject to such conditions of registration as may be imposed under this Act.

(2) Despite subsection (1), the county executive committee member may by a written notice to the registered owner of an institution that is deemed registered under subsection (1) —

- (a) require the owner to apply for registration under section 13 within three months of the date of the notice; or
- (b) declare that the institution is no longer registered under subsection (1) if the owner of the institution —
 - (i) has failed to comply with this Act on the requirements of registration; or
 - (ii) fails to comply with any conditions for registration.

(3) If a person issued with a notice under subsection (2)—

- (a) fails to make an application within the specified period, the institution shall cease to be registered under subsection (1) at the end of that period; or
- (b) makes such an application within the required period, the institution shall continue to be registered under subsection (1) until that application is determined.

(4) The county executive committee member may, where an institution does not meet the minimum requirements for registration under section 13 or 14, issue to the owner a transitional certificate in such manner as the

county executive committee member may prescribe and subject to such conditions as may deem appropriate.

(5) Where the county executive committee member is not satisfied that the conditions specified in a certificate issued under subsection (4) are being complied with, the county executive committee member may, by written notice to the owner, cancel the certificate.

(6) Every notice issued under subsection (2) shall set out the reasons for the action taken.

35. Any register kept, registration effected, certificate issued, notice or information given, return made, form used or other thing done with respect to institutions set out in section 34(1) on the commencement of this Act, was in force or effect shall continue in force and have effect as if kept, effected, issued, given, made or done under the provision of this Act.

Preservation of
licenses,
certificates and
registration.

36. (1) All immovable and movable property which immediately before the commencement of this Act were vested in, or possessed by the institutions set out in section 34(1) shall by virtue of this section vest in the respective institutions established under this Act without further conveyance, transfer or assignment.

Transfer of assets,
liabilities and
staff.

(2) All rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the institutions set out in section 34(1) are deemed to be the rights, obligations and liabilities of the respective institutions established under this Act.

(3) All references to the offices or institutions established under institutions set out in section 34(1) in any agreement or instrument relating to any property, assets, rights, privileges, immunity, obligations or liabilities transferred under subsection (1) and (2) and subsisting immediately before the commencement of this Act, shall, unless the context otherwise requires, be read as references to the respective offices or institutions established under this Act.

(4) All persons who were members of staff of the offices or institutions set out in section 34(1) shall be members of staff of respective offices or institutions established under this Act and shall be deemed to have

been appointed under this Act on the terms and conditions of service applicable to them immediately before the commencement of this Act.

PART VI – MISCELLANEOUS PROVISIONS

37. A person convicted of an offence under this Act for which no penalty is provided for shall be liable to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding two years, or to both.

General penalty.

38. (1) The Cabinet Secretary may make regulations generally for the better carrying into effect any of the provisions of this Act.

Regulations.

(2) The county executive committee member may, taking into account any national policies, standards or regulations applying to all vocational education and training centres—

- (a) limit or regulate the number of trainees who may attend a registered vocational education centre;
- (b) provide for the grant, duration, expiry, renewal, suspension, transfer, and cancellation of registration certificates of a vocational education and training centre;
- (c) prescribe the conditions subject to which such registration certificates may be granted, renewed or transferred and the fees payable in respect of the grant, renewal, and transfer of such certificates;
- (d) prescribe conditions governing or that may be imposed in respect of registered vocational education and training centre and the duties of their service providers; and
- (e) prescribe the records to be kept by a vocational education and training centre in respect of trainees;

(3) For the purpose of Article 94(6) of the Constitution —

- (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary and the county executive committee member to make

regulations to provide for the better carrying into effect the provisions of this Act;

- (b) the authority of the Cabinet Secretary and the county executive committee member to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section; and
- (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act.

Cap. 2.
No. 23 of 2013.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to put in place a legal framework to govern the establishment and management of vocational education and training with the county. 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.

Part I of the Bill provide 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 special needs 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 special needs.

Part II sets out the procedure for the establishment and registration of vocational education and training centres. It sets out the criteria for registration and the circumstances under which the registration of avocational education and training centre may be cancelled or revoked.

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 trainers 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.

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.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill confers on the Cabinet Secretary and the county executive committee member the powers to make regulations under the Act for the purposes of carrying into effect the provisions of the Act. The Bill does not limit any fundamental rights or freedoms.

Statement on how the Bill concerns county governments

One of the functional areas of county governments as set out under paragraph 9 of Part 2 of the Fourth Schedule to the Constitution is with respect to village polytechnics and home craft centres. This Bill proposes to put in place a legal framework for the implementation of vocational education and training by county governments. The Bill is therefore one that concerns county governments in terms of Article 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

MOSES KAJWANG,
Senator.

