

ACT 718

**COUNCIL FOR TECHNICAL AND VOCATIONAL EDUCATION AND
TRAINING ACT, 2006**

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Establishment and Functions of the Council

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ACT 718

COUNCIL FOR TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT, 2006¹

AN ACT to set up a Council for Technical and Vocational Education and Training to co-ordinate and oversee technical and vocational education and training in the country and to provide for related matters.

*Establishment and Functions of the Council***1. Establishment of Council**

(1) There is established by this Act a body to be known as the Council for Technical and Vocational Education and Training.

(2) The Council is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Council may for the performance of its functions acquire and hold movable or immovable property and may enter into a contract or any other transaction.

(4) Where there is a hindrance to the acquisition of property, the property may be acquired for the Council under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Council.

2. Object and functions of Council

(1) The object of the Council is to co-ordinate and oversee all aspects of technical and vocational education and training in the country.

(2) To achieve its object the Council shall

- (a) formulate national policies for skills development across the broad spectrum of pre-tertiary and tertiary education, formal, informal and non-formal;
- (b) co-ordinate, harmonise and supervise the activities of private and public providers of technical and vocational education and training, including the informal sector;
- (c) rationalise the assessment and certification system in technical, vocational education and training;
- (d) take measures to ensure quality in delivery of and equity in access to technical and vocational education and training;
- (e) maintain a national database on technical, vocational education and training;
- (f) facilitate research and development in the technical and vocational education and training system;

1. This Act was assented to on the 31st August 2006 and notified in the *Gazette* on the 1st September, 2006.

- (g) source funding to support technical and vocational education and training activities;
- (h) facilitate collaboration between training providers and industry to promote
 - (i) demand driven curriculum development and placement; and
 - (ii) national internship programmes;
- (i) promote co-operation with international agencies and development partners;
- (j) issue annual reports on the state of skills development in the country;
- (k) advise Government on all matters related to the management and improvement of the technical and vocational education and training system; and
- (l) perform any other functions that are ancillary to the object of the Council.

(3) The Council may delegate any of its functions to a person or an authority that it may determine.

3. Governing body of the Council

- (1) The governing body of the Council is a Board consisting of
- (a) the chairperson with considerable industrial experience,
 - (b) the Executive Director of the Council,
 - (c) one representative not below the rank of a Director from,
 - (i) the Ministry responsible for Education,
 - (ii) the Ministry responsible for Employment,
 - (iii) the Ministry responsible for Environment,
 - (iv) the Ministry responsible for Industry,
 - (d) one person with expertise in technical and vocational education and training,
 - (e) two persons nominated by recognised employers associations,
 - (f) one person nominated by recognised organised labour,
 - (g) one person nominated by the Institution of Incorporated Engineers,
 - (h) two persons from organisations that manage privately owned technical or vocational training institutions, one of whom is a woman, and
 - (i) two other persons nominated by the President, at least one of whom is a woman.

(2) The chairperson and other members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Board shall perform the functions of the Council.

4. Tenure of office of members of the Board

(1) A member of the Board other than the Executive Director shall hold office for a period not exceeding three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Where a member of the Board resigns, dies, is removed from office or is for a sufficient reason unable to act as a member, the Minister shall notify the President of the vacancy and the President, shall, acting on the advice of the nominating authority and in consultation with the Council of State, appoint another person to hold office for the unexpired portion of the member's term of office.

(3) A member of the Board may resign from office in writing addressed to the President through the Minister.

(4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member.

(5) The President may by letter addressed to a member revoke the appointment of that member.

5. Meetings of the Board

(1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the members of the Board convene an extra-ordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is seven members of the Board.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision by the Board.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Board may determine the procedure for its meetings.

6. Disclosure of interest

(1) A member of the Board who has an interest in a matter for consideration by the Board shall disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Board in respect of that matter.

(2) A member who contravenes subsection (1) ceases to be a member.

7. Establishment of committees

The Board may establish committees consisting of members of the Board or non-members or both to perform its functions, except that a committee composed entirely of non-members may only advise the Board.

8. Allowances

Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

9. Ministerial directives

The Minister may give policy directives in writing to the Board and the Board shall comply.

10. Standing committees of the Council

(1) There is established by this Act the following standing committees:

- (a) the National Technical and Vocational Education and Training Qualifications Committee;
- (b) the Industrial Training Advisory Committee; and
- (c) the Training Quality Assurance Committee.

(2) The membership and functions of the standing committees established under subsection (1) shall be determined by the Council.

(3) The members of the standing committees under subsection (1) shall be appointed by the Council.

(4) The Council may assign or delegate a function to any of the standing committees under subsection (1) and the standing committees shall report to the Council on matters referred to them by the Council, but the Council shall not be relieved from ultimate responsibility for the performance of the delegated function.

(5) The standing committees specified under subsection (1) may establish sub-committees and assign to the sub-committees functions determined by them.

(6) Without limiting subsection (5), an Industrial Advisory sub-committee, shall be established under the Industrial Training Advisory Committee.

Administrative, Financial and Miscellaneous Provisions

11. Divisions of the Council

The Board shall establish the following divisions:

- (a) Human Resource Development Division;
- (b) Finance and Administration Division;
- (c) Testing and Certification Division;
- (d) Accreditation Advisory Division;
- (e) Planning, Research, Monitoring and Evaluation Division;
- (f) Informal Sector Affairs Division;
- (g) Technical and Vocational Education and Training for Persons with Disabilities Division;

- (h) Women in Technical and Vocational Education and Training Division; and
- (i) other divisions that the Board may consider necessary for the efficient performance of the functions of the Council.

12. Executive Director

- (1) The President shall in accordance with article 195 of the Constitution appoint an Executive Director of the Council.
- (2) The Executive Director shall hold office on the terms and conditions specified in the letter of appointment.
- (3) The Executive Director shall be the head of administration.

13. Functions of the Executive Director

- (1) The Executive Director is responsible for the day to day administration of the affairs of the Council and is answerable to the Board in the performance of functions under this Act.
- (2) The Executive Director shall perform other functions determined by the Board.
- (3) The Executive Director may delegate a function to an officer of the Council but shall not be relieved from ultimate responsibility for the performance of the delegated function.

14. Appointment of other staff

- (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff of the Council that are necessary for the proper and effective performance of its functions.
- (2) Other public officers may be transferred or seconded to the Council or may otherwise give assistance to it.
- (3) The Council may engage the services of advisers and consultants on the recommendation of the Board.

15. Secretary to the Board

- (1) The Executive Director shall designate an officer of the Council as Secretary to the Board.
- (2) The Secretary shall arrange the business for and record and keep the minutes of the meetings of the Board.
- (3) The Secretary shall also perform functions that the Executive Director in consultation with the Board may assign.

16. Delegation of power of appointment

The President may in accordance with article 195 of the Constitution delegate the power of appointment under this Act.

17. Collaboration with other bodies

The Board shall collaborate with other bodies in the performance of functions under this Act.

18. Funds of the Council

(1) The funds of the Council include

- (a) moneys provided by Parliament,
- (b) donations, grants and loans,
- (c) fees and charges accruing to the Council in the performance of its functions,
- (d) interest from investments, and
- (e) other money that are approved by the Minister responsible for Finance.

(2) Any sum of money received by or on behalf of the Council shall be paid into a bank account of the Council opened by the Board with the approval of the Accountant-General.

(3) The Board may invest funds of the Council not required for immediate use as it considers fit.

19. Expenses of the Council

(1) The expenses of the Council shall be paid from money provided for as funds of the Council under section 18 (1).

(2) Where after having defrayed its expenses, the Council has an excess amount, the Council shall pay the amount into the Consolidated Fund unless the Minister responsible for Finance in consultation with the Minister approves the retention by the Council of a part or the whole of that excess amount.

20. Accounts and audit

(1) The Board shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Council to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

(4) The Internal Audit Agency Act, 2003 (Act 658) shall apply to this Act.

(5) The financial year of the Council shall be the same as the financial year of the Government.

21. Annual reports

(1) The Board shall, within one month after the receipt of the audit report, submit an annual report to the Minister covering the operations of the Council for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other reports which it considers necessary.
