

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

**SECOND ASSEMBLY
(SIXTH SESSION)**

NCCA/TJ/PL/2022 (13)

5th April, 2022

PAPERS LAID

Pursuant to Standing Order 131(4) beg to lay the following Paper on the Table of the Assembly, today 5th April, 2022:

**THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN,
EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING
ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY
POLYTECHNICS AND HOME CRAFTS CENTRES BILL, 2021
(ASSEMBLY BILL NO.3 OF 2021)**

**(The Chairperson, Sectoral Committee on Children, Early Childhood
Education and Vocational Training)**

Copies to:

The Speaker

The Clerk

Hansard Editor

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The Press

THE NAIROBI CITY COUNTY GOVERNMENT



THE NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – SIXTH SESSION

THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY
CHILDHOOD EDUCATION & VOCATIONAL TRAINING

ON

THE CONSIDERATION OF THE NAIROBI CITY COUNTY POLYTECHNIC AND
HOME CRAFT CENTRES BILL, 2021 (ASSEMBLY BILL NO. 3 OF 2021)

Clerk's Chambers,
CITY HALL,
NAIROBI.

Edition: April, 2022

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1.0. PREFACE

1.1. Mandate

Hon. Speaker,

The Sectoral Committee on Children, Early Childhood Education and Vocational Training is established under Standing Order No. 203 (1). Its mandate pursuant to Standing Order 203 (6) is to: -

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196(Committee on Appointments): and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.2. Membership

The Committee comprises the following Members: -

1. Hon. Samuel Ng'ang'a Mwangi, MCA – Chairman
2. Hon. Mwaura Samora, MCA – Vice-Chairman
3. Hon. Kabiru Mbugua, MCA
4. Hon. Esther Waithera Chege, MCA
5. Hon. Patrick Karani, MCA
6. Hon. Abdikadir Mohammed, MCA
7. Hon. Fredrick Njoroge Njogu, MCA
8. Hon. Elijah Mputhia, MCA

9. Hon. Robert Mbatia, MCA
10. Hon. Stephen Gikonyo Kanyi, MCA
11. Hon. Jayendra Malde, MCA
12. Hon. Mark Mugambi, MCA
13. Hon. Ann Catherine Akinyi, MCA
14. Hon. Esther Nyangweso, MCA
15. Hon. Paul Shem Shilaho, MCA
16. Hon. Fredrick Otieno Omondi, MCA
17. Hon. Jane Muasya, MCA
18. Hon. Husin Mohammed Lawi, MCA
19. Hon. Rosemary Masitsa Shitote, MCA
20. Hon. Mary Ariviza Mwami, MCA
21. Hon. Kennedy Oyugi Odhiambo, MCA
22. Hon. Redson Otieno Onyango, MCA
23. Hon. Caroline Andisi Mayunzu, MCA
24. Hon. Eunice Wanjiku Marimbi, MCA
25. Hon. Emily Oduor Ondeje, MCA

Hon. Speaker,

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary.

The Committee exercise its oversight role on the work and administration of the Education and Children Sub-Sectors.

Pursuant to the provisions of Standing Order 203 (6) (b), (d) and (e), the Sectoral Committee on Children, Early Childhood Education and Vocational Training is supposed to study the programme of the Education and Children Sub-Sectors and the effectiveness of the implementation; study, assess, and analyze the success of the Sub-Sectors as measured by the results obtained; and inquire into all matters relating to the Sector.

In accordance with the Third Schedule of the Standing Orders, the Sectoral Committee on Children, Early Childhood Education and Vocational Training is mandated to consider all matters relating to: - *“to investigate, inquire into, and report on all matters relating to pre-primary education, village polytechnics, home craft centres and childcare facilities; children welfare”*.

1.3. Executive Summary

Hon. Speaker,

Pursuant to Section 23 of the County Governments Act, 2012, the Nairobi City County Polytechnics and Home Craft Centres Bill, 2021 was published in the special issue of the Nairobi City County Gazette Supplement No. 4 on 28th April, 2021. The Bill was introduced in the County Assembly as First Reading on Tuesday, 7th September, 2021. The Bill sponsored by Hon. Samuel Mwangi Ng’ang’a, MCA, Member for Kayole North Ward, was thereafter committed to the Sectoral Committee Children, Early Childhood Education and Vocational Training for scrutiny, public participation and reporting to the Assembly pursuant to Standing Order 131.

Article 196(b) of the Constitution of Kenya, 2010 requires the County Assemblies to facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

Hon. Speaker,

Upon committal of the said Bill, the Committee placed a notice in the local dailies on Wednesday, 15th September, 2021 calling for representations and proposals for amendments from the public pursuant to Article 196(b) of the Constitution of Kenya, 2010 and the Nairobi City County Standing Orders 131 (3) which require public participation in the legislative and other business of the County Assembly and its Committees. The Committee also identified the following key stakeholders to the Bill and invited them to submit comments, reviews and propose amendments to the Bill;

- a) The State department of Education;
- b) The Institute for Social Accountability (TISA);
- c) Kenya Law Reform Commission;

- d) Kenya Institute of Curriculum Development;
- e) Kenya National Examination Council;
- f) TVET Curriculum Development Assessment and Certification Council
- g) Kenya Education Management Institute;
- h) TVET Authority;
- i) Permanent Working Group on TVET;
- j) The Action Foundation; and
- k) The Nairobi City County Sector of Education, Sports Culture, Youth, Gender & Social Services

Hon. Speaker,

The Committee held a total of seven meetings and a retreat (held from 6th to 9th March, 2022 at Maxland Hotel, Kiambu County) to consider the Bill and all memoranda received from stakeholders. All stakeholders while supporting the Bill in principle, proposed amendments on some of the provisions of the proposed law.

Hon. Speaker,

The Committee finds this Bill to be the right step towards streamlining the handling of Vocational Training Centres within the County. The Bill seeks to provide for establishment, classification, governance and management of county polytechnics and home-craft centres; to provide for the registration and administration of county polytechnics and home-craft centres in the County.

Hon. Speaker,

The Committee considered the submissions by stakeholders as provided for in the Standing Order and had proposed amendment to the Bill in Long Title, Clauses 1,6,9,19,20, 24,25, and 32. The Committee further proposed new paragraphs to be included in the Bills as proposed by the various stakeholders. Some of the amendments are editorial while others are aimed at ensuring that the Bill is consistent with the Constitution and also caters for the concerns of the stakeholders.


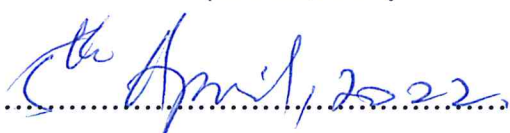
1.4. Acknowledgement

Hon. Speaker, I wish to acknowledge with gratitude the offices of the Speaker and the Clerk of the County Assembly for the logistical and technical support accorded to the members of the Committee to enable them consider the Nairobi City County Polytechnics and Home-Craft Centres Bill, 2021. Appreciation is also extended to the stakeholders for their immense contribution.

I am grateful to the Members of the Committee whose support and commitment enabled the Committee to accomplish this task. Special thanks to the Secretariat for their support at all times.

On behalf of the Committee and pursuant to Standing Order 131 (3), I now have the honour and pleasure to present this Report on the consideration of the Nairobi City County Polytechnics and Home-Craft Centres Bill, 2021.

Thank You.

SIGNED 
HON. SAMUEL MWANGI NG'ANG'A, MCA
(CHAIRMAN)
DATE 

2.0. INTRODUCTION

Pursuant to Article 185 of the Constitution of Kenya, 2010, the legislative authority of a County is vested and exercised and the County Assembly. The County Assembly is to make laws that are necessary for effective performance of the functions of the County Government as provided for in Part Two of the Fourth Schedule to the Constitution.

Pursuant to Section 23 of the County Governments Act, 2012, the Nairobi City County Polytechnics and Home-Craft Centres Bill, 2021 was published in the special issue of the Kenya Gazette Supplement No. 4 on 28th April, 2021. On Tuesday, 7th September, 2021, the Bill sponsored by Hon. Samuel Mwangi, MCA, was read a First Time and thereafter committed to the Sectoral Committee Children, Early Childhood Education and Vocational Training for scrutiny, public participation and reporting to the Assembly pursuant to Standing Order 131.

Article 196(b) of the Constitution requires the County Assemblies to facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

3.0. CONSIDERATION OF THE NAIROBI CITY COUNTY POLYTECHNICS AND HOME-CRAFT CENTRES BILL, 2021

While examining the Bill, the Committee noted the following;

3.1. Objective of the Bill

The principle objective of the Bill is to provide a legal framework for the establishment, classification, governance and management of county polytechnics and home-craft centres in the County. The Bill provides for the responsibilities and role of the County Government in establishment and management of County Public Polytechnics in the County.

The Committee observed that paragraph 9 of Part two of the Fourth Schedule to the Constitution of Kenya, 2010 gives County Government powers to regulate village polytechnics and home-craft centres within the County. The Committee is therefore in agreement with the Bill since it seeks to give effect to the Part two of the Fourth Schedule

to the Constitution of Kenya, 2010. Furthermore, since the Bill seeks to regulate Vocational Training Centres within the County, it will help in addressing some of the challenges facing the education Sector which include unregistered education centres that offers unapproved courses within untrained teachers.

Part I: Preliminary Provisions

Part I of the Bill sets out the preliminary matters with respect to the Bill. Clause 1 sets out the short title of the Bill.

Clause 2 provides for definition and interpretation of terms as used in the Bill while Clause 3 gives a summary of the scope of application of the proposed law. The County Executive proposed for definition of the following terms: - Board, Council, County Public Training Institutions, Directorate and Home Craft Centres as used in the proposed law.

On the Long Title some stakeholders who commented on the Bill proposed the title to be amended as the Nairobi City County Technical Vocational Education and Training Bill to be in line with the current circular from the Ministry of Education and enable the County to manage all the technical vocational education and training programs as stipulated in the Constitution 2010. In addition, the proposed amendments to the Title is to enable the Bill to also regulate operations of privately established and owned Technical and Vocational Training institutions offering training services in the same level as the County Vocational Training Centres and Home Craft Centres. The Committee concurred with the proposed amendments.

3.2. Part II: Establishment of the County Polytechnics or Home Craft Centres and Promotion of Vocational Training

Part II of the Bill contains the provisions relating to the establishment and promotion of vocational training in the County.

Clause 3 provides for establishment of County Polytechnic and Home-craft Centre by the County Executive Committee Member. The County Executive proposed for the Part to be amended and read as “establishment of vocational training centres and home craft centres

and promotion of technical, vocational education and training in Nairobi City County”. This is because it was the role of the County to ensure there is access to Technical, Vocational Education and Training institutions in the County.

Clause 4 provides for the powers and functions of polytechnics and home-craft centres in the County. Clause 5 highlights the guidelines on courses of study in the County Polytechnics and Home-craft Centres where County Executive Committee Member is to plan, develop and co-ordinate training and research in the county polytechnics and home-craft centres within the County.

Clauses 6 and 7 provides for the responsibilities and role of the County Executive Committee Member in the establishment, classification, promotion and management of county polytechnics and home-craft centres in the County.

Clause 8 gives powers to the County Executive Committee Member to delegate his/her powers to a Sub-County under necessary terms, conditions or restrictions. The County Executive proposed additional role of the County Executive Committee Member which include overseeing the management and development of vocational education and training staff; revitalize, refurbish, expand, develop and equip VTCs to ensure access to quality, affordable, appropriate and relevant technical, industrial, vocational and entrepreneurship training; coordinate and facilitate youth training and empowerment agenda; coordinate in collaboration with the National Government for implementation of training programmes, examination and certification; formulate a county vocational education and training strategic development plan for technical, industrial, vocational and entrepreneurship training for the County in consistent with any National Development Plan for economic and social development of the Country and the County Integrated Development Plan; and promote technical, industrial, vocational and entrepreneurship training within the County and progressive development of VTCs or any other institution devoted to promote technical, industrial, vocational and entrepreneurship training in the County. The Committee having considered the proposal additional roles agreed to them.

3.3. Part III: Registration of County Polytechnics and Home-Craft Centres

Part III of the Bill contains provisions on registration of county polytechnics and home-craft centres within the County. The County Executive proposed this part be redrafted to read as “registration of vocational training centres and/or home craft centres in Nairobi City County”. This will enable the proposed law to be applicable to both public and private VTCs and HCCs. The committee agreed to the proposal.

Clause 9 prohibits a person from operating an unregistered polytechnic or home-craft centre in the County. Clause 10 highlights the steps to be taken in application for registration of a polytechnic or home-craft centre within the County. Clause 11 gives provisions for payment of application fee for registration of a polytechnic or home-craft centre in the County. Clause 12 provides for actual registration of a polytechnic or home-craft centre.

Clause 13 provides for publication of a registered polytechnic or home-craft centre within seven weeks after registration. Clause 14 provides for a temporary permit to operate a polytechnic or home-craft centre prior to registration. Clause 15 provides for the issuance of certificate to a registered polytechnic or home-craft centre by the Directorate.

Clause 16 provides for the display of a registration certificate in a conspicuous place in a polytechnic or home-craft centre. Clause 17 provides for the Directorate to establish a register of polytechnics and home-craft centres. Clause 18 provides for grounds that may lead to closure of a polytechnic or home-craft centre in the County.

The Committee deliberated on the proposed amendments under this Part and agreed to amend as proposed to enrich the proposed law. The Committee deliberated on the proposed amendment by the Technical and Vocational Education and Training Authority on the establishment of a polytechnic or home-craft Centre, which is a function of the Authority.

3.4. Part IV: Administration of Public County Polytechnics and Home-Craft Centres

Part IV of the Bill contains provisions for administration of public county polytechnics and home-craft centres in the County. The County Executive proposed this Part to be amended as “Administration and Management of Vocational Training Centres and Home craft

Centres in Nairobi City County”. This will enable the County Government to oversee the administration and management of all the TVET institutions in the County.

Clause 19 provides for the establishment of a governing body in every government or religious sponsored polytechnics or home-craft centre. the Clause further provides for the responsibilities of the governing body of polytechnics and home-craft centre. Clause 20 provides for the composition of a governing body in a polytechnic or home-craft centre. Clauses 21 and 22 provides for a vacancy in the office of a member of the governing body and the process of filling such vacancy.

Clause 23 provides for meeting of the governing body of a polytechnic or home-craft centre. Clause 24 provides for the qualifications for a member of the governing body of a polytechnic or home-craft centre. Clause 25 make provisions for establishment of the office of Principal, Deputy Principal and teaching staff of a polytechnic or home-craft centre. The Clause further provides for the qualifications and responsibilities of the Principal.

Clause 26 provides for establishment of support staff. The County Executive proposed that the Bill to provide further for the following: -

- Management of private VTCs and HCCs to ensure that there is no monopoly and exploitation of the public;
- That the quorum at a meeting of Board of Governors to be at two thirds of the members;
- That the appointment of Principals and Deputy Principals in the County public VTCs and HCCs be a prerogative of the County Government as the institutions staff are employees of the County Government;
- Criteria for qualification of the members of county VTCs and HCCs Council.

The Committee concurred with the Technical and Vocational Education and Training Authority to amend Clause 20 that the Membership of the Council shall not exceed two-thirds of the same gender in accordance with Article 27 (8) of the Constitution.

The Committee having deliberated on the provisions of Clause 20 on the Membership of the Council noted that the Member of the County Assembly being a member of the Council contravenes the provisions of Section 9 of the County Governments Act, 2012 on the role

of members of the County Assembly. This may further hamper the oversight role of the Member. The Committee resolved to delete Clause 20 (1) (a) and (i).

The Committee agreed with the proposed amendment in Clause 24 to provide for minimum qualification for appointment to the council to be a craft certificate. The Committee agreed with the County Executive Sector to amend Clause 19 by establishing additional functions of the Council which include: -

- a) Overseeing the development and implementation the institutions strategic plan;
- b) Reviewing annual estimates of revenue and expenditure for the institution and incurring expenditure on behalf of the institutions;
- c) Receiving fees, grants, subscriptions, donations, bequests or other monies and to make disbursement to the institutions or other bodies or persons;
- d) Determine the fees payable and prescribe conditions under which fees may be remitted in part or in whole in accordance with guidelines developed under the provisions of TVET Act, 2013;
- e) Mobilize resources for the VTC's;
- f) Make regulations governing organizing, conduct and discipline of the staff and students;
- g) Overseeing the preparation of comprehensive annual reports on all areas of their mandate, including education and training services and submit the same to the CECM education;
- h) Provide for the welfare of the students and staff of the VTC's;
- i) Encouraging, nurturing, promoting democratic culture, dialogue and tolerance in the VTCs; and discharge all functions conferred upon it by the CECM for education; and
- j) Establish of committees which may be necessary for the efficient performance of its businesses.

The Committee further agreed that the Quorum of the board to be two third of members as proposed by the County Executive. However, the Committee disagreed with the County Executive's proposal to provide for ways the VTC's and HCC's can be managed to avoid exploitation of the public.

The Committee concurred with the County Executive on a position of area Member County Assembly to be a VTC/HCC ex-officio council member can be represented by a person he/she recommends for nomination. However, the Committee disagreed with the proposal to include provision for area Member of Parliament to recommend a person for consideration for nomination to the VTC/HCC management.

3.5. Part V: Financial Provisions

Part V of the Bill contains financial provisions of polytechnics and home-craft centres in the County. Clause 27 provides for appropriations of funds for polytechnics and home-craft centres established by the County Government. The Clause provides that any funds donated, granted or lent to the county polytechnic or home-craft centre to be subjected to public accounting procedures. Clause 28 provides for preparation of Annual estimates by a polytechnic or home-craft centre.

Clause 29 provides for Accounting and Auditing of county polytechnics and home-craft centres in the County. Clause 30 provides for submission of Annual report by a county polytechnic or home-craft centre. Clause 31 provides for accounting of donor funds by county polytechnic or home-craft centre. The County Executive proposed the Bill to be redrafted in a way that can compel the County Government to allocate adequate resources for promotion and advancement of TVET programmes and projects in the County.

3.6. Part VI: Miscellaneous Provisions

Part VI of the Bill contains miscellaneous provisions on polytechnics and home-craft centres in the County. Clause 32 provides for the inspection of polytechnics and home-craft centres on regular basis by the Directorate. Clause 33 empowers the County Executive Committee Member to make regulations for purposes of implementing the proposed Legislation. Clause 34 provides for a polytechnic or home-craft centre to make rules not inconsistent with the provisions of the proposed law. And Clause 35 provides for offences and penalties for contravention of the proposed law. The Committee agreed with the Technical and Vocational Education and Training Authority to delete Clause 32 as it is the function of the Authority to conduct inspection of Technical and Vocational Training Centres.

The Committee having scrutinised the proposed law and considered memoranda from various stakeholders proposed amendments in Long Title, Clauses 1,6,9,19,20, 24,25, and 32. The Committee further proposed new paragraphs to be included in the proposed law as proposed by the various stakeholders. Some of the amendments are editorial while others are aimed at ensuring that the Bill is consistent with the Constitution and also cater for the concerns of the stakeholders.

4.0. SUMMARY OF THE CONSIDERATION OF THE NAIROBI CITY COUNTY POLYTECHNIC AND HOME-CRAFT CENTRES BILL, 2021

The Committee deliberated on the Bill as follows: -

Long Title	– proposed amendment
Short Title	– proposed amendment
Clause 2	– Agreed to
Clause 3	– Agreed to
Clause 4	– Agreed to
Clause 5	– Agreed to
Clause 6	– proposed amendments
Clause 7	– Agreed to
Clause 8	– Agreed to
Clause 9	– proposed amendments
Clause 10	– Agreed to
Clause 11	– agreed to
Clause 12	– Agreed to
Clause 13	– agreed to
Clause 14	– Agreed to
Clause 15	– Agreed to
Clause 16	– Agreed to
Clause 17	– Agreed to
Clause 18	– Agreed to
Clause 19	– proposed amendments
Clause 20	– proposed amendments

Clause 21	– Agreed to
Clause 22	– Agreed to
Clause 23	– Agreed to
Clause 24	– proposed amendments
Clause 25	– proposed amendments
Clause 26	– Agreed to
Clause 27	– Agreed to
Clause 28	– Agreed to
Clause 29	– Agreed to
Clause 30	– Agreed to
Clause 31	– Agreed to
Clause 32	– proposed amendments
Clause 33	– Agreed to
Clause 34	– Agreed to
Clause 35	– Agreed to

5.0. COMMITTEE STAGE AMENDMENTS AND MATRIX

(As attached to this report)

MATRIX OF STAKEHOLDER COMMENTS ON THE NAIROBI CITY COUNTY POLYTECHNICS AND HOME CRAFT CENTERS BILL, 2021

PART /CLAUSE/SCHEDULE	STAKEHOLDER	STAKEHOLDER PROPOSED AMENDMENT	JUSTIFICATION	COMMENT ON PROPOSED AMENDMENT	COMMITTEE COMMENTS
Title of the Bill	Vocational Training Directorate- Nairobi City County	<ul style="list-style-type: none"> - The Bill to be named The Nairobi City County Technical, Vocational, Educational and Training (TVET) Bill, 2021 as stipulated in the constitution. - Naming of the county TVET institutions should be County Public Vocational Training Centres and /or homecraft centres. - Bill should also regulate operations of privately established and owned TVET institutions offering training services in 	<ul style="list-style-type: none"> - The current name as appears will limit the overseeing of institutions established and managed by the County Government leaving out privately owned TVET intuitions that offer courses up to Artisan certificate. - It will be in line with the most current circular from the Ministry of education that lines all the TVET 	Agreed to	Agreed to

		the same level as the County Vocational Training Centres and Home Craft Centres.	institutions under TVETA which will be relevant for recognition at national level.		
Part 1- Preliminary Interpretation	-	- Redefine the terms; board, council, county public training institutions, directorate, home craft centres.	- To give correct meaning as applied in relation to TVET and the Bill.	Disagreed to. The terms are not used under TVET Act, 2013	Disagreed.
Part 11- Establishment of the County Polytechnic or Home Craft Centres and Promotion of Vocational Training	-	- Section to be Establishment of vocational training centres and home craft centres and promotional of technical vocational, education and training in Nairobi City county. - Additional roles of county government through the CECM in charge of TVET;	- The section guides on how a vocational training centre can be established and the role the county government plays in promoting technical, vocational education and	Agreed to	Agreed to

		<p>a) oversee the management and development of vocational education staff through the TVET.</p> <p>b) Develop and expand by equipping the TVET's centres to ensure access to quality affordable appropriate and relevant technical industrial vocational training.</p> <p>c) Coordinate with Governor's office and develop partners in the county to facilitate youth training and empowerment partners in the</p>	<p>training in the county.</p>		
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				<p>county to facilitate youth training and empowerment.</p> <p>d) Coordinate with national government for implementation of training programmes certification.</p> <p>e) Formulate a county TVET strategic development plan for TVET for the county consistent any national development plan for economic, social development for the county as well as the CIDP for the county.</p> <p>f) Promote training, progressive development VTC's and</p>		
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		institutions devoted to this promotion to be secure under corporation under the direction of all VTC's.			
Part III- Registration of county polytechnic or home craft centres	-	- Heading of section to be Registration of vocational training centres and/or home craft centres in Nairobi City County.	- Will enable the bill be applied in both public and private VTC's and HCCs. - Registration, licensing an accreditation of all tvet's in all levels is a technical vocational and training authority (tveta) responsibility. - County should facilitate for registration of the institutions and ensure	Agreed to	Agreed to

					that the have met the minimum requirements for the registration of the tvet's. - After the county has established vtc and hcc the Bill should compel the county gvt to facilitate for land ownership documents, proper infrastructure , adequate human resource , nomination of board of governors of the institutions and public health assessment reports and		
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			any other need to ensure that there are smooth training services offered in the institutions.		
Part IV- Administration of public county polytechnic and home - craft centres	-	<ul style="list-style-type: none"> - Title should be Administration and management of vocational training centres and home craft centres in Nairobi City County. - Composition of the VTC's and HCC's council of management should be clear on the criteria to be used. i.e; a) Qualification of the members especially the principal should have a diploma in education and higher diploma in any 	<ul style="list-style-type: none"> - will enable county govt to oversee administration and management of all the tvet's in this category including privately owned vtc's and hcc's that offer training. 	<p>Agreed to in part as elucidated below.</p> <p>a) Agreed</p> <p>b) Disagreed. It is catered for</p>	<p>Agreed to in part as elucidated below.</p> <p>but disagreed to the area MP nominating a member to the composition of the VTC.</p> <p>a) Agreed amend accordingly under Clause 25 (2)</p>

			<p>management course,</p> <p>b) Appointment also should be on the basis of the member's knowledge and experience in leadership, management, financial, technology and in industry.</p> <p>c) Board of directors for private institutions shall be composed of such number of members as may be determined and appointed by the sponsor or proprietor as indicated in the certificate of registration of that institution.</p> <p>d) The board of governors for county VTC</p>			<p>under Clause 25 (2) (c)</p> <p>c) Disagreed this has been catered for by the Registrar of companies and the Companies Act, 2015</p> <p>d) Disagreed, it has been catered for under Clause 20 (1)</p>	<p>b) Disagreed.</p> <p>c) Agreed but cater</p> <p>d) Disagreed</p>
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		<p>should be composed of a minimum of 7 members and a maximum of 9 members.</p> <p>e) A nomination panel to identify persons to be appointed by the CECM education as members of board of governors of VTC who shall vet the members the forward the list to the CECM for appointment.</p> <p>f) No person to serve as chairperson in more than one board.</p> <p>g) Member of a board may resign at any time by giving</p>		<p>e) Disagreed. No need for a panel to assist CECM</p> <p>f) Agreed</p> <p>g) Disagreed,</p> <p>h) Agreed. The MCA may at any time send a representative.</p> <p>i) Disagreed.</p>	<p>e) Disagreed. No need for a panel to assist CECM</p> <p>f) Agreed</p> <p>g) Disagreed</p> <p>h) Agreed</p>
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		<p>notice in writing to the CECM.</p> <p>h) A position of area MCA to be a VTC/HCC ex-officio council member can be represented by a person he/she recommends for nomination.</p> <p>i) Include provision for area MP to recommend a person for consideration for nomination to the VTC/HCC management.</p> <p>j) Provide for ways the VTC's and HCC's can be managed to avoid exploitation of the public.</p> <p>k) Quorum of the board be two third of members.</p>		<p>j) Disagreed, the Bill already provides for this.</p> <p>k) Agreed. Proposal to amend Clause 20 by inserting a new sub-clause</p> <p>l) Disagreed, the Bill provides for appointment by the Council</p> <p>Agreed to insertion of additional functions of the</p>	<p>i) Disagreed</p> <p>j) Disagreed.</p> <p>k) Agreed.</p> <p>l) Disagreed</p>
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		<p>l) Appointment of a principal and deputy principal in county VTC's and HCC's should be the prerogative of the county government as the staff are the employees.</p> <p>- Include functions of VTC and HCC's management as;</p> <p>a) Developing and implementing the institutions strategic plan</p> <p>b) Preparing annual estimates of revenue and expenditure for the institution and incurring expenditure on behalf of the institutions.</p>		<p>Council other than b) and j) which have been catered for in the Bill.</p>	<p>Agreed.</p>
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			<p>c) Receiving fees, grants, subscriptions, donations, bequests or other monies and to make disbursement to the institutions or other bodies or persons.</p> <p>d) Determine the fees payable and prescription conditions under which fees may be remitted in part or in whole in accordance with guidelines developed under the provisions of TVET Act, 2013</p> <p>e) Mobilize resources for the VTC's</p> <p>f) Make regulations governing organizing,</p>		

		<p>conduct and discipline of the staff and students</p> <p>g) Prepare comprehensive annual reports on all areas of their mandate, including education and training services and submit the same to the CECM education</p> <p>h) Provide for the welfare of the students and staff of the VTC's.</p> <p>i) Encouraging, nurturing, promoting democratic culture, dialogue and tolerance in the VTCs; and discharge all functions conferred upon</p>		
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Part V- Financial provisions	-	j) Establish of committees which may be necessary for the efficient performance of its businesses.			
	-	<p>Bill should be framed in a manner that can compel the county government to allocate adequate funds and budget for promoting and advancement of TVET programs and projects in the county including monies appropriated by the county governments for purposes of the VTC's and/or HCC's subsidy for Vocational Education and Training tuition for</p>		Disagreed. The provisions of the funds are adequately catered for. Legislation is not to compel but regulate.	Disagreed.

		trainees admitted in the institutions which can enable the institutions to run and sustain the training programmes.			
Title of the Bill	TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING AUTHORITY	Consider renaming the Bill as the Nairobi City County Vocational Training Centre Bill to align with the TVET Act and the mandate of TVETA as the Regulator of the the TVET Sector as per Section 26 of the Act on categories of TVET institutions.		The Committee Agreed on the name as "The Nairobi City County Technical, Vocational, Educational and Training (TVET) Bill, 2021"	Agreed to amend in accordance with the Sector recommendation.
Part III- Registration of County Polytechnic and Home-craft Centres- Clause 9		Delete the clause.	Section 9(1) & (2) Registration of County Polytechnics and Home- craft Centres is the role of the TVETA which effectively discharges the function and as such should be deleted	Agreed. Section 7 (1) (k) of the TVET Act provides for functions of the TVET Authority. (Agreed
Part IV- Licensing, Registration and accreditation of		Delete the Part	Section 17 (1) (m) of the TVET Act states that No person or institution shall offer	Disagreed. Part IV of the Bill Speaks to Administration of	

Institutions and trainers.			training in Kenya unless the person or institution has been accredited, licensed and registered under this Act to offer such training. All TVET institutions must be registered by TVETA for standardisation and quality assurance.	County Polytechnics and not Licensing.	
PART VI- Miscellaneous Provisions- Clause 32		Delete Section 32	TVET Act under Section 7 (l) (k), (m), (n), (o), (p) provides for functions of TVETA to include the one contemplated under the proposed Bill.	Agreed Section 7 of TVET Act provides the function to inspect to TVET Authority.	Agreed
PART IV- Administration of Public County Polytechnics and Home Craft Centres- Clause 20 (2) & (3)		(2) Membership of the council shall not exceed two-thirds of the same gender in accordance with Article 27 (8) of the Constitution. (3) by deleting the term “further” appearing immediately after the words “reappointment for		Agreed with the provision.	Agreed

		a” and substituting with “final”.			
Clause 22		Amend the Clause	There is need to have a procedure and criteria for appointment of independent members.	Disagreed.	Disagreed.
Clause 23 (1)		Amend to read meeting to be held at County headquarter and not as determined by the Chairperson		Disagreed. The TVETs are independent and hence meetings at their premises would be more convenient.	Disagreed.
Clause 24		Amend minimum qualification for appointment to the council to be a craft certificate.		Agreed.	Agreed.

5th April, 2022

Clerk
Nairobi City County Assembly
NAIROBI.

RE: COMMITTEE STAGE AMENDMENTS TO THE NAIROBI CITY COUNTY
'POLYTECHNICS AND HOME CRAFTS CENTRES BILL, 2021

NOTICE is given that the Chairperson of the Sectorial Committee on Children, Early Childhood Education and Vocational Training intends to move the following amendments to the Nairobi City County Polytechnics and Home Craft Centers Bill, 2021, at the Committee Stage.

TITLE OF THE BILL

THAT the title of the Bill be amended by deleting the Title in its entirety and Substituting thereof "The Nairobi City County Technical, Vocational, Educational and Training (TVET) Bill, 2022".

LONG TITLE

THAT the Long Title of the Bill be amended by deleting the words "The Nairobi City County Polytechnics and Home-Craft Centres Bill 2021" and substituting thereof "The Nairobi City County Technical, Vocational, Educational and Training (TVET) Bill, 2022"

SHORT TITLE

THAT the short Title of the Bill be amended by deleting the words "The Nairobi City County Polytechnics and Home-Craft Centres Bill 2021" and substituting thereof "The Nairobi City County Technical, Vocational, Educational and Training (TVET) Bill, 2022"

CLAUSE 6

THAT Clause 6 of the Bill be amended as follows; -

- (i) In sub-clause (1) by inserting the following new paragraphs immediately after paragraph (d);
 - a. (da) oversee the management and development of vocational education staff through the TVET.

- b. **(db)** Develop and expand by equipping the TVET's centres to ensure access to quality affordable appropriate and relevant technical industrial vocational training.
- c. **(dc)** Coordinate with Governor's office and develop partners in the county to facilitate youth training and empowerment partners in the county to facilitate youth training and empowerment.
- d. **(dd)** Coordinate with national government for implementation of training programmes certification.
- e. **(de)** Formulate a county Technical Vocational Education and Training Strategic Development Plan
- f. **(df)** Promote training and progressive development under the Vocational Training Centres and similar

CLAUSE 9

THAT Clause 9 of the Bill be amended as follows;

- (i) In Sub-clause (1) by inserting the words, "in accordance with Section 7 (k) of the Technical Vocational Education and Training Act, 2013" immediately after the word "registered".

CLAUSE 19

THAT Clause 19 of the Bill be amended as follows;

- (i) In Sub-clause (2) by inserting the following paragraphs immediately after paragraph (h);
 - a. **(ha)** developing and implementing the institutions strategic plan
 - b. **(hb)** receiving fees, grants, subscriptions, donations, bequests or other monies and to make disbursement to the institutions or other bodies or persons;
 - c. **(hc)** determine fees payable and prescription conditions under which fees may be remitted in part or in whole in accordance with guidelines developed under the provisions of TVET Act, 2013.
 - d. **(hd)** mobilise resources for the Vocational training centers'
 - e. **(he)** make regulations governing organizing, conduct and discipline of the staff and students
 - f. **(hf)** provide for the welfare of the students and staff of the vocational training centers;

CLAUSE 20

THAT Clause 20 of the Bill be amended as follows;

- (i) In sub-clause (1) by deleting paragraph(s) (a) and (i) in their entirety.
- (ii) In Sub-clause (2) by deleting the sub-clause in its entirety and substituting thereof the following-

“Membership of the Council shall not exceed two-thirds of the same gender in accordance with Article 27 (8) of the Constitution”.

- (iii) In Sub-clause (3) by deleting the term “further” appearing immediately after the words “for a” and substituting thereof the word “final”.
- (iv) By inserting a new sub-clause as follows-

(3a) “Quorum of the council and/or Board of directors shall be at-least two-thirds of the membership.

CLAUSE 24

THAT Clause 24 of the Bill be amended as follows;

- (i) In Sub-clause (1) by deleting the words “Kenya Certificate of Secondary Education” appearing immediately after the words “qualification of”, and substituting thereof with “a craft certificate”.

CLAUSE 25

THAT Clause 25 of the Bill be amended as follows;

- (i) In sub-clause (2) by inserting the words “and a higher diploma in any management course” immediately after the words “in Kenya”

CLAUSE 32

THAT Clause 32 of the Bill be amended by deleting the Clause in its entirety.

PART II

THAT Part II of the Bill be amended as follows; -

In the Title Part II by deleting it in its entirety and substituting thereof, “ESTABLISHMENT OF THE VOCATIONAL TRAINING CENTERS, HOME-CRAFT CENTRES AND PROMOTION OF TECHNICAL VOCATIONAL EDUCATION AND TRAINING”

PART III

THAT Part III of the Bill be amended as follows; -

- i. In the Title Part III by deleting the words “COUNTY POLYTECHNIC” and substituting thereof “VOCATIONAL TRAINING CENTERS”

PART IV

THAT Part IV of the Bill be amended as follows; -

In the Title Part IV by deleting it in its entirety and substituting thereof “ADMINISTRATION AND MANAGEMENT OF VOCATIONAL TRAINING CENTRES AND HOME CRAFT CENTRES IN NAIROBI CITY COUNTY”.



Signed &

DATED 5TH DAY OF APRIL 2022

Chairperson, Children Early Childhood Education and Vocational Training Committee

MINUTES OF THE 7TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING HELD ON WEDNESDAY, MONDAY, 21ST MARCH, 2022 AT 3.00 P.M. THROUGH ZOOM TELECONFERENCING.

MEMBERS PRESENT

1. Hon. Samuel Ng'ang'a Mwangi, MCA – Chairman
2. Hon. Robert Mbatia, MCA
3. Hon. Mark Mugambi, MCA
4. Hon. Jane Muasya, MCA
5. Hon. Husin Mohammed Lawi, MCA
6. Hon. Rosemary Masitsa Shitote, MCA
7. Hon. Esther Waithera Chege, MCA
8. Hon. Esther Nyangweso, MCA
9. Hon. Paul Shem Shilaho, MCA
10. Hon. Fredrick Njoroge Njogu, MCA
11. Hon. Jayendra Malde, MCA
12. Hon. Ann Catherine Akinyi, MCA
13. Hon. Fredrick Otieno Omondi, MCA
14. Hon. Eunice Wanjiku Marimbi, MCA
15. Hon. Emily Oduor Ondeje, MCA
16. Hon. Kabiru Mbugua, MCA

MEMBERS ABSENT

1. Hon. Mwaura Samora, MCA – Vice-Chairman
2. Hon. Abdikadir Mohammed, MCA
3. Hon. Elijah Mputhia, MCA
4. Hon. Mary Ariviza Mwami, MCA
5. Hon. Redson Otieno Onyango, MCA
6. Hon. Patrick Karani, MCA
7. Hon. Stephen Gikonyo Kanyi, MCA
8. Hon. Kennedy Oyugi Odhiambo, MCA
9. Hon. Caroline Andisi Mayunzu, MCA

SECRETARIAT

1. Mr. Kevin Wasike – Snr. Clerk Assistant

MIN. 09/SC-ED/MAR/2022 – PRELIMINARY

The Chairman called the meeting to order at nine minutes past Three O'clock and the opening prayers were said by the Secretariat. The Chairman then welcomed the Members present to the meeting and read the agenda which was adopted for discussion as proposed by Hon. Emily Oduor, MCA and seconded by Hon. Esther Nyangweso, MCA as follows;

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- a) Preliminaries (prayers & adoption of the Agenda),
- b) Confirmation of Minutes – 6th Sitting

- c) Matters Arising
d) Consideration and adoption of the draft report on the consideration of the Nairobi City County Polytechnics and Home-Craft Centres Bill, 2021
e) Any Other Business,
f) Adjournment.

MIN. 10/SC-ED/MAR/2022 – CONFIRMATION OF MINUTES

The Chairman took the Committee through the Minutes of the 6th Sitting held on 16th March, 2022. The Minutes were confirmed to be true record of the proceedings as proposed by Hon. Emily Oduor, MCA and seconded by Hon. Jayendra Malde, MCA.

MIN. 11/SC-ED/MAR/2022 – MATTERS ARISING

There were no matters arising from the Minutes.

MIN. 12/SC-ED/MAR/2022 – CONSIDERATION AND ADOPTION OF THE DRAFT REPORT ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY POLYTECHNICS AND HOME-CRAFT CENTRES BILL, 2021

The Secretariat tabled the draft report on the consideration of the Nairobi City County Polytechnics and Home-Craft Centres Bill, 2021. The Committee deliberated on the draft report and approved the proposed amendments in the Long Title, Clauses 1,6,9,19,20, 24,25, and 32. The Report was adopted as proposed by Hon. Fredrick Njogu, MCA and Seconded by Hon. Jane Muasya, MCA.

The Chairman informed the Committee that the Bill was scheduled for a Second Reading on Tuesday, 22nd March, 2022 at 9.30 a.m. He therefore urged the Members to attend the plenary Sitting of the Assembly and participate in the debate.

MIN. 13/SC-ED/MAR/2022 – A.o.B

- A Member inquired on issuance of bursary forms for the FY 2022/23 – the Chairman undertook to follow up the matter with the County Executive and report back to the Committee in the subsequent meeting.

MIN. 14/SC-ED/MAR/2022 – ADJOURNMENT

There being no other business and the time being thirty-five minutes past Three O'clock, the Chairman adjourned the meeting. The next meeting was to be held on Wednesday, 23rd March, 2022 at 3.00 p.m. through Zoom App.

Confirmed as true records of proceedings

Chairperson Date 5th / 4 / 2022