



KILIFI COUNTY GOVERNMENT

DEPARTMENT OF EDUCATION AND ICT

**POLICY GUIDELINES FOR APPOINTMENT AND OPERATIONS OF BOARD
OF**

MANAGEMENT IN VOCATIONAL TRAINING CENTERS

Acronyms

VTC-Vocational Training Centers

BOM-Board of Management

CEC- County Executive Member

ICT- Information and Communication Technology

MP-Member of Parliament

MCA- Member of County Assembly

CV- Curriculum Vitae

KCSE- Kenya Certificate of Secondary Education

KCE- Kenya Certificate of Education.

PIA- Parents Instructors Association

VET- Vocational and Education Training

VTO -Vocational training Officer.

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Preamble

The constitution of Kenya 2010 Article 55 and 56 which provides that the state shall take measures, including affirmative programs and put in place affirmative action programs designed to ensure that the youth minority and marginalized groups are protected. During the amalgamation of the constitution of Kenya 2010, Youth polytechnics services were devolved and are now under county governments. It is against this background that the county government of Kilifi introduced improvement of vocational training centers infrastructure by constructing classrooms, ICT Laboratories workshops and toilets and at the same time purchasing of modern tools and equipment.

Kenya has a current population of 43million people. According to the Development plan 2008-2012, 59% of this population is under 20 years old. The rapidly growing and young population puts a lot of pressure on education, training and employment. Additionally, it possess serious social-economic challenges to the county.

Vocational Training Centers (VTCs) are basic technical education institutions intended to offer school leavers, both from primary and secondary schools, opportunities to acquire quality knowledge and skills for gainful employment. Besides this, they also equip the youth with entrepreneurial skills based on appropriate technology enabling them utilize locally available resources for employment creation. Vocational Training Centers act as avenues to attaining higher education through technical and vocational education system.

INSTITUTIONAL FRAMEWORK

The Vocational Training Centers sector has been characterized by lack of a coordinated institutional framework. VTCs lack a clear policy and regulatory framework that guide planning, administration and management roles of different stakeholders. As a result there has been very limited financial investment, management support and presence of the government in VTCs as compared to other sectors of education and training.

Lack of clear policy has been manifested in the frequent changes of the parent ministries among many others. Initially the VTCs were under the Ministry of Culture and Social Services. They were later moved to the Ministry of Technical Training and Applied Technical Training and Applied Technology, before moving to the Ministry of Labor and Human Resource Development and thereafter moved to the Ministry of Youth Affairs and Sports. They were then administered from the Directorate of Industrial Training, but in the provinces and Districts, where they were under the Department of Small and Micro Enterprises. This confusion impacted negatively on the planning, management and promotion of VTCs. Currently VTCs fall under the Ministry of Education - State Department of Science & Technology Directorate of Vocational Education & Training and now devolved function to the county.

CONSTITUTION OF BOMs FOR THE VTC

The Basic Education ACT No.14 of 2013 Section 55, 1 (e) establishes BOMs for VTCs.

The BOMs shall be appointed by CEC as provided by Section 56(1) to (g). This is a delegated function by the cabinet secretary who is mandated by Section 53(1) and (2) of the basic education act to be responsible of the overall governance and management of basic education.

RATIONALE FOR GUIDELINES OF APPOINTING VOCATIONAL TRAINING CENTERS BOARD OF MANAGEMENT

The functionality of any training institution solely depends on the governance and management structures. It is of critical importance that such structures promote cohesion, nurture accountability and provide visionary leadership necessary to create a conducive learning environment. The Government recognizes the need for stakeholder involvement in the governance of VTCs, and other institutions offering skills training programs to the youth.

The structure of governance and management shall therefore aim at encouraging cooperation and collaboration of all stakeholders for effective representation and participation. In this regard the Government, the community and other stakeholders shall be fully involved in the management of VTCs.

In view of the many emerging issues pertaining to the management of Vocational Training Centers in a fast changing socio-economic environment, it is prudent for the Department to provide guidelines on the constitution, membership and operations of BOMs. These guidelines aim at streamlining the appointment and operations of Vocational Training Centers Boards of management.

SELECTION PANEL

There shall be a Selection Panel whose responsibility will be to identify persons to be appointed by the CEC as members of a Vocational Training Centers Board of Management. A selection panel shall comprise of the following persons:-

1. County Director Vocational Training (Chair)
2. VTCs Principal (Secretary)
3. The Vocational Training Centers Sponsor. In case the VTCS has no sponsor, then a representative of the Community where the VTC is located.
4. Area MCA
5. Sub county administrator.
6. Area chief.
7. Member of Parliament.

ROLE OF SELECTION PANEL

The role of the selection panel shall be to:

1. Organize for public participation to identify members of BOMs.
2. Vetting of the proposed members.
3. Writing of letters to successful vetted members for their acceptance.
4. Submit the minutes of the selection panel meeting with names and summarized CVs of proposed members of a BOM for each VTCs to the CEC for formal appointment after verification of academic documents.

QUALIFICATION FOR THE BOARD OF MANAGEMENT

The selection Panel shall ensure that the following basic requirements for Board of Management membership:

1. Minimum academic qualification of KCSE/KCE level (secondary education)
2. Must be persons of integrity and committed to serve the community on voluntary basis.
3. At least one third of the nominees are of either gender.
4. The person to be appointed as chairperson of the BOM shall be required to have minimum qualification of diploma. In appointing persons as members of BOM the nominating authority shall observe and respect the article 10 and chapter six of the constitution.

COM POSITION OF THE BOARD OF MANAGEMENT

The BOM shall consist of nine persons.

The composition of Board of Management members shall be as follows:

1. A representative from the VTCs sponsor. The person should be nominated by the sponsor of the Vocational Training Center .
2. Two representatives/Parents from the PIA.
3. One representative of the persons with special needs.
4. One person representing the local Jua Kali or industry and Commerce sector. Such representative should be able to facilitate linkages between the VTC and the local Jua Kali or Industry and Commerce sector particularly on attachment programme.
5. One person representing special interest. The person should preferably possess certain skills or expertise which can be beneficial to the operation and well being of the VTCS.
6. One (1) youth leader (a male /a female) representing the interests of the youth
7. One (1) member representing the CEC member
8. VTC Manager who will be confirmed by the Board.

No single gender shall constitute more than two thirds of the total number of the Board of Management. The sub county administrator, ward administrator area MCA and MP should be an automatic ex-officio members of Board.

INAUGURATION AND CO-OPTION OF BOMS

Upon appointment the nine members of the Board of Management will fulfill the following, at the inaugural meeting:

- i. Elect a chairperson.
- ii. Elect a vice-chairperson
- iii. Elect a treasurer with financial background
- iv. Formally appoint and confirm the manager as secretary.
- v. Nominate signatories to the bank account (4 members namely: The chairperson, treasurer manager/secretary and VTO, noting that the secretary's and VTO signatures are mandatory.

THE BOARD OF MANAGEMENT NOMINATION PROCESS

8.0 A nomination panel shall be constituted by the VET officer at least three (3) months before the expiry of the life of the existing BOM. The panel will be composed of persons as indicated in part 6.0.....

8.1 The VET officer shall convene a nomination panel consultative meeting within fourteen (14) days after constituting the panel. During this meeting, the panel members should be briefed on the nomination process including the categories of persons they are expected to nominate as Vocational Training Centers Board of Management as prescribed in part 6.0. The panel should be given thirty (30) days to come up with people who fit in the different categories of persons to be appointed as BOM members.

8.2 The VET officer shall convene a Vocational Training Center's Board of Management nomination panel meeting after the expiry of the thirty (30) days given to panel members. The meeting

should discuss the different proposed names and nominate the list of people to be appointed as members of the Vocational Training Centers Board of Management.

- 8.3 The principal/secretary of the panel shall inform the nominated members to the vocational training centers BOM in writing .
- 8.4 The successful members shall confirm their acceptance in writing to the BOM selection panel.
- 8.5 The VET officer shall submit to the Minister in charge of Education within fourteen (14) days after the BOM nomination panel meeting, the list of people to be appointed as members of the Vocational Training Centers Board of Management. The list should be accompanied with the minutes of the nomination panel meeting and the CVs of the nominated members.
- 8.6 Members of the Vocational Training Centers Board of Management shall be appointed in writing by the CEC in charge of Education.

THE FUNCTIONS OF THE BOARD OF MANAGEMENT

The functions of the Board of Management of a Vocational Training Centers shall be to:-

1. Promote the best interests of the institution and ensure its development.
2. Secure the assets of the vocational training center in such manner as best promotes the purpose for which the vocational training is established.
3. Promote quality education and training for all trainees in accordance with the set standards.
4. Develop a strategic plan for the institution.
5. Provide proper and adequate physical facilities for the institution.
6. Create an enabling environment for the institutional manager, instructors and other staff of the institution in the performance of their professional duties.
7. Manage all affairs of the institution in accordance with the laid down procedures.
8. Advise the department on the staffing needs of the institution.
9. Recruit, employ and remunerate such number of instructors as may be required by the institution subject to the provisions of the law.

10. In consultation with the Quality Assurance and Standards Officers, ensure effective curriculum implementation and delivery.
11. Present the trainees for examinations and assessments.
12. Prepare annual estimates of revenue and expenditure for the institution and incur expenditure on behalf of the institution.
13. Receive, on behalf of the institution, fees, grants, subscriptions, donations or other monies and to make disbursements to the institution or other bodies or persons.
14. Mobilize resources for the purposes of the institution subject to the provisions of the Government Financial Management Act and any other relevant laws.
15. Enter into association with other local or international training institutions in the interest of the institution with the approval of the relevant authority.
16. Continuously monitor and evaluate the instructors in terms of curriculum implementation and delivery, conduct of examinations and assessments in the institution.
17. Adopt a code of conduct for the staff and trainees, determine cases of discipline and make reports to the Department.
18. Prepare a comprehensive annual report on all areas of its mandate including education, training and research services and submit the same to the Department.
19. Provide for the welfare and safety of the staff and trainees at the institution.
20. Facilitate and ensure the provision of guidance and counseling to all trainees.
21. Encourage the community, parents, trainees, staff and other stakeholders to render voluntary services to the institution.
22. Upon request, approve the use of the institutional facilities for educational, training and research programs not conducted by the institution either for free or on hire.
23. Recruit, employ and remunerate such number of non-teaching staff as may be required by the institution in accordance with the employment Act.
24. Perform any other function to facilitate the implementation of its functions under these guidelines or any other written law.

COMMITTEES OF BOM

The BOM of a VTCs may establish such committees as it may consider appropriate to perform such functions and discharge such responsibilities as the Board may deem necessary.

Such committees may include;-

1. Finance, procurement and general purpose committee
2. Discipline ethics and integrity committee
3. Audit committee
4. Student welfare committee

CONDUCT OF BUSINESS AND AFFAIRS OF BOMS

INCORPORATION OF BOM

The BOM shall be a body corporate with perpetual succession and common seal and shall in their corporate names be capable of;

1. Suing and being sued
2. Taking, purchasing otherwise acquiring, holding charging or discharging movable or immovable property.
3. Borrowing, lending and granting of money
4. Entering into contracts; and
5. Doing or performing all other acts or things for the proper performance of functions under The Basic Education Act which may lawfully be done or performed by a body corporate.

TENURE OF BOM

1. Unless the appointment of the chair person or a member of the BOM is earlier terminated, a person appointed as chairperson or as a member shall hold office for a term of three years from

the date of appointment and shall be eligible for reappointment for one final term of a period not exceeding three years

2. In reappointing members of the BOM the selection panel shall maintain a proportion of new membership that ensures continuity in the affairs of the BOMs

RESIGNATION FROM THE BOMs

1. A member of a BOM may at any time resign by giving notice of 30 days in writing to the Department
2. A person giving notice of resignation shall cease to be a member of the BOM from the date specified in the notice or, if no date is specified, from the date of the receipt of the notice to the Department.

REVOCATION OF APPOINTMENT AND VACATION OF OFFICE

1. The appointment of a member to the BOM shall be revoked and a member shall vacate office if the member;
 - I. Resigns from office by giving notice in writing to the Department.
 - II. If he or she fails to submit his/her acceptance letter to the Department in charge of education
 - III. Becomes insolvent or has conveyed or assigned his property or has made a proposition or arrangement for the benefit of his creditors.
 - IV. Is sentenced by a court of law to imprisonment for a term of six months or more;
 - V. Is incapacitated by physical or mental illness;
 - VI. Has been absent from three consecutive meetings of the BOM without written apologies;
 - VII. Has his or her appointment recommended for revocation by the nominating body.
 - VIII. Is otherwise unable or unfit to discharge his functions as a member of the BOM on account of any matter in the Basic Education Act No.14 of 2013
 - IX. His/her economic or business interests are linked to those of the board of a VTCS, with an exception of special cases which must receive written permission from the Department;

2. Where the office of a member of a BOM becomes vacant by reason other than the expiry of the period of that office, the selection panel fills the gap.

DISSOLUTION OF THE BOARD OF MANAGEMENT

As established in the Education Act Cap 211 section 12:

1. Where in the opinion of the selection panel a board of management has behaved irresponsibly or has failed to exercise properly its functions, the Department may in writing:
 - I. Suspend the board from the exercise of and performance of all its powers and duties, and appoint an administrator to exercise and
 - II. Perform all the powers and duties of the board for such period not exceeding one year as the Department specifies.
 - III. Require the resignation of all or any of the members of the board, and appoint or require the appointment of new members of the board.
2. The Department shall make regulations providing for the manner in which an administrator appointed under sub-section (1) shall exercise all the powers and perform the duties of a board of management.

ATTENDANCE OF MEETINGS

1. Only persons appointed as BOM members shall attend the Board meeting. However under given circumstances, a person may attend the Board meetings on the Board's invitation and his or her name shall be listed as in attendance and not as a board member.
2. EX-officio members of the BOM shall attend BOM meetings on invitation by the Secretary to the BOM.

FREQUENCY OF THE MEETINGS OF BOMs

1. Each BOM shall meet at least once every four months. However, the executive committee of the BOM shall meet once every month and as often as the need arises provided that its decisions are ratified by the full BOM during the next sitting

2. Every meeting of the BOM may, shall be convened by giving at least fourteen days' notice in writing to every member unless three quarters of the total members of the Board of Management otherwise agree. The only exception to this is where there are emergencies.
3. The chairperson of the BOM may, on his own motion or upon requisition in writing by at least five members of the Board, convene a special meeting of the BOM or at any time for the transaction of specific businesses.

QUORUM OF BOM MEETINGS

1. The quorum for the conduct of business at a meeting of a BOM shall be two-thirds of the total number of members of the BOM.
2. Subject to the provisions of sub-paragraph (1) no proceedings of a BOM shall be invalid by reason only of a vacancy among the members thereof.

CHAIRPERSON TO PRESIDE OVER MEETINGS OF BOMs

1. The chairperson shall preside at every meeting of the BOM at which the chairperson is present and in his absence, the deputy chairperson shall preside
2. In the absence of both the chairperson and the deputy chairperson at any meeting, the members present shall elect one of their members to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chair person.
3. In the event that the chairperson is the subject of discussion, the VETs officer shall chair the meeting.

DECISION OF THE BOM

Unless a unanimous decision is reached, a decision on any matter before a BOM shall be by majority of the votes of the members present and voting and in the case of any equality of votes, the chairman or the person presiding shall have a casting vote.

DISCLOSURE OF INTEREST DURING BOM MEETING

1. If a member is directly or indirectly interested in any contract, proposed contract or other matter before a BOM and is present at a meeting of the BOM at which the contract ,proposed contract

or other matter is the subject of consideration, he/she shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract or the matter, or be counter in the quorum of the meeting during consideration of the matter

2. A disclosure of interest made under this paragraph shall be recorded in the minute of the meeting at which it is made.
3. A member of the BOM who contravenes sub-paragraph (2) shall commit an offense and be liable to a fine of fifty thousand shillings, or to imprisonment for a term of six months, or to both.

ALLOWANCES OF MEMBERS OF BOMs

Members of BOM shall be facilitated by way of allowances as the Board of Management shall determine within their budget .

APPOINTMENT OF STAFF OF BOM

A BOM may, upon such terms and conditions of service as it may determine, employ such staff or hire the services of such consultants or experts as may be necessary for proper performance of its functions.

MANAGEMENT OF FUNDS AND OTHER INSTITUTIONAL RESOURCES

1. The BOM shall manage all funds and other institutional resources in accordance with provisions of Sections 16 To23 of The Fourth Schedule of The Basic Education Act No. 14 Of 2013.
2. The secretary to the BOM shall be responsible for the day –to-day management of the affairs of the institution, and shall present any account of such expenditure to the BOM.
3. The BOM shall ensure that all movable and immovable property, shares, funds and securities as may from time to time, become the property of the institution shall be in the name of the institution and shall be dealt with in such a manner as the BOM may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest or donation is made for any purpose connected with the institution.

4. The BOM shall cause to be kept proper books and records of accounts of expenditure and assets of the institution.
5. The accounts of the institution shall be audited and reported upon in accordance with the public audit Act, 2003.
6. Subject to the guidelines issued by the treasury, the BOM may place with a bank as it may determine, any monies not immediately required for use by the institution.
7. Within a period of four months from the end of each financial year of the government, the BOM shall submit to the Auditor general / auditor appointed under the basic education Act, the accounts of the institution together with:
 - a. A statement of the income and expenditure of the institution during the year.
 - b. A balance sheet of the institution on the last day of the year.
8. The BOM may only dispose of any property with the conceit of the Department of Education or on the authority of appropriate written law and regulations.
9. The BOM shall receive all grants made out of public funds, whether for capital or revenue purposes and subscriptions, donations or bequest made to the institution the terms and the conditions upon which any grant may be made to the institution or a BOM out of public fund may not be affected by the provisions of The Basic Education Act No.14 of 2013.
10. The BOM may incur expenditure for the purpose of the school in the accordance with estimates approved by the department of Education, and any approved expenditure under any head of the estimates may not be exceeded without the prior written approval of the Department accounting officer.
11. The BOM shall prepare annual estimates of revenue and expenditure (budget) for the institution under its charge and submit to the Department of Education by 31st October of every year for approval 31st December of every year.

SUBMISSION OF ANNUAL REPORT ON GOVERNANCE

Every BOM shall submit an annual report on governance to the director of Vocational training.

Important documents

BOMs are encouraged to make use of the following documents when executing their responsibilities:

1. The constitution of Kenya 2010
2. The Basic Education Act No. 14 of 2013

3. Public Finance Management Act 2012
4. The Kilifi County vocational training and education ACT 2017
5. The tvet act 2013
6. The Kenya national examination council act 2012
7. Public Procurement and Disposal Act, 2005 and regulation 2006
8. A handbook of Financial Management Instructions For Colleges and polytechnic 2006.
9. Public procurement manual for school and colleges 2009.
10. Public Audit Act, 2003
11. Public health act, 2010
12. Any other written rules and regulations approved by the CEC.



KILIFI COUNTY GOVERNMENT
DEPARTMENT OF EDUCATION AND ICT
CURRICULUM VITAE (C.V.) SUMMARY FOR MEMBERS OF VOCATIONAL TRAINING
CENTERS BOARD OF MANAGEMENT

CATEGORY	NAM E	DATE OF BIRTH	EDUCATIONAL QUALIFICATIO NS	PROFESSIONA L QUALIFICATI ONS	CURRENT OCCUPATIO N	OTHER REMARK S (IF ANY)
Sponsor	1.					
Youth	1.					
Special Needs.	1.					
Industry & Commerce	1.					
Special Interest	1.					
Parents' Representatives	1.					
	2.					

MANAGER'S

NAME _____ SIGNATURE _____ DATE &

RUBBER STAMP _____

V.E.T OFFICER'S NAME _____

SIGN _____ DATE & RUBBER STAMP _____