



SCHEDULE

EXPLANATORY MEMORANDUM

EXPLANATORY MEMORANDUM TO THE ELDORET NATIONAL POLYTECHNIC ORDER, 2014 NO 114

PART I

NAME OF THE STATUTORY INSTRUMENT: THE ELDORET NATIONAL POLYTECHNIC ORDER, 2014

NAME OF THE PARENT ACT: THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT, OF 2013

ENACTED PURSUANT TO SECTION 26 OF THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT, OF 2013

NAME OF THE MINISTRY/DEPARTMENT: MINISTRY OF EDUCATION SCIENCE AND TECHNOLOGY

DEPARTMENT OF SCIENCE AND TECHNOLOGY

Gazetted on: 22nd August, 2014

TABLED ON:.....

PART II

1. PURPOSE OF THE STATUTORY INSTRUMENT

The purpose of the Statutory Instrument is to operationalize section 26 (2) of the Act that provides for the establishment by the Cabinet Secretary of a National Polytechnic by Order published in the Gazette.

2. LEGISLATIVE CONTEXT

To operationalize the Technical and Vocational education and Training Act, 2013 with respect to establishment a National Polytechnic.

Paper laid
By Hon A. Sualle -
Leader of Maj.
on the 11/11/14
[Signature]



3. POLICY BACKGROUND

The Government on 23rd September, 2011 established a Taskforce on Alignment of the Higher Education, Science and Technology Sector with the Constitution of Kenya. The Taskforce developed policy Sessional paper No. 14 of 2012 which provides for the governance, management, development among others of Technical and Vocational Education and Training (TVET). This policy was developed against a backdrop of demands of constitutional reforms and change in political governance and the Vision 2030. The policy addresses the issues of access and equity, relevance, curricula, quality assurance, and certification, financing, governance and management, branding of TVET among other.

The policy took into cognizant that the Kenya labour force is expected to reach 14.5 million by the year 2015. This means that the Kenyan economy will have to create over 4.5 million additional jobs within that period. If this additional labour force has to contribute effectively to economic development, then there is urgent need to restructure and equip the TVET institutions in order to meet this need.

The policy recognizes different categories of the TVET institutions offering programmes at different levels. The National Polytechnics under the TVET Act, 2013 are established as body corporates governed by a Council and may in collaboration with a University offer programmes leading to the award of undergraduate degree in technical and vocational education and training. One of the education major objectives is producing a properly and effectively trained, disciplined and patriotic youth that can in turn make a positive contribution to the development of the nation. This can be achieved by promoting TVET as a means to wealth creation. TVET is also a key factor in achieving Kenya Vision 2030 through production of critical mass skilled human resource which is fundamental to industrialization of a Nation.

The policy and the Act were subjected to interrogation by stakeholders through various forums by the Taskforce in 2012. The stakeholders included participant from the TVET sector, higher and basic education sector, Science, technology and innovation sector among others. In order to implement Section 26 of the Act the Cabinet Secretary developed the Eldoret National Polytechnic Order, 2014 and forwarded the same to the Attorney General for publication.

4. **CONSULTATION OUTCOME**

During the various forums held with stakeholders it was agreed that TVET institution be categorized as follows:

- a) Vocational training centers, which shall offer courses up to Artisan certificate;
- b) Technical and vocational colleges, which shall offer programmes up to Diploma;
- c) Technical trainer Colleges which shall offer programmes up to Higher Diploma;
- d) National Polytechnics, which shall offer programmes up to Higher Diploma;
- e) Such other categories as the Cabinet Secretary may specify.

The institutions provided for under (c) and (d) shall be established by the Cabinet Secretary by Order published in the Gazette and shall be body corporate with perpetual succession and a common seal and in its corporate name, be capable of suing and being sued among other powers of a body corporate.

The stakeholders agreed that the polytechnics and the technical teachers college existing before the commencement of the TVET Act should be established in accordance with the provisions of the new Act. These institutions are as listed below:

- Kisumu Polytechnic
- Eldoret Polytechnic
- Kenya Technical Teachers College

5. **GUIDANCE**

Once the Order is published and approved by Parliament the Cabinet Secretary will appoint Council members for Eldoret National Polytechnic and guide the institution on the implementation of the Order. Further the Ministry will sensitize the staff of the polytechnic on their new status and role in provision of TVET education.

6. **IMPACT**

6.1 **The Impact on Fundamental Rights and Freedoms**

The Constitution provide under Article 43(1) (f) access to quality education and also relevant education as per Article 55(a).

6.2 The Impact on the Private Sector

The Order provides for establishment of a body corporate which will have the legal status to enter into partnership with the private sector on matters relating to TVET. The private sector will be able to participate more effectively through development of curriculum which will be tailored to fit the market demand.

6.3 The Impact on the Public Sector

Under fourth Schedule the functions of ensuring Education policy, standards, curricula, examinations, and tertiary educational institutions is on the National Government. The establishment of the National Polytechnic shall contribute to Vision 2030 which aims at creating a globally competitive and prosperous nation with a high quality of life through the channelling out of highly competitive and innovative graduates.

7. MONITORING AND REVIEW

The Ministry shall continuously monitor and evaluate the National Polytechnic on the implementation of the Order, Act and the TVET policy as per the Ministry's Strategic Plan.

8. CONTACT

Ministry of Education, Science and Technology

Jogoo House 'B'

Harambee Avenue

P.O. Box 30040-00200

NAIROBI