

SPECIAL ISSUE

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**TURKANA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

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**THE TURKANA COUNTY EDUCATION
DEVELOPMENT ACT, 2014**



No. 10 of 2014

Date of Assent: 30th January, 2014

Date of Commencement: 14th September, 2015

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THE TURKANA COUNTY EDUCATION AND SKILL DEVELOPMENT ACT, 2014

AN ACT of Turkana County Assembly to make provisions for procedures and guidelines for the efficient disbursement of fees, bursaries and such other related matters

ENACTED by the County Assembly of Turkana as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Turkana County Education and Skill Development Act, 2014. Short title

2. In this Act, unless the context otherwise requires— Interpretation

“Chief officer” for a public entity, means the person appointed or in an acting capacity when discharging the functions of accounting officer for an administrative unit or department of the County;

“Executive Committee Member” means the person in-charge of Education, Human Resource Development, culture and Social Services in the County;

“Fund” means, money set aside by the County Government to support skill development;

“Public entity” means County Government or department under the County Government;

“Regulations” mean guidelines under this Act;

“Secretariat” means a body at the County headquarters charged with the mandate of overseeing fund management;

“Ward appraisal committee” means a body at the ward created to coordinate allocations of fees support.

3. The objects and purposes of this act are to—

Objects and
Purposes of the Act

- (a) provide a framework for consultation and co-ordination between the County Executive, the ward appraisal Committee and other stakeholders in the Education sector;
- (b) provide a framework for consultation and co-operation amongst County Government entities.

- (c) establish institutional structures and mechanisms for relations;
- (d) provide a framework for the inclusive consideration of any matter that affects the entities of County Government and other County Stakeholders in the Education Sector;
- (e) give effect to Article 187 and 200 of the Constitution, in respect of the Transfer of functions and powers by one level of government to another, including the transfer of legislative powers;
- (f) provide mechanisms for the resolutions of inter-entities and or stakeholders disputes where they arise.

4. This Act will apply in respect to—

Application of the Act.

- (a) disbursement of County Government bursary and fees support;
- (b) management of all sponsorship channeled through the County Government.

5. If there is a conflict between this law and any other law of Turkana county assembly as relates to matters of school fees support and bursary, this law shall prevail.

Conflict with other Laws.

6. (1) If there is a conflict between this law, the regulations or any directions of the secretariat and a condition imposed by the donor of funds, the terms in the memorandum of understanding agreed together between the County Government and the donor of funds shall prevail in respect to fees support that uses those funds.

Conflict with Donated Funds.

(2) This section does not apply if the fees support funding is from a public entity.

PART II—INSTITUTIONS INVOLVED IN FUND ALLOCATION

A. COUNTY SECRETARIAT

- 7. (a) There is established a secretariat, which shall have powers necessary to perform its functions; the secretariat shall be an oversight body.**
- (b) The secretariat shall be an institution of exemplary administrative and technical competence.**

Establishment of the Secretariat.

- (c) Every member of the secretariat shall respect the non-partisan nature of the secretariat.
- (d) The secretariat shall uphold and maintain the highest ethical standard in the discharge of its functions.
- (e) Maintain honesty, accountability and integrity in the delivery of services, having regard to the principles of political neutrality, professionalism, economy, efficiency, equality, fairness, courtesy and discipline.

8. (1) The secretariat shall consist of the following — Composition of the Secretariat.

- (a) Seven members appointed by the County Executive Committee member for Education, Human Resource Development, Culture and Social Services;
- (b) The other nine members shall be as follows —
 - (i) Chief officer of Education, Human Resource Development, Culture and Social Services.
 - (ii) Chief officer, finance and economic planning
 - (iii) One female representative resident in the County.
 - (iv) One male representative resident in the County.
 - (v) One youth or student representative resident in the County.
 - (vi) A representative from the county education board.
 - (vii) A representative from the disabled person's resident of the county."
 - (viii) A religious representative resident in the County."
 - (ix) A member representative of Partners interested in the Education sector.

(2) The female and male representative appointed by the governor must be persons of high integrity, good moral standing and have wide experience in management of education in the county.

- (3) (i) The first meeting shall be called by the County Executive Committee member for Education, Human Resource Development, Culture and Social Services.
- (ii) The first meeting shall elect the Chairperson and the Vice Chairperson who shall be in office for a term not exceeding two and half years.
- (4) (i) The chief Officer for Education, Human Resource Development, Culture and Social Services shall be the Secretary to the Secretariat.
- (ii) In case of death, demise, resignation or incapacitation of the chairperson, the vice-chairperson shall run the office for the remaining term until expiry.

9. The secretariat shall—

Functions of the Secretariat.

- (a) equitably share the funds among the 30 wards existing in the county;
- (b) review allocations to ensure support offered is adequate and sufficient;
- (c) approve disbursement of fee support awarded to each ward;
- (d) monitor allocation of support to ensure needy and deserving students benefit;
- (e) conduct periodic county skills surveys to identify critical skills for the purpose of refocusing support and encouraging students to pursue necessary disciplines;
- (f) maintain an updated database of all applicants and beneficiaries of the fund;
- (g) periodically produce and share disbursement reports with the governor and the county assembly.

10. (a) The chairperson shall convene a meeting of the secretariat at least four times every financial year.

Procedure and conduct of business of the secretariat

- (b) Except as agreed under the minimum operation procedures and requirements, the secretariat may regulate its own operations.

- (c) The quorum of the secretariat shall be five members—
- (i) the secretariat may invite any member of the public to attend any of its meetings so long as such person shall not have voting rights.
 - (ii) the secretariat shall have at most four meetings in every financial year, however special sittings of the secretariat may be convened so long as such meetings do not exceed three in a fiscal year.
 - (iii) the meetings shall be convened and chaired by the executive committee member in-charge of education, or in the absence of the CEC, the secretariat shall be chaired by a member of the secretariat appointed by the secretariat in that sitting.
 - (iv) the chief officer in charge of education, HRD, culture and social services, shall be the secretary to the secretariat.
 - (v) a member of the secretariat, other than an *ex officio* member, may be removed from office by the appointing authority upon the recommendation of the board, if such member—
 - (aa) has been absent from three consecutive meetings of the board without permission of the chairperson;
 - (bb) is in the opinion of the secretariat, otherwise unable or unfit to discharge the functions of his office.

A. WARD APPRAISAL COMMITTEES

11. (a) There is established a ward appraisal committee. Establishment of Ward Appraisal Committees.
- (b) There shall be thirty (30) ward appraisal committees with respect to the thirty (30) wards as presently constituted.
- (c) (i) The patron shall constitute the membership of the Ward appraisal committee.
- (ii) The ward appraisal Committee shall constitute

of Seven members of the public resident in the ward who shall be appointed by the Member of County Assembly of that respective ward taking into consideration the entire representation of the ward.

12. The ward appraisal committee shall consist of the following—

Composition of the Committees.

- (a) the member of county assembly for that ward, who shall be the patron;
- (b) the ward administrator for that ward, who shall be the secretary to the committee;
- (c) seven members of the public resident in that particular ward proposed by members of the public in a public baraza and duly appointed by the governor. These seven members shall consist of—youth representative; women representative; minority representative; religious groups representative; people with disability representative; one person conversant and with vast experience in the management of education in the county; village administrator or his/her representative.

13. The ward appraisal committee shall perform the following functions—

Functions of the Committee.

- (a) invite applications for fees support;
- (b) receive applications;
- (c) scrutinize and verify all applicants;
- (d) nominate students to be supported with proposed amounts;
- (e) maintain an updated database of all raw applicants;
- (f) forward to the county secretariat minutes and records of nominated fees support beneficiaries;
- (g) monitor of allocation support to ensure needy and deserving students benefit.

14. The seven members of ward appraisal committees shall be appointed by the patron in their respective categories in the ward.

Election of Representatives of the Committee.

15. The role of the patron shall be as follows—

- (a) (i) To appoint the members of the ward appraisal committee;
- (ii) Call the first meeting of the members to order.
- (b) Provide leadership to the committee.
- (c) Provide liaison between the committee and other institutions within and without the ward that supports students.

16. (1) The chairperson and the vice-chairperson, shall be elected from among the members during the first sitting of the committee.

Role of Committee Chairperson.

(2) The following shall be the roles of the chairperson—

- (a) act as the spokesperson of the committee;
- (b) schedule and call committee meetings;
- (c) chair committee meetings;
- (d) ensure committee agenda is exhaustively addressed;
- (e) ensure all members of the committee participate fully in all committee meetings and that consensus is reached in all decisions.

17. The secretary to the committee shall perform the following functions—

Role of the Secretary of the Committee.

- (a) receive and document fees support applications;
- (b) keep records of the committee deliberations;
- (c) take minutes during committee meetings and circulate the same to the members;
- (d) Rendering expert, non-partisan and impartial advice to the members of the committee on committee procedure and practice;
- (e) carrying out such other duties as may be required of him by the committee and exercising powers as may be conferred on him by law;
- (f) take minutes during committee meetings and circulate the same to members.

Terms of Service of
the Committee.

18. The ward appraisal committee—

- (a) shall have at-least four meetings in every financial year;
- (b) special committee sittings may be convened but only by request of at least a third of total membership of the committee whenever an urgent fee request occurs; such special sittings shall not exceed three in a financial year;
- (c) a seven day notice shall be issued before any meeting of the committee is convened;
- (d) a decision of the committee shall be by a simple majority of the members constituting a quorum who are present; in the case of a stalemate in the voting, the person chairing shall have the deciding vote;
- (e) the ward appraisal committee shall serve for a five year term non renewable;
- (f) members of the committee shall be entitled to a sitting allowance and not wages or a salary;
- (g) the allowances of the committee members shall be determined in accordance with existing rates of officers serving in voluntary public service as advised by Salaries and Remuneration Commission.

PART III—FUND ELIGIBILITY CRITERIA

19. For one to be eligible for support, he or she shall—

Minimum Eligibility
Criteria.

- (a) be a resident of the ward for which fee support is being sought;
- (b) be admitted or continuing student in secondary school or a higher institution of learning;
- (c) be either a total or partial orphan with no financially stable guardian;
- (d) be of good academic standing and moral character;
- (e) Be pursuing courses identified by students themselves in line with their career choices from time to time as requiring development.

20. For strategic purpose of focusing the fund, students pursuing the following specialties shall be supported—

Mode of
Application for the
Funds.

- (a) Engineering.
- (b) Education.
- (c) Medicine, nursing and nutrition.
- (d) Humanities.
- (e) Any other relevant course.

21. (a) All eligible students shall be required to collect application forms from their ward offices free of charge.

Selection Process.

(b) Duly completed application forms accompanied with all required attachments, signed and sealed forms shall be returned, received, dated and inserted into an application box at the ward administrators office.

(c) For continuing students they should surrender terminal reports and fee statements.

22. (a) At the end of the application period, the ward appraisal committee shall meet to publicly open and record all applications.

Application
allocations per
Category of
Students.

(b) The ward appraisal committee shall hold its meetings in public with members of the public present.

(c) Selected applicants for fee support shall be publicly displayed in the ward, schools, public notice boards, churches or such other places that are accessible and which is frequented by the public.

(d) Successful applicants will be notified through the county gazette notice as well as written communication.

(e) Fees for successful applicants will be paid into their school or college accounts through a cheque or direct funds transfer.

23. There shall be established—

Special Category
Students/Applicants.

(a) an educational fund;

- (b) the fund shall be at least 3% of the total County Government yearly Budget to commence as from 1st July 2014/15 fiscal year;
- (c) 10% of the fund will cater for fund administration costs and 90% will address the fees of the students according to the needs of the ward.

24. (1) the following shall be the mode of splitting the funds—

- (a) 40% of the fund shall go towards supporting students pursuing degree, diploma and certificate courses in both technical and other institutions of higher learning.
- (b) The remainder of 60% of the fund shall be for secondary school students.
- (c) However these percentages can be reversed depending on the number of students in a ward as per those categories.

(2) The award of fees support shall be as per each student's fee needs.

25. (1) While ensuring the principal of equity and fairness is observed at all times, the committees will also be required to give priority to special category of students or applicants.

(2) Special category applicants will include the following—

- (a) bright but total orphans with no financially capable guardian;
- (b) persons with disability;
- (c) members of minority groups within the ward.

(3) Full support and assistance will be accorded to this category.

26. (a) In case of any dispute arising from the ward in relation to the disbursement process, the county secretariat shall play a mediatory role.

(b) In case of any dispute arising from the secretariat in relation to the disbursement process, the County Assembly will mediate and provide direction.

Schedules**Schedule 1**

Application form to be submitted to the ward administrator dully signed in the prescribed format this form will from time to time be reviewed as the secretariat may deem fit and as it may be necessary to capture new information