

BILL

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THE NATIONAL COUNCIL FOR TECHNICAL AND VOCATIONAL EDUCATION ACT, 2024

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PART I - PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires-

"Chairman" means the Chairman, National Council for Technical and Vocational Education appointed under section 3;

"Council" means the National Council for Technical and Vocational Education referred to under section 2;

"Minister" means the Minister responsible for technical and higher education and "Ministry" shall be construed accordingly;

"National Qualifications Framework" means a National Qualifications Framework instrument used to classify Sierra Leone's qualifications at different levels;

"Registrar" means the Registrar of Council appointed under section 17.

PART II - THE NATIONAL COUNCIL FOR TECHNICAL AND VOCATIONAL EDUCATION

National Council for Technical and Vocational Education. 2. (1) There is hereby continued in existence, the body which at the commencement of this Act, was known as the National Council for Technical and Vocational and Other Academic Awards, to be known, as the National Council for Technical and Vocational Education.

(2) The Council shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Council shall have a common seal, the use of which shall be authenticated by the signature of the Chairman or other member of the Council authorised either generally or specially by the Council for that purpose.

3. (1) The membership of the Council shall consist of a Chairman, who shall be a person of wide academic professional and administrative experience and the following other members- ^{Membership of Council.}

- (a) a representative of the Council of Heads of the Technical and Vocational Institutions;
- (b) the Chairman, Conference of Vice Chancellors and Principals or his representative;
- (c) one representative of the Sierra Leone Chamber of Commerce, Industry and Agriculture;
- (d) the Chief Technical and Higher Education Officer, Ministry of Technical and Higher Education;
- (e) the Chief Education Officer, Ministry of Basic and Senior Secondary Education;
- (f) the Chairman, Professional Engineering Regulatory Council or his representative;
- (g) the Director General, Sierra Leone Agricultural Research Institute or his representative;
- (h) the Commissioner of Labour or his representative;
- (i) the Chairman, Teaching Service Commission or his representative;

- (j) the Chairman, Tertiary Education Commission or his representative;
- (k) the Director-General, Sierra Leone Local Content Agency of his representative;
- (l) the Chairman, Technical and Vocational Education Coalition or his representative;
- (m) a representative of each of the technical universities in Sierra Leone;
- (n) a representative of each of the polytechnics in Sierra Leone;
- (o) a female education expert nominated by the Minister;
- (p) a female technical and vocational education expert nominated by the Minister; and
- (q) the Director, National Council for Technical and Vocational Education.

(2) The Chairman shall be appointed by the President, on the recommendation of the Minister, subject to the approval of Parliament.

Tenure of members.

4. (1) The Chairman shall hold office for a period of 3 years and shall be eligible for re-appointment for a further term of 3 years only.

(2) A person shall cease to be a member of the Council on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;

- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Council without reasonable excuse;
- (f) if he resigns his office by written notice to the Minister.

5. (1) The Council shall meet for the dispatch of its business at least once every 2 months and at such time as the Chairman may determine.

Meetings of Council.

(2) The Chairman shall preside at every meeting of the Council and in his absence, the members present shall appoint one of their number to preside.

(3) A minimum of 3 members of the Council may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Council for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within 3 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Council shall be 8.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting

of the Council and shall be incorporated in the minutes of the next succeeding meeting of the Council:

Provided that, if a member requires that such proposal be placed before a meeting of the Council, this subsection shall not apply to such proposal.

(8) The Council may co-opt a person to attend and participate in its deliberations but that person shall not vote on any issue to be decided by the Council.

(9) The minutes of all meetings of the Council shall be taken and signed by the Chairman, kept in proper form and made available to members.

(10) Subject to this Act, the Council shall regulate its own meeting procedure.

Committees
of Council.

6. (1) The Council may, for the discharge of its functions, appoint one or more committees comprising members of the Council or non-members or both, to advise the Council on any of its functions under this Act.

(2) Without prejudice to the generality of subsection (1), the Council shall appoint the following committees -

- (a) Audit Committee;
- (b) Finance and Administration Committee;
- (c) Curriculum and Examination Committee;
- (d) Accreditation and Quality Assurance Committee;
- (e) Certification and Qualifications Committee;
and

(f) any other committee that the Council may deem necessary for the effective and efficient performance of the Council.

(3) The Council shall determine the membership and functions of a committee.

7. (1) A member of the Council who has an interest, whether direct or indirect in any matter being considered or to be considered by the Council, shall disclose the nature of his interest and the disclosure shall be recorded in the minutes of the Council and that member shall not take part in any deliberation or decision of the Council relating to that matter. Disclosure of interest.

(2) A member of the Council who contravenes subsection (1) is guilty of misconduct and shall be removed from the Council.

8. (1) An action or other proceedings shall not lie or be instituted against a member of the Council or a head of a department in respect of an act or thing done or omitted to be done in good faith in the exercise of his functions under this Act. Immunity of members.

(2) A member of the Council shall not be personally liable for any debt or obligation of the Council.

9. The Chairman and the other members of the Council shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Council for expenses incurred in connection with the discharge of their functions as the Council may, with the approval of the Minister, determine. Remuneration of members.

10. (1) Where the Chairman or a member of the Council dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months, in the case of - Filling of vacancies.

- (a) the Chairman, the members of the Council shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) a member, the Chairman shall, subject to this Act, have another person appointed to the Council.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III-FUNCTIONS OF THE COUNCIL

Functions of Council.

11. (1) The object for which the Council is established is to provide accreditation, validation, examination and certification services for award in certain specialised and professional programmes in the formal setting at secondary and tertiary education institutions as well as non-formal and informal programmes in accordance with the relevant qualifications frameworks.

(2) Without prejudice to the generality of subsection (1), the Council shall be responsible to -

- (a) accredit skills and education programmes throughout Sierra Leone, including the following categories -
 - (i) National Basic Vocational Certificate;
 - (ii) National Vocational Certificate I;
 - (iii) National Vocational Certificate II;

- (iv) Senior Secondary Technical Vocational Examination;
- (v) National Technical Certificate;
- (vi) Diploma I;
- (vii) Diploma II;
- (viii) informal and any other relevant qualifications;

(b) provide validation services for national and international awards and ensure that the awards of the Council enjoy parity of esteem with similar awards made by other institutions, nationally and internationally;

(c) develop and implement a national examinations and assessment system in skills and education sectors and facilitate collaboration between training institutions and industries to promote -

- (i) industry-led and demand driven curricula development and placements;
- (ii) workplace experience and learning; and
- (iii) recognition of prior learning;

(d) coordinate and promote industry-led occupational standards for demand driven curricula development and delivery;

(e) conduct practical, oral and other examinations for accredited programmes-

- (i) under paragraph (c); and
- (ii) other skills and education programmes throughout Sierra Leone;
- (f) contribute to policy formulation for skills and education development, including informal and alternative education;
- (g) assess and certify apprenticeship programmes;
- (h) conduct research and development in skills and education;
- (i) source funds to support skills and education development;
- (j) promote cooperation with international agencies and development partners;
- (k) issue annual reports on the state of skills and education development in Sierra Leone;
- (l) provide technical advisory services to ministries, departments and agencies on matters related to the management and improvement of skills and education systems;
- (m) establish and regulate national education assessment centres and other related facilities;
- (n) monitor, review and evaluate programmes and courses of accredited institutions;
- (o) develop, review, harmonise and validate curricula for technical vocational education programmes;

- (p) review, develop and operationalise curricula, in collaboration with other stakeholders, including the private sector for skills and education programmes based on standards registered under the National Qualifications Framework, and other international standards;
- (q) develop and maintain a national certification system on skills and education programmes and provide securitised certificates for examinable programmes;
- (r) establish and maintain a formal, non-formal and informal tutor management and training programme to ensure quality delivery;
- (s) advise the Minister on matters relating to accreditation, validation, examination and certification of secondary and tertiary education institutions; and
- (s) perform such other functions as are conducive or ancillary to the objects of the Council.

PART IV - ADMINISTRATIVE PROVISIONS

12. (1) The Council shall have a Director who shall be appointed by the Minister on the recommendation of the Council. Director.

(2) A person shall not be qualified for appointment as Director under subsection (1), unless he is a holder of a Masters degree in education with at least 10 years of experience in administration and management.

13. (1) The Director shall be responsible for the efficient management of the Agency. Functions of Director.

(2) Without prejudice to the generality of subsection (1) the Director-General shall be responsible to -

- (a) provide overall leadership in the administration and management of the day-to-day business or activities of the Council;
- (b) carry out such functions as may be assigned by the Council or necessary for the purposes of the Council;
- (c) monitor and supervise the preparation of the annual budget and reports of the Council for the review and approval of the Council;
- (d) perform such other duties imposed on him by this Act or as the Council may direct.

Deputy Director.

14. (1) The Council shall have a Deputy Director who shall be appointed by the Council after consultation with the Minister.

(2) A person shall not be qualified for appointment as Deputy Director-General under subsection (1), unless he is a holder of a degree in education and training with at least 5 years of experience in administration and management.

Functions of Deputy Director.

15. The Deputy Director shall serve as the principal assistant to the Director in the administration of the Council, carry out such duties as may be assigned to him by the Director and also act as Director in the absence of the Director.

Tenure of office.

16. The Director and Deputy Director shall hold office for a term of 5 years and shall be eligible for re-appointment for a further term of 5 years only.

Registrar.

17. (1) The Council shall have a Registrar who shall be appointed by the Council on such terms and conditions as the Council may determine.

(2) A person shall not be qualified for appointment as Registrar under subsection (1), unless he is a holder of a degree in administration and management and have, at least, 5 years of professional experience.

18. (1) The Registrar shall serve as Secretary to the Council and shall be the principal adviser to the Director on administrative matters relating to the technical functions of the Council. Functions of Registrar.

(2) Without prejudice to the generality of subsection (1) the Registrar shall, subject to the direction of the Director, be responsible to -

- (a) coordinate activities of the Council and its committees;
- (b) conduct the administrative business of the Council;
- (c) ensure the implementation of the decision of the Council;
- (d) oversee the production of reports of the Council, technical reports and documents such as syllabi; and
- (f) initiate the formulation and implementation of policies.

19. (1) The Council shall have, in addition to the Director, Deputy Director and Registrar, such other staff, including a finance officer, administrative officer and technical Directors, as may be required for the efficient performance of the functions of the Council. Other staff.

(2) The other staff of the Council shall be appointed by the Council and shall hold office on such terms and conditions as the Council may determine.

Secondment. 20. A public officer may at the instance of the Council, be seconded or otherwise render assistance to the Council but the Council may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Council.

Protection of officers. 21. An officer or employee of the Council shall not be liable in respect of any matter or thing done by him in good faith under this Act.

Departments. 22. (1) The Council shall, for the purpose of carrying out its functions under this Act, have such departments as the Council may, on the recommendation of the Director, approve.

(2) A Department approved by the Council under subsection (1) shall be supervised by a Head of Department and shall include -

- (a) Department of Accreditation, Research and Quality Assurance;
- (b) Department of Curriculum Development;
- (c) Department of Examination Development, Management and Administration;
- (d) Department of Certification and Qualifications;
- (e) Department of logistics and Maintenance;
- (f) Department of Information and Communication Technology;
- (g) Department of Administration and Human Resources;
- (h) Department of Finance;

(i) Department of Apprenticeship Management.

(3) A person shall not be qualified for appointment as Head of Department under subsection (1), unless he is a holder of a degree with at least 5 years professional experience in a discipline relevant to the Department.

23. (1) The Council may establish offices in the administrative regions of Sierra Leone and in such district as the Council may determine. Regional and district offices.

(2) A regional or district office established under subsection (1), shall be provided with such officers and staff as may be necessary for the proper and effective performance of the functions of the Council.

(3) A regional or district office shall perform the functions of the Council in the region or district.

PART V - FINANCIAL PROVISIONS

24. (1) The activities of the Council shall be financed by funds Funds of Council. consisting of -

- (a) monies appropriated by Parliament for the purposes of the Council;
- (b) monies given to the Council by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Council;
- (c) all other monies which may, from time to time, accrue to the Council.

(2) The funds of the Council shall be applied only for the purposes of the approved budget of the Council.

Accounts and
audit.

25. (1) The Council shall keep proper books of account and other records in relation to the activities, property and finances of the Council in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Council a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Council kept under subsection (1) shall, not later than 3 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Council and to require such information and explanation thereon as he may think fit.

(4) The Council shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Council.

(5) The Auditor-General or the auditor appointed by him shall submit to the Council a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Council; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Council.

26. The financial year of the Council shall be the same as the financial year of the Government. Financial
year.

27. (1) The Council shall, within 3 months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes. Annual
report.

(2) The annual report shall include the accounts and annual financial statement prepared under section 25 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 3 months after he has received the report.

(4) The Council shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VI - OFFENCES

28. (1) An institution shall not -

- (a) offer a program listed under paragraph (a) of subsection (2) of section 11;
- (b) advertise, cause to be advertised or publish, in any form or medium, information to attract potential students to enroll or register with it, without accreditation by the Council.

Operating
without
accreditation.

(2) An institution that contravenes subsection (1) shall be liable to a fine of not less than NLe.15,000 and not more than NLe.20,000 and a further fine of NLe.5, 000 for each day the offence continues.

Disregarding integrated certification software.

29. (1) An institution shall not process enrolment of students unless through integrated certification software approved by Council.

(2) An institution that contravenes subsection (1) shall be liable to a fine of not less than NLe.15,000 and not more than NLe.20,000 and forfeiture of accreditation.

Certificate obtained from unaccredited institution.

30. A person who obtains a certificate from an institution not accredited by the Council under this Act shall not, on the basis of such certificate -

- (a) practice, carry on, operate or hold himself out as a registered professional of a discipline; or
- (b) hold himself out as an expert in a discipline.

(2) A person who contravenes subsection (1) commits an offence and on conviction is shall be liable to a term of imprisonment not exceeding 12 months or to a fine of not less than NLe.15,000 and not more than NLe.20,000 or to both such fine and imprisonment.

Counterfeited certificate.

31. (1) A person shall not -

- (a) procure or cause to be procured, make or causing to be cause to be made, produce or cause to be produced or make a false or fraudulent declaration or representation in relation to a certificate;
- (b) forge, alter or counterfeit a certificate;
- (c) use a forged, altered or counterfeited certificate;
- (d) buy or fraudulently obtain a certificate: or
- (e) sell, assign or transfer a certificate.

(2) A person who contravenes subsection (1) shall be liable to a fine of not less than NLe.15,000 and not more than NLe.20,000, and in the case of a continuing offence, to a further fine of not exceeding NLe.5,000 for each during which the offence continues after conviction.

32. (1) A person who commits an offence under this Act or any Regulations made under this Act for which no penalty is expressly provided is liable, on conviction, in the case of - General penalty.

(a) an individual -

- (i) to a fine of not exceeding NLe.5,000 or to a term of imprisonment not exceeding 12 months or to both such fine and imprisonment; and
- (ii) for a continuing offence, to a fine of not exceeding NLe.2,000 for each day the offence continues; and

(b) a body corporate, partnership or society-

- (i) to a fine of not exceeding NLe. 25,000; and
- (ii) for a continuing offence, to a fine of not exceeding NLe.5,000 for each day the offence continues.

(2) Where an offence under subsection (1) is committed by -

- (a) a body corporate, the person responsible for the body corporate shall be guilty of the offence;
- (b) a partnership, every partner in the partnership shall be guilty of the offence; or
- (c) a society, its office bearer(s) shall be guilty of the offence.

PART VII-MISCELLANEOUS PROVISIONS.

Regulations. 33. (1) The Minister may by statutory instrument, after consultation with the Council, make regulation as he considers necessary or expedient for giving effect to this Act.

(2) Notwithstanding subsection (1), the Minister may prescribe -

- (a) the fees to be paid under this Act;
- (b) the application forms and other form to be issued under this Act;
- (c) the procedure of appointing Committees of the Council;
- (d) the form of application and other requirements for the registration of a person under this Act;
- (f) any other thing that may be necessary under this Act.

Repeal. 34. The National Council for Technical Vocational and Other Academic Awards, 2001 (Act No. 10 of 2001) is hereby repealed.

SCHEDULE Section 3 (1) (m), (n)

LIST OF UNIVERSITIES AND POLYTECHNIC INSTITUTIONS

1. Milton Margai Technical University;
2. Eastern Technical University;
3. Freetown Polytechnic.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to continue in existence, the National Council for Technical, Vocational and Other Academic Awards which is now to be known as the National Council for Technical and Vocational Education, to provide accreditation, validation, examination and certification services for awards in certain specialised and professional programmes in formal, non-formal and informal sectors and to provide for other related matters.

Part I - deals with interpretation by defining words used throughout the Bill.

Part II - deals with the continuation of the Council.

Part III - deals with the functions of the Council.

Part IV - deals with the Administrative provisions which stipulate that the Council shall have a Director, Deputy Director, Registrar and a secretariat comprising a Finance Officer, Administrative Officer and such other staff as may be required for the efficient performance of the functions of the Council.

Part V - deals with the funds, accounts and audit of the Council.

Part VI - deals with offences.

Part VII - Miscellaneous Provision - provides that the Minister to make regulations for giving effect to the provisions of this Act and repeal the National Council for Technical Vocational and Other Academic Awards, 2001.