

THE PROPOSED NEW EDUCATION ACT IN KENYA

**Paper Presented to Task Force on the
Review and Harmonization of the Legal
Framework on Education, Training and
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PROPOSED NEW EDUCATION (KENYA) ACT

1.0. Introduction

The new Education (Kenya) Act should have a legislative framework, curriculum framework and qualifications system. Under the new Act, Parliament should have responsibility for the entire education system with a separate subject map on training and lifelong learning. The Act should provide for funding of scientific research through a Research Council (RC).

A very brief introduction to the education system should be organised around the main elements of education. These are:

- Pre-school (5 years)
- Primary school (6-13 years)
- Secondary school (14-17years)
- Further education (17+)
- Higher education (18/19+)
- Community education (all ages)
- Lifelong learning

Where fewer than ten (10) children are being educated, the education authority must be contented that satisfactory education is being provided and where more than 10 children are being educated the establishment must be registered with the Ministry of Education and open to inspection by the inspectorate or office of Quality Education and Standards (QES).

1.1. Education Administration

Sections of a chapter in the Act or a separate booklet should describe the education administration at national and local (local authorities and schools) arrangements for the administration of education. There is need to describe the regional level of administration (provincial and district for instance) to allow for specific allocation of duties and responsibilities. All previous Acts related to education will need to be described, revised or rendered null and void to avoid confusion. All major parts

missing in the present Education Act should be included such as the role of teachers and schools principals so that the new Act is more comprehensive.

1.2. Legislative and Administrative Framework

The basic legal framework for education should be Education (Kenya) Act. All the various Education Acts in force should be integrated into one Act. In effect, overall responsibility for education should reside with the Parliament. This should be subject to Parliamentary scrutiny while the Ministry of Education administers a national policy on education. Local Authorities (LAs) should be responsible for the provision of school and pre-school education in their local area.

In addition, the following should be highlighted:

- While many children with special educational needs should be encouraged to be educated in mainstream schools, there should be a provision across the country for pupils with such needs. Provision should include day and residential schools or units and special classes in mainstream schools.
- Compulsory education should last from the ages of 5 to 18 years. In addition, the government may guarantee a one-year pre-school education place for all children in their pre-school year where their parents wish them to attend.
- Teachers in pre-schools, primary schools and secondary schools must hold a Teaching Qualification (TQ) and be registered with the Teachers Service Commission (TSC). The TQ is a minimum diploma for pre-schools and primary schools and a degree level qualification for secondary and post secondary education. In future, the government might require a minimum qualification of a one-year Post Graduate Diploma in Education (PgDE) or Post Graduate Degree in Education (PGDE) before one can qualify as a teacher at any level. This can be done gradually and teacher-training institutions would then be required to train and offer a Post Graduate Diploma in Education (PgDE) rather than a certificate. This will in essence promote post secondary and higher education in Kenya.
- Formal parental involvement in schools is through membership of School Boards that should integrate sponsors, current Board of Governors (BOGs), teachers and parents at present carried out by the Parent Teacher Associations (PTA). But parents should generally be encouraged to take an active part in

their children's school through helping in class or with school trips and participation in other school activities. In addition, election of parent governor should be yearly.

- A statutory curriculum in schools should be developed with clear curriculum guidelines provided for children in their pre-school year, for pupils in primary and secondary schools and all forthcoming levels should be regulated for quality control.
- There should be no national testing arrangements for children in pre-schools and the national testing in primary schools should be used for placement. There should be no leaving certificates for primary school children. National testing at secondary school where children take national examinations at the end of their fourth year (Standard Grades) and in higher education in their fifth and sixth years (Higher Grades and Certificates of Sixth Year Studies) should be accorded a school-leaving certificate.
- Inspectors of Schools (Quality Assurance and Standards Officers (QASO)) should be responsible for inspecting pre-school, primary and secondary schools and post secondary institutions but not university education. The Ministry, for example, should closely monitor further education establishments as well as community education services through a Higher Education Quality Council (HEQC). Responsibility for Further and Higher Education could be transferred to Higher Education Board (HEB). These institutions should be self-governing under the broad supervision of The Ministry of Education. Higher education institutions are autonomous bodies each with sole responsibility for managing its own affairs such as body corporate but all obliged to give an annual report to the Minister for Education.
- Inspectors of Schools (QES) should be responsible for inspecting teacher education institutions.
- There has to be an increasing focus on *lifelong learning*. This term is broadly used to describe the idea that education continues throughout the lifespan. Lifelong learning has become particularly important within the context of an information society or knowledge society, which places great emphasis on keeping abreast of changes in the knowledge base. Further, higher and

community educations are seen as major contributors to lifelong learning. In addition, the HEB will become increasingly important in this area.

1.3. Financing of Education

- ❑ Central Government should support state-provided pre-school, school and community education through the Ministry of Education and the Local Authorities. LAs can raise revenue through local council tax and non-domestic rates. Education should be the highest priority and perhaps the most expensive service provided by LAs, accounting for around 50% of annual expenditure. Each local authority should determine its own education spending and prioritise accordingly.
- ❑ Regardless of the amount provided by central government for all purposes, the BOG should make arrangements to solicit for funds. Individual schools should be responsible for managing at least 80% of the amount allocated for its support by the local authority.
- ❑ Legislation should allow for the provision of education for compulsory school age children within the education authority control, subject to certain constraints such as parents and community providing uniform, food and buildings. Children can be educated independently, in private schools. Private schools are self funding and parents would be expected to pay fees for their children to attend.
- ❑ The Ministry of Education should continue to support the Higher Education Board (HEB) and the Research Council (RC). The allocation of funds to Further and Higher Education institutions should be the responsibility of the HEB and the RC respectively. The University student loan scheme should be responsible for the administration of and support for higher education students. Funding for further education students in both public and private universities is the responsibility of the HEB

1.4. Educational Organisations

In Kenya, there will be a number of agencies concerned with educational development. Government has established most of these for consultation at national level and others at local level. They will provide advice on elements of the education system.

These are:

- Council for Educational Technology (CET)
- Higher Education Loans Board (HELB)
- Kenya Education Staff Institute (KESI)
- Kenya Institute of Education (KIE)
- Kenya Institute of Special Education (KISE)
- Kenya National Examinations Council (KNEC)
- Research Council (RC)
- The Teachers Service Commission (TSC)

Other agencies concerned with education include: Kenya National Association of Parents (KNAP), Kenya National Union of Teachers (KNUT), Kenya Union of Post-Primary Education Teachers (KUPPET), Kenya Secondary Schools Head Association (KSSHA), and the Kenya Private Schools Association (KPSA) among others.

1.5. Compulsory Education

In accordance with the new Education (Kenya) Act, parents or guardians should be legally responsible for ensuring that their children of school age receive efficient education suitable to their age, ability and aptitude. They would be required to normally fulfil this duty by sending their child to school, although other means, such as education at home, can be used in special circumstances. The state should provide free public schools and supporting services through the education authorities. Parents may also choose to send their children to independent (private) schools for which they pay fees.

The law and the Education Act should broadly define a person as being 'of school age' for example, if he or she has attained the age of 5 years and has not attained the age of 16 -18 years. Many younger children would voluntarily attend nursery schools before beginning primary school at age 5. Pupils would be expected to transfer to secondary at around 13 years and remain after the age of 17 for one or two additional years before proceeding to training or post-school education in Further Education (FE) colleges or Higher Education (HE) institutions. Pupils may also leave at 16 – 18 years. Since an adult is defined as a person who has attained the age of 18 years to

vote or obtain a national identity card or a driver's licence, other laws can be expected to conform to the same. For example, persons who have not attained 18 years could be prevented from purchasing tobacco or alcoholic drinks to curb on drug and substance abuse. Shops, supermarkets and other establishment would be compelled to put notices to such effect.

Public Notice

It is an offence for anyone below the age of 18 years to attempt to buy tobacco or alcoholic drinks, and it is an offence for anyone to attempt to buy tobacco or alcoholic drink for anyone below the age of 18 years.

A fine of Kshs. One hundred thousand (100,000) or imprisonment for a minimum of two (2) years or both can be imposed on the offenders.

Schools would be required by law to keep a register of the names of all pupils and students and to record their attendance in the morning and afternoon of each day of the school year. An absence from school will normally require to be explained by a letter from the parent giving a reason for it. Education authorities will have means of monitoring the attendance of pupils / students and have officers through the legal system who follow up pupils who are consistently absent or whose reasons for absence are regarded as insufficient. Parents may be prosecuted if their children do not attend school regularly.

1.6. Principles of Education

Education in Kenya has always enjoyed a high status and most of the key principles and values on which it is built are long established through an integration of both traditional cultures and international ideas. The provision of free, compulsory education for all within a specified age group (5 - 18 years) is fundamental. So, too, is a broadly based curriculum, which should be designed to ensure that young people could make progress in any one of several occupations. Education should prepare them, with certification, for the several changes and challenges in the job market in a rapidly changing socio-economic world.

Education also has to fit individual needs, be tailored to 'age, ability and aptitude' and aim to develop the 'personality, talents and mental and physical abilities of children

and young persons to their fullest potential' Concern to ensure that classroom work properly challenges and supports all pupils and the increased attention to young people with additional support needs, whether in mainstream schooling or special units, are examples of the extension of this principle of appropriateness. This will require well-equipped teachers, more resources and accreditation.

A further principle is that there should be opportunities to continue voluntarily at school or to proceed to further or higher education, with financial assistance if necessary. This will require more institutions of Higher learning and quality of standards will also have to be maintained. Since independence, increasing the number of public universities and their expansion to increase places available in further and higher education has considerably extended this opportunity. There has also been expansion in private schools and institutions and informal education, with greater attention being given, for example, to community-based educational activities for both adults and young people.

Society, however, also has claims on the education system. Education for participation in a changing society implies that all learners have to identify their own needs, as far as possible, and become responsible for their own learning. Special needs education, life skills including guidance and counselling, health education and other aspects including democratic ideals and drugs and substances of abuse will need to be incorporated in this education. Society requires an educated populace to create the wealth, which can bring stability, progress and innovation. It also needs people who can provide the services that allow society to sustain its own growth maintain its health and well-being and offer the range of cultural and leisure activities, which bring enrichment and satisfaction. It depends on people who act as custodians of its values and stewards of its resources. In particular, this entails willing and responsible participation in the democratic process by which society regulates itself in response to changes in social, economic and cultural circumstances. The Kenya education system is therefore expected to promote the autonomy of individuals and at the same time to equip them, on the basis of interdependence, to fulfil the variety of roles which society demands in a global world.

EDUCATION (KENYA) ACT

PART I PRELIMINARY AND GENERAL

1. Short Title and Commencement
2. Interpretation
3. The Statutory System of Education
4. Functions of the Minister for Education
5. Local Education Authorities
6. The Funding Authorities
7. Allocation of Responsibility for Education at School
8. Board of Governors
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PART II SCHOOLS

11. Preliminary
12. Recognition of Schools
13. Functions of a School
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PART 111 QUALITY OF EDUCATION SERVICES (QES)

16. Preliminary
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PART 1V SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

18. Preliminary
19. Establishment, Alteration etc. of Public and Voluntary Schools
20. Funding of Voluntary Schools
21. Government of Public, Voluntary and Maintained Schools
22. Financial Delegation to Boards of Governors
23. Conduct and Staffing of Schools

24. Discontinuance of Local Education Authority Schools
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26. Preliminary
27. Establishment and Membership of Boards of Management (BOG)
28. Functions of a Board
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34. Functions of Principal and Teachers
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55. Establishment of National Council for Curriculum (KIE)
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57. Establishment of a National Training Institute on Education Management and Administration (KESI)
58. Establishment of a National Council for Special Education Needs (KISE)
59. Establishment of a Higher Education Board (HEB)
60. National Miscellaneous and Supplementary Provisions
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PART X MISCELLANEOUS AND GENERAL

63. School Admissions, Attendance and Charges
64. School year, Week and Day
65. Information to Pupils and Students and Student Council
66. Parents' Associations
67. Children with Special Educational Needs
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69. Education Premises, Safety and Health
70. Grants and Other Financial Matters
71. Grievances and other Procedures
72. Appeals to Education Secretary
73. Employment of Children and Young Persons
74. Persons not covered by Act
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PART XI BODY CORPORATE

76. Preliminary

77. Establishment of Bodies to Provide Services Related to Education
78. Functions of a Body Corporate Established under this Act
79. Membership and Staff
80. Administration of a Body Corporate Established under this Act
81. Annual Report

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- Chapter i: Ancillary Functions of Minister for Education
- Chapter ii. Ancillary Functions of Local Education Authorities
- Chapter iii: Ancillary Functions of Governing Bodies
- Chapter iv: Provision of Information by Governing Bodies etc.

SCHEDULES

In addition, the following should be noted:

1. The Act should be very clear for example, on groups of grant-maintained schools and how they can be identified / defined.
2. The establishment of the Curriculum Implementation, Evaluation and Support Councils (KESI, KIE, KISE, KNEC, QES, TSC) should include the following for each in the Education Act:
 - a) Establishment date
 - b) Establishment of National Council for Curriculum (KIE) and same for KESI, KIE, KISE, KNEC, QES, TSC
 - c) Composition and Appointment
 - d) Objects and Functions
 - e) Consultation with Designated bodies
 - f) Chief Executive Officer
 - g) Staff
 - h) Grants
 - i) Accounts and Information
 - j) Committees
 - k) Annual Report

This should also be true of Bodies Corporate since several would need to be established (Part XI). That is:

- i. Establishment of body to provide services related to Education (specified)
 - ii. Membership and Staff
 - iii. Functions
 - iv. Administration
 - v. Grants
 - vi. Annual Report
 - vii. Revocation of Establishment order by the Minister for Education

3. For Examinations, it should include the following:
 - a) Interpretation
 - b) Examinations (all should be specified)
 - c) Regulations and Conduct of Examinations
 - d) Offences
 - e) Refusal of Access to certain information

4. Grants and Financial Matters should specify the financial year (not calendar year unless this is what is meant and hence specified) and a requirement that the records of accounts should be available for scrutiny.

1.8. Parts of Education Missing in Present Act

The following parts, missing from the present Education Act or that are inadequately covered need to be reviewed:

Preliminary and general

Interpretation. (1) In this Act, except where the context otherwise requires—
"articles of management" mean any instruments, relating to the operation and management of schools, as are in operation on the commencement of this Act and as shall be agreed from time to time by school sponsors, national associations of parents and recognized trade unions and staff associations representing teachers;
"board" means a board of management established under *section ..*;
"centre for education" means a place, other than a school or a place providing university or other third level (tertiary) education, where adult or continuing education or vocational education or training is provided and which is designated for that purpose under ...;
"Council" means the body established under ...;
"curriculum" shall be construed in accordance with ...;
"disability" means—
(a) the total or partial loss of a person's bodily or mental functions, including the loss of a part of the person's body, or
(b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness, or
(c) the malfunction, malformation or disfigurement of a part of a person's body, or
(d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
(e) a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour;
"educational disadvantage" has the meaning assigned by ..
"examination" has the meaning assigned to it by *section*
"functions" includes powers and duties;
"Inspector" means a member of the Quality Education and Standards;
"Inspectorate" means the Inspectorate appointed under *section ..*;
"Minister" means the Minister for Education;
"national association of parents" means an association or other body of persons established by parents with objects which include representing the views and interests of parents with regard to education and assisting parents in exercising their rights and role in the process of the education of their children, that is—
(a) established and organised on a national basis and has a membership distributed over a substantial part of the nation, and
(b) for the time being recognised by the Minister for the purposes of this Act, including (name them) being bodies for the time being so recognised;

"National Council for Curriculum and Assessment" (KNEC) means the body/ies established in accordance with ..;

"parent" includes a foster parent, a guardian appointed under the ... (I hope we have this act somewhere) or other person acting in *loco parentis* who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter;

"parents' association" means an association to which ... applies;

"sponsor" has the meaning assigned to it by *section*..;

"prescribed" means prescribed by regulations made by the Minister and cognate words shall be construed accordingly;

"Principal" means a person appointed under *section* .. and this could be a head teacher of a primary or secondary school or tertiary institution;

"recognised school" means a school that is recognised by the Minister in accordance with *section* ..;

"recognised school management organisations" means those bodies as may be established for the purpose of representing the interests of persons engaged in the management of schools and which are recognised by the Minister for the purposes of this Act;

"recognised trade union" means a trade union licensed under the Trade Union Acts, that stands recognised for consultation purposes;

"school" means an establishment which—

(a) provides primary education to its students and which may also provide early childhood education (ECE), or

(b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training, but does not include a school or institution established in accordance with the Higher Education Board or maintained by a health board in accordance with the Health Acts

"school plan" has the meaning assigned to it by *section* ..;

"school week" means the period of time during a week when a school is open for the reception of pupils/students;

"school year" means such twelve month period commencing on a day that falls between ... in any year as may be prescribed from time to time by the Minister, either generally or in respect of any school or class of school;

"special educational needs (SEN)" means the educational needs of students who have a disability and the educational needs of exceptionally able students;

"student", in relation to a school, means a person enrolled at the school and in relation to a centre for education, means a person registered as a student in that centre;

"support services" means the services that the Minister provides to students or their parents, schools or centres for education in accordance with .. and shall include any or all of the following:

(a) assessment of students;

(b) psychological services;

- (c) guidance and counselling services;
- (d) technical aid and equipment, including means of access to schools, adaptations to buildings to facilitate access and transport, for students with special needs and their families;
- (e) provision for students learning through sign language or vernacular including interpreting services;
- (f) speech therapy services;
- (g) provision for early childhood, primary, post-primary, adult or continuing education to students with special needs otherwise than in schools or centres for education;
- (h) teacher welfare services;
- (i) transport services;
- (j) library and media services;
- (k) school maintenance services;
- (l) examinations provided for in *Part.*;
- (m) curriculum support and staff advisory services, and
- (n) such other services as are specified by this Act or considered appropriate by the Minister;

"teacher" includes a Principal;

"vocational education committee" means a committee established by (2) (a) In this Act a reference to a Part, section or a Schedule is a reference to a Part or section of or a Schedule to this Act, unless it is indicated that a reference to some other Act is intended.

(b) In this Act a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that a reference to some other provision is intended.

(3) A reference in this Act to the performance of functions includes, with respect to powers and duties, a reference to the exercise of powers and the carrying out of duties.

School sponsor.

(1) (a) The person who, at the commencement of this section, is recognised by the Minister as the sponsor of a school, and

(b) the persons who, at the commencement of this section, stand appointed as trustees or as the board of governors of a post-secondary institution and, where there are no such trustees or such board, the owner of that school, shall be deemed to be the patron for the purposes of this Act and the Minister shall enter his, her or their name, as appropriate, in a register kept for that purpose by the Minister.

(2) In any case other than that provided in *subsection* (1), the school sponsor or patron of a recognised school shall be the person who requested recognition of the school or a nominee of such person and the name of that person shall be entered in the register.

(3) The Minister may amend the register in respect of any school on the application of the person or institution that stands for the time being registered as the sponsor or patron or of the successor to that person.

(4) In the case of a school established or maintained by the community, the district education board or committee shall be the

sponsor or patron of the school for the purposes of this Act.

(5) Where two or more persons exercise the functions of a sponsor or patron they may be registered as joint sponsors.

(6) The sponsor or patron of a school shall carry out the functions and exercise the powers conferred on the sponsor by this Act and such other functions and powers as may be conferred on the sponsor a deed, charter, articles of management or association relating to the establishment or operation of the school for educational purposes.

(7) In this section—

"person" includes a body of persons;

"school" includes a proposed school.

Service of notices.

Where a notice, direction or other document is authorised or required by or under this Act or regulations made hereunder to be served on a person, it shall, unless otherwise specified in this Act, be addressed to the person and shall be served on or given to the person in one of the following ways—

(a) where it is addressed to the person by name, by delivering it to the person, or

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address, or

(c) by sending it by ordinary prepaid post addressed to the person at the address at which the person ordinarily resides, or in a case in which an address for service has been furnished, at that address.

Schools

Recognition of schools. (1) On a request being made for that purpose, the Minister may from time to time designate a school or a proposed school to be a school recognised for the purposes of this Act.

(2) The Minister may designate a school or a proposed school to be a school recognised for the purposes of this Act where the Minister, on a request being made for that purpose by the school sponsor or patron of a school or a proposed school, is satisfied that—

(a) the number of pupils/students who are attending or are likely to attend the school is such or is likely to be such as to make the school viable,

(b) in the case of a proposed school, and having regard to the desirability of diversity in the classes of school operating in the area likely to be served by the school, the needs of pupils/students attending or likely to attend the school cannot reasonably be met by existing schools,

(c) the sponsor undertakes that the school shall provide the curriculum as determined in accordance with ..,

(d) the sponsor agrees to permit and co-operate with regular inspection and evaluation by the Inspectorate,

(e) the school complies, or in the case of a proposed school shall comply, with health, safety and building standards as are determined by law and any further such standards as are determined from time to time by the Minister, and

(f) the school sponsor agrees that the school shall operate in accordance with such regulations as may be made by the Minister from time to time under *section ..* and with this Act and with any other terms and conditions the Minister may reasonably attach as to recognition.

(3) A school that, on the commencement of this section, is in receipt of funds provided by the local authority in respect of—

(a) the education activities for pupils/students of that school, or

(b) the remuneration of teachers in that school,

shall be deemed to be a school recognised in accordance with this section.

(4) The Minister may from time to time designate a place to be a centre for education.

Functions of a school. A recognised school shall provide education to pupils and students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall use its available resources to—

(a) ensure that the educational needs of all pupils and students, including those with a disability or other special educational needs, are identified and provided for,

(b) ensure that the education provided by it meets the requirements of education policy as determined from time to time by the Minister including requirements as to the provision of a curriculum as prescribed by the Minister in accordance with *...section on curriculum,*

(c) ensure that pupils and students have access to appropriate guidance and counselling to assist them in their educational and career choices, personal and social needs,

(d) promote the moral, spiritual, social and personal development of pupils and students and provide health education for them, in consultation with their parents, having regard to the characteristic spirit of the school,

(e) promote equality of opportunity for both male and female pupils and students and staff of the school,

(f) promote the development of the Kenyan languages and traditions, and other cultural matters,

(g) ensure that parents of a student, or in the case of a student who has reached the age of 16-18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education,

(h) conduct its activities in compliance with any regulations made from time to time by the Minister under *section ...*

(i) ensure that the needs of personnel involved in management functions and staff development in the school are identified and provided for,

(j) establish and maintain systems whereby the efficiency and effectiveness of its operations can be assessed, including the quality and effectiveness of teaching in the school and the attainment levels and academic standards of pupils/students,

(k) establish or maintain contacts with other schools and at other appropriate levels throughout the community served by the school, and

(l) subject to this Act and in particular *section ...*, establish and maintain an admissions policy that provides for maximum accessibility to the school.

Quality of Education Standards

The Inspectorate.

(1) The Minister shall appoint a Director of Quality of Education Standards (DQES) and such and so many officers as the Minister considers appropriate and the Director and officers shall be known and are referred to in this Act as the "Quality of Education Standards (QES) or Inspectorate".

(2) The Minister shall include amongst the officers under *subsection (1)* persons who hold qualifications as and expertise, including psychology and education of pupils/students with special educational needs.

(3) The functions of an Inspector shall be:

(a) to support and advise recognised schools, centres for education and teachers on matters relating to the provision of education and, without prejudice to the generality of the foregoing, an Inspector—

(i) shall visit recognised schools and centres for education on the initiative of the Inspectorate, and, following consultation with the board, sponsor, parents of pupil/students and teachers, as appropriate, do any or all of the following:

(I) evaluate the organisation and operation of those schools and centres and the quality and effectiveness of the education provided in those schools or centres, including the quality of teaching and effectiveness of individual teachers;

(II) evaluate the education standards in such schools or centres;

(III) assess the implementation and effectiveness of any programmes of education which have been devised in respect of individual students who have a disability or other special educational needs;

(IV) assess the implementation of regulations made by the Minister, and

(V) report to the Minister, board, sponsor, parents of pupil/students and teachers, as appropriate, and as prescribed, on these matters or on any other matter relating to the activities of those schools or centres and the needs of pupils/students attending those schools or centres,

(ii) may conduct assessments of the educational needs of pupils/students in recognised schools and advise those students, their parents and the schools as appropriate in relation to the educational development of those students,

- (iii) shall advise teachers and boards in respect of the performance of their duties, and, in particular, assist teachers in employing improved methods of teaching and conducting classes, and
 - (iv) shall advise parents and parents' associations;
 - (b) to evaluate the quality and effectiveness of the provision of education in the State, including comparison with relevant international practice and standards, and to report thereon to the Minister;
 - (c) to conduct research into education and to provide support in the formulation of policy by the Minister;
 - (d) to promote excellence in the management of, teaching in and the use of support services by schools and in the procedures for consultation and co-operation within and between schools and centres for education;
 - (e) to disseminate information relating to—
 - (i) the performance by the Inspectorate of the functions provided for in this section, and
 - (ii) successful educational initiatives which have been implemented by schools and centres for education, and promote informed debate on those matters;
 - (f) to evaluate the effectiveness of the teaching, development, promotion and use of vernacular languages in schools and centres for education and to report to the Minister on those matters;
 - (g) to advise the Minister on any matter relating to education policy and provision, including the curriculum taught in recognised schools, assessment and teaching methods, and
 - (h) to perform such functions relating to the preparation and marking of the school examinations which are conducted in the State as the Director of Quality Standards shall determine, the monitoring and evaluation of the content and standards of those examinations and to report thereon to the Minister.
- (4) Without prejudice to the generality of *subsection (3)*, an Inspector to whom *subsection (2)* applies shall have the following functions:
- (a) in consultation with parents to assess the needs of pupils/students in recognised schools and to advise as appropriate those pupils/students, their parents and the schools in relation to the educational and other development includes SEN, pastoral care and guidance and counselling of such pupil/students;
 - (b) to advise recognised schools on policies and strategies for the education of children with special educational needs;
 - (c) to advise the Minister on any matter relating to the psychological needs of students in recognised schools;
 - (d) in collaboration with parents and the Principal and teachers in recognised schools, to assist in the creation of a school environment which prevents or limits obstacles to learning which pupils/students may experience, and
 - (e) to advise the Minister on any matter relating to other needs such as deaf or blind in recognised schools.
- (5) Where an Inspector has carried out an evaluation or an

assessment under *subsection (3) (a) (i)*, s/he may make recommendations to the Minister in respect of improvements that s/he considers appropriate.

(6) An Inspector shall have all such powers as are necessary or expedient for the purpose of performing his or her functions and shall be accorded every reasonable facility and co-operation by the board and the staff of a school or centre for education.

(7) An Inspector, including the Director of Quality Standards, shall carry out their functions in accordance with such procedures for, and criteria of, inspections as may be determined by the Minister from time to time, following consultation with school sponsors, school management organisations, recognised trade unions and staff associations representing teachers and such other persons as the Minister considers appropriate, and such directions as may be given by the Minister from time to time.

(8) A teacher or the board of a school may request the review of an inspection carried out which affects the teacher or the school and the Director of Quality Standards shall review the inspection in accordance with such procedures as determined by law.

(9) A person who immediately before the commencement of this Part holds an office as Inspector or seconded to the Inspectorate shall on the commencement of this Part continue to hold that office or be so seconded as appropriate and this section shall apply to any such person.

Boards of management (BOG)

Establishment and membership of boards of management (BOG). (1) It shall be the duty of a school sponsor, for the purposes of ensuring that a recognised school is managed in a spirit of partnership, to appoint members to the board of management the composition of which is as agreed between sponsors of schools, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and the Minister.

(2) A board established in accordance with *subsection (1)* shall fulfil in respect of the school the functions assigned to that school by this Act, and, except in the case of a school established or maintained by a vocational education committee, each board shall be a body corporate with perpetual succession and power to sue and may be sued in its corporate name.

(3) Pending the establishment of a board as provided for by *subsection (1)* the persons who have responsibilities under the structures and systems in place in a school for the management of that school at the commencement of this Part, including boards of governors, shall, as appropriate, discharge the functions of a board under this Act.

(4) The members of a board shall, except where articles of management otherwise provide, be appointed by the Minister.

(5) When making appointments to a board established in accordance with *subsection (1)* the school sponsor shall comply with directions

given by the Minister in respect of an appropriate gender balance and the Minister, before giving any such directions, shall consult with sponsors, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers.

(6) The Minister, with the agreement of the patron, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, shall prescribe matters relating to the appointment of a board.

(7) Except as provided by this Act, no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of this Act or any regulations made by the Minister under this Act.

(8) Where a sponsor determines that the appointment of a board in accordance with *subsection (1)* is not practicable, the sponsor shall inform the parents of students, the teachers and other staff of the school and the Minister of that fact and the reasons therefore at the time of such determination and, thereafter, if a board is not so appointed, the sponsor shall, from time to time or as requested by the Minister, inform the parents, teachers and other staff and the Minister of the reasons therefore.

Keeping accounts and records. of (1) A board shall keep all proper and usual accounts and records of and all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice.

(2) Accounts kept in pursuance of this section shall be made available by the school concerned for inspection by the Minister and by parents of pupils/students in the school, in so far as those accounts relate to monies provided in accordance with *section on management of public funds*.

Report and information on operation of Board. A board shall establish procedures for informing the parents of pupils and students in the school of matters relating to the operation and performance of the school and such procedures may include the publication and circulation to parents, teachers and other staff, the establishment of a report on the operation and performance of the school in any school year, with particular reference to the achievement of objectives as set out in the school plan provided for under the section below.

The school Plan. (1) A board shall, as soon as may be after its appointment, make arrangements for the preparation of a plan (in this section referred to as the "school plan") and shall ensure that the plan is regularly reviewed and updated.

(2) The school plan shall state the objectives of the school relating to equality of access to and participation in the school and the measures that the school proposes to take to achieve those

objectives including equality of access to and participation in the school by students with disabilities or who have other special educational needs.

(3) The school plan shall be prepared in accordance with such directions, including directions relating to consultation with the parents, the sponsor, staff and students of the school, as may be given from time to time by the Minister in relation to school plans.

(4) A board shall make arrangements for the circulation of copies of the school plan to the sponsor, parents, teachers and other staff of the school.

The school principals and teachers

Functions of Principal and teachers.

(1) The Principal of a recognised school and the teachers in a recognised school, under the direction of the Principal, shall have responsibility, in accordance with this Act, for the instruction provided to all pupils and students in the school and shall contribute, generally, to the education and personal development of students in that school.

(2) Without prejudice to *subsection (1)*, the Principal and teachers shall—

(a) encourage and foster learning in pupils and students,

(b) regularly evaluate students and periodically report the results of the evaluation to the students and their parents,

(c) collectively promote co-operation between the school and the community which it serves, and

(d) subject to the terms of any applicable collective agreement and their contract of employment, carry out those duties that—

(i) in the case of teachers, are assigned to them by or at the direction of the Principal, and

(ii) in the case of the Principal, are assigned to him or her by the board.

The School Principal.

(1) The TSC in consultation with the board shall, in accordance with procedures agreed from time to time between the Minister, the sponsor, recognised school management organisations and any recognised trade union or staff association representing teachers, appoint to the school in a whole-time capacity a person to be Principal of that school subject to such terms and conditions as may be determined from time to time by the Minister

(2) In addition to the functions of a Principal provided above, the Principal shall—

(a) be responsible for the day-to-day management of the school, including guidance and direction of the teachers and other staff of the school, and be accountable to the board for that management,

(b) provide leadership to the teachers and other staff and the pupils and students of the school,

(c) be responsible for the creation, together with the board, parents of students and the teachers, of a school environment which is supportive of learning among the pupils/students and which

promotes the professional development of the teachers,

(d) under the direction of the board and, in consultation with the teachers, the parents and, to the extent appropriate to their age and experience, the students, set objectives for the school and monitor the achievement of those objectives, and

(e) encourage the involvement of parents of students in the school in the education of those students and in the achievement of the objectives of the school.

(3) For the purpose of carrying out his or her functions under this Act, a Principal shall have all such powers as are necessary or expedient in that regard, and shall carry out his or her functions in accordance with such policies as may be determined from time to time by the board and regulations made in accordance with this Act.

(4) The Principal shall be entitled to be a member of any and every committee appointed by a board.

(5) Where, at the commencement of this section, the employer of the Principal in a post-primary school is a person or body of persons other than the board of the school then *subsection (1)* shall apply as if the person who or the body which, at such commencement and from time to time thereafter, is such employer, is substituted for the board as therein referred to.

(6) Wherever practicable, the Principal shall, in exercising his or her functions under this section, consult with teachers and other staff of the school.

Curriculum

School Curriculum.

(1) The Minister may, from time to time, following such consultation with school sponsors, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, as the Minister considers appropriate, prescribe the curriculum for recognised schools, namely—

(a) the subjects to be offered in recognised schools,

(b) the syllabus of each subject,

(c) the amount of instruction time to be allotted to each subject, and

(d) the guidance and counselling provision to be offered in schools.

(2) Without prejudice to the generality of *subsection (1)*, the Minister—

(a) shall have regard to the desirability of assisting schools to exercise their powers as provided for under *subsection (4)*,

(b) shall have regard to the characteristic spirit of a school or class of school in exercising the functions under this section,

(c) may give directions to schools, where it is considered appropriate, to ensure that the subjects and syllabuses pursued in those schools are appropriate and relevant to the educational and vocational needs of the students in those schools,

(d) shall ensure that the amount of instruction time to be allotted to subjects on the curriculum as determined by the Minister in each school day shall be such as to allow for such reasonable instruction

time, as the board with the consent of the school sponsor determines, for subjects relating to or arising from the characteristic spirit of the school, and

(e) shall not require any pupil/student to attend instruction in any subject that is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of 18 years, the student.

(3) The Minister may—

(a) consult with the National Council for Curriculum and Assessment (KIE) and such other persons or bodies of persons as the Minister considers appropriate on any matter relating to the curriculum for recognised schools, and

(b) establish, as the Minister considers appropriate, such bodies of persons to conduct research and to advise on matters relating to duties under this section.

(4) A school may, subject to the requirement that the curriculum as determined by the Minister is taught in that school, provide courses of instruction in such other subjects as the board considers appropriate

Establishment of National Council for... (1) There shall stand established on the establishment day a body to be known as the National Council for (in this Act referred to as K.I.E., KNEC etc.) to perform the functions assigned to it by or under this Act.

(2) The Council shall be a body corporate with perpetual succession and an official seal and shall have power to sue and may be sued in its corporate name and, with the consent of the Minister, to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of other property.

Examination Regulations. (1) The Minister may make regulations considered appropriate, from time to time, for the effective conduct of examinations and in particular, without prejudice to the generality of the aforesaid, may make regulations relating to—

(a) the preparation of an examination paper and other examination materials,

(b) procedures at places where examinations are conducted, including the supervision of examinations,

(c) the marking of work presented for examination,

(d) the issuing of results of examinations,

(e) the charging and collection of fees for examinations,

(f) the terms under which candidates may appeal against the results of an examination and the procedure for such appeals,

(g) the penalties to be imposed on a person who acts in breach of regulations made by the Minister or who otherwise misconducts himself or herself in respect of an examination, and

(h) the designation of places where examinations may be held.

(2) The Minister may from time to time appoint a person or a body of persons to advise him or her on any matter relating to the

examinations or to supervise or review any part of the conduct of the examinations, including appeals by candidates against the results of examinations.

Examination Offences.

- (1) A person who—
- (a) knowingly and without lawful authority publishes an examination paper or part of such paper to any other person prior to the holding of the examination concerned,
 - (b) has in his or her possession without lawful authority an examination paper or part of such paper prior to the holding of the examination concerned,
 - (c) carries out any duties relating to the preparation of examination papers and knowingly and without lawful authority provides a candidate for an examination or any other person with information concerning the material prepared by him or her in the course of those duties with the intention of conferring an advantage upon a candidate over other candidates,
 - (d) knowingly and wilfully credits a candidate with higher marks than the marks to which that candidate was entitled with the intention of conferring an advantage on that candidate over other candidates,
 - (e) knowingly and maliciously credits a candidate with lower marks than the marks to which that candidate was entitled,
 - (f) personates a candidate at an examination or knowingly allows or assists a person to personate a candidate at an examination,
 - (g) knowingly and maliciously destroys or damages any material relating to an examination,
 - (h) knowingly and maliciously obstructs any candidate or a person engaged in the conduct of an examination or otherwise interferes with the general conduct of an examination,
 - (i) knowingly and without lawful authority alters any certificate or any other record, including a record in machine-readable form, containing the results of an examination, or
 - (j) knowingly issues or makes use of any certificate or other document which purports to be a document issued by the person or body under whose authority the examination was conducted and to contain the results of an examination knowing that those results are false,
- shall be guilty of an offence.
- (2) A person who knowingly aids, abets, counsels or procures another person to commit any offence under *subsection (1)* or conspires with another person for the commission of any such offence shall be guilty of an offence.
- (3) A person who is guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding Kshs. 100,000 or (at the discretion of the court) to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment, or
 - (b) on conviction on indictment, to a fine not exceeding Kshs.

100,000 or (at the discretion of the court) to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment.

(4) No action shall lie against an examiner in respect of anything done by him or her in good faith and in pursuance of his or her functions as an examiner.

Miscellaneous and general

School Week, Day. **Year, and** The Minister may, from time to time, following consultation with the cabinet, school sponsors, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, prescribe—
(a) the minimum number of days in a school year during which a school shall be open to receive pupils and students and provide them with instruction,
(b) the minimum number of hours of instruction in a school day or in a school week, and
(c) any matters related to the length of the school year, the school week or the school day and the organisation and structure of such year, week or day.

Information Pupils Students Student Council. **to and and** (1) A board shall establish and maintain procedures for the purposes of informing students in a school of the activities of the school.
(2) The procedures established and maintained under *subsection (1)* shall facilitate the involvement of the students in the operation of the school, having regard to the age and experience of the students, in association with their parents and teachers.
(3) Students of a post-primary school may establish a student council and, without prejudice to the generality of *subsection (1)*, a board of a post-primary school shall encourage the establishment by students of a student council and shall facilitate and give all reasonable assistance to—
(a) students who wish to establish a student council, and
(b) student councils when they have been established.
(4) A student council shall promote the interests of the school and the involvement of students in the affairs of the school, in co-operation with the board, parents and teachers.
(5) The rules for the establishment of a student council shall be drawn up by the board, in accordance with such guidelines as may be issued by the Minister from time to time, and such rules may provide for the election of members and the dissolution of a student council.
(6) A student council, following consultation with the board, may make rules governing its meetings and the business and conduct of its affairs.

Parents' association. (1) The parents of pupils/students of a recognized school may establish, and maintain from among their number, a parents' association for that school and membership of that association shall

be open to all parents of pupils/students of that school.

(2) A parents' association shall promote the interests of the pupils/students in a school in co-operation with the school board, school principal, teachers and pupils/students of a school and for that purpose may—

(a) advise the principal or the board on any matter relating to the school and the principal or board, as the case may be, shall have regard to any such advice, and

(b) adopt a programme of activities that will promote the involvement of parents, in consultation with the principal and the board, in the operation of the school.

(3) The board shall promote contact between the school, parents of pupils/students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents' association and to such an association when established.

(4) (a) A parents' association shall, following consultation with its members, make rules governing its meetings and the business and conduct of its affairs.

(b) Where a parents' association is affiliated to a national association of parents, the rules referred to in *paragraph (a)* shall be in accordance with guidelines issued by that national association of parents with the concurrence of the Minister.

**Appeals
Education
Secretary**

to (1) Where a board or a person acting on behalf of the board—

(a) permanently excludes a pupil or student from a school, or

(b) suspends a student from attendance at a school for a period to be prescribed for the purpose of this paragraph, or

(c) refuses to enrol a student in a school, or

(d) makes a decision of a class which the Minister, following consultation with school sponsors, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers, may from time to time determine may be appealed in accordance with this section, the parent of the student, or in the case of a student who has reached the age of 18 years, the student, may, within a reasonable time from the date that the parent or student was informed of the decision and following the conclusion of any appeal procedures provided by the school or the sponsor, in accordance with *section ...*, appeal that decision to the Education Secretary and that appeal shall be heard by a committee appointed under *subsection (2)*.

(2) For the purposes of the hearing and determination of an appeal under this section, the Minister shall appoint one or more than one committee (in this section referred to as an "appeals committee") each of which shall include in its membership an Inspector and such other persons as the Minister considers appropriate.

(3) Where a committee is appointed under *subsection (2)* the Minister shall appoint one of its number to be the chairperson of that committee and who, in the case of an equal division of votes, shall have a second or casting vote.

(4) In hearing and determining an appeal under this section an

appeals committee shall act in accordance with such procedures as may be determined from time to time by the Minister following consultation with patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers and such procedures shall ensure that—

(a) the parties to the appeal are assisted to reach agreement on the matters the subject of the appeal where the appeals committee is of the opinion that reaching such agreement is practicable in the circumstances,

(b) hearings are conducted with the minimum of formality consistent with giving all parties a fair hearing, and

(c) appeals are dealt with within a period of 30 days from the date of the receipt of the appeal by the Education Secretary, except where, on the application in writing of the appeals committee stating the reasons for a delay in determining the appeal, the Education Secretary consents in writing to extend the period by not more than 21 days.

(5) On the determination of an appeal made under this section, the appeals committee shall send notice in writing of its determination of the appeal and the reasons for that determination to the Education Secretary

(6) Where—

(a) an appeals committee upholds a complaint in whole or in part, and

(b) it appears to the appeals committee that any matter which was the subject of the complaint (so far as upheld) should be remedied, the appeals committee shall make recommendations to the Education Secretary as to the action to be taken.

(7) As soon as practicable after the receipt by the Education Secretary of the notice referred to in *subsection (5)*, the Education Secretary —

(a) shall, by notice in writing, inform the person who made the appeal and the board of the determination of the appeals committee and the reasons thereof, and

(b) in a case to which *subsection (6)* applies, may in such notice give such directions to the board as appear to the Education Secretary (having regard to any recommendations made by the appeals committee) to be expedient for the purpose of remedying the matter which was the subject of the appeal and the board shall act in accordance with such directions.

(8) The Minister, in consultation with patrons of schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, shall from time to time review the operation of this section and *section ...* and the first such review shall take place not more than two years from the commencement of this section.

(9) In the case of a school that is established or maintained by a vocational education committee an appeal against a decision of the

board of such school shall lie, in the first instance, to the vocational education committee and thereafter to the Education Secretary in accordance with *subsection (1)*.

(10) The Minister shall, from time to time, following consultation with vocational education committees, national associations of parents and recognised trade unions and staff associations representing teachers, prescribe—

(a) the procedures for appeals under this section to vocational education committees, and

(b) which appeals shall inquire into whether the procedure adopted by a board in reaching a decision or conducting an appeal was fair and reasonable and which appeals shall be by way of a full re-hearing.

(11) For the purposes of *subsection (1)(c)*, "Pupil /student" means a person who applies for enrolment at a school and that person or his or her parents may appeal against a refusal to enrol him or her in the same manner as a student or his or her parents may appeal a decision under this section.

Guidance and counselling (1) All pupils and students from Early Childhood Education through secondary school shall have access to guidance and counselling services as required in the context of the resources available to the school.

(2) Guidance and counselling services shall meet identified needs in three key areas:

(a) Educational development;

(b) Personal and Social development; and,

(c) Career development.

Counselling services may be developmental, preventive or crisis-oriented.

(3) School counsellors shall respect the confidentiality of information received in accordance with professional ethics and the law.

(4) Principals shall ensure that guidance and counselling services are available to students as outlined in this policy.

(5) Schools through the Teachers Service Commission shall engage professionally trained counsellors who have had successful certified teaching experience.

(6) Counsellors should be qualified professionally, and where this is not currently the case, the principal shall recruit the services of counsellors so qualified, as the opportunity arises.

(7) The roles and responsibilities of counsellors shall include the following:

(a) Group and individual counselling of pupils and students of an educational, career, and personal/social issues and difficulties.

(b) Facilitating the transition from one school or grade to another by acting as a liaison with feeder schools and post secondary institutions.

(c) Acting as a resource person to teachers in the planning, delivery,

and evaluation of special needs programs by sharing expertise with staff, parents, and community agencies.

(d) Consulting with parents, administrators, teachers and community agencies.

(e) Coordination of community services with school programs.

(f) Provision of, or referral to services, which assist pupils and students in coping more effectively with behaviour adversely affecting their school progress and personal relationships.

(g) Assistance in relating pupil/students' educational and career plans to their abilities, interests, and aptitudes.

(h) Other duties and responsibilities that emerge within the culture of a particular school.

(8) Each school shall have a written guidance and counselling program plan that is reviewed and updated annually by the school counsellor(s) with consultation with the principal and school administrative team, teachers, pupils/students and the board, as appropriate.

(9) Principals shall be responsible for monitoring and evaluating the effectiveness of the guidance and counselling services in the school, in accordance with these procedures. As soon as may be after the end of each year, the Corporate body shall prepare and submit to the Minister, in such form as may be determined by the Minister, a report on the performance of the Council in that year.

Body corporate

Establishment of bodies to provide services related to education. (1) The Minister, with the concurrence of the Government, may from time to time by order (in this Act referred to as an "establishment order") establish a body to perform, subject to *subsection (2)*, functions in or in relation to the provision of support services.

(2) The performance of functions by a body established under *subsection (1)* shall be subject to the determination of matters of policy by the Minister.

(3) A body established under *subsection (1)* shall be known by such title as may be specified in the establishment order.

(4) A body so established shall be a body corporate with perpetual succession and a seal and with power to sue and be sued in its corporate name and to hold land.

(5) The Minister may from time to time by order amend an establishment order or an order made under this subsection.

(6) The person appointed as principal officer of a body established under *subsection (1)* shall be accountable to the Minister in carrying out the functions referred to in that subsection.

(7) Before making an order under this section the Minister shall consult, as the Minister considers appropriate, with persons directly affected by the proposed order or with trade unions or associations representing such persons.

(8) Notwithstanding *section 5*, the Minister shall not make an order under this section unless he or she has first caused to be laid before

the House a draft of the proposed order and the cabinet has passed a resolution approving of the draft.

Functions of a body corporate established under this act. An establishment order shall contain such provisions as the Minister considers appropriate defining the functions of the body established by the order and the manner in which and the conditions under which the body so established may perform the functions so defined.

Membership and staff. (1) Every establishment order shall contain such provisions as the Minister considers appropriate in relation to—
(a) the number of members of the body established by the order, the method, terms and conditions of their appointment and their tenure of office, and
(b) the number, grades, qualifications, method of appointment (including secondment), conditions of service, tenure of office and the remuneration and superannuation of the persons employed in or by the body so established.
(2) A person seconded or transferred to a body established under *section 54*, shall not, while in the service of that body, receive less remuneration or be subject to less beneficial conditions of service than the remuneration to which that person was entitled and the conditions of service to which that person was subject prior to such secondment or transfer.

Administration of a body corporate established under this act. An establishment order shall contain such provisions relating to the administration generally of the body established by the order as the Minister considers appropriate including provisions relating to—
(a) the meetings of the body so established and the procedure at such meetings,
(b) the use and authentication of its seal,
(c) the regulation of its finances and the keeping and auditing of its accounts, and
(d) the furnishing to the Minister by such body from time to time of information regarding the performance of its functions, and the furnishing of such information to the Minister at any time or on request.

Annual Report. As soon as may be after the end of each year, the Corporate body shall prepare and submit to the Minister, in such form as may be determined by the Minister, a report on the performance of the Council in that year.

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