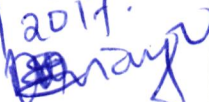


Approved for tabling  JNA

15/6/17



Paper laid  
by the Hon. Geoffrey  
Odinga, MP Member  
of the Dept. Committee on  
Education, Research and  
Technology on Thurs.  
15/6/2017.  


THE NATIONAL ASSEMBLY

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ELEVENTH PARLIAMENT – FIFTH SESSION  
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THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND  
TECHNOLOGY

REPORT ON  
THE PRESIDENT'S AWARD BILL, 2017  
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Clerks Chambers  
Directorate of Committee Services  
Parliament Buildings  
Nairobi

June, 2017

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## 1.0 PREFACE

The Committee on Education, Research and Technology is one of the Departmental Committees of the National Assembly established under Standing Order 216.

### 1.1 Mandate of the Committee

The Committee is mandated to:-

- i. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments.
- ii. Study the programme and policy objectives of ministries and departments the effectiveness of the implementation.
- iii. **Study and review all legislation referred to it, including consideration of Bills committed to the committee after first reading;**
- iv. Study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. Investigate and inquire into all matters relating to the assigned ministries and de departments they may deem necessary and as may be referred to them by the house;
- vi. Vet and report on all appointments where the constitution or any law requires the national assembly to approve, except those understanding order 204 (*committee on appointments*);
- vii. Reports and recommendations to the house as often as possible, including recommendation of proposed legislation.

### 1.2 Committee Membership

The Committee was constituted by the House on Thursday 16<sup>th</sup> May, 2013 and comprises the following members:

- |                                      |                           |
|--------------------------------------|---------------------------|
| 1. <b>Hon. Sabina Chege, M. P</b>    | - <b>Chairperson</b>      |
| 2. <b>Hon. Julius Melly, MP</b>      | - <b>Vice Chairperson</b> |
| 3. Hon. (Dr.) Wilber Ottichillo, M.P |                           |
| 4. Hon. Yusuf Chanzu, M.P            |                           |
| 5. Hon. Richard Makenga, M.P         |                           |
| 6. Hon. Kenneth Okoth, M.P           |                           |
| 7. Hon. (Dr.) Christine Ombaka, M.P  |                           |
| 8. Hon. Joseph M'eruaki, M.P         |                           |

9. Hon. Cecilia Ng'etich, M.P
10. Hon. Geoffrey MakokhaOdanga, M.P
11. Hon. (Dr.) Susan Chebet, M.P
12. Hon. Michael KisoiMunyao, M.P
13. Hon. Halima Ware Duri, M.P
14. Hon. IbrenNasra Ibrahim, M.P
15. Hon. Mary Seneta, M.P
16. Hon. Moses Injendi, M.P
17. Hon. (Prof.) Hellen Sambili, EGH, M.P
18. Hon. Mohamed Adan Huka, M.P
19. Hon. MuriukiNjagagua, M.P
20. Hon. Joseph Manje, M.P
21. Hon. Harrison Kombe, M.P
22. Hon. Anthony Kimaru, M.P
23. Hon. Eric Keter, M.P
24. Hon. Jared Odhiambo Opiyo, M.P
25. Hon. Rose Rwamba Mitaru, M.P
26. Hon. Silverse Lisamula Anami, M.P
27. Hon. Andrew Mwadime, M.P
28. Hon. Banticha Jaldessa, M.P
29. Hon. Zulekha Juma, M.P

### **1.3 Committee Secretariat**

- |                       |   |                       |
|-----------------------|---|-----------------------|
| 1. Ms.Leah Wanjiru    | - | First Clerk Assistant |
| 2. Mr.John Mugoma     | - | Third Clerk Assistant |
| 3. Ms.Doreen Karani   | - | Legal officer         |
| 4. Ms.Annceta Gacheri | - | Research Officer      |
| 5. Eric Kanyi         | - | Fiscal Analyst        |

#### **1.4 Considerations of the Presidential Award Bill, 2017**

The Presidential Award Bill, 2017 was published on 17<sup>th</sup> February, 2017. The Bill sponsored by Hon. Aden Duale, Leader of Majority and was read a first time in the National Assembly on 2<sup>nd</sup> March 2017, and committed to the Departmental Committee on Education for consideration pursuant to Standing Order 127.

In processing the Bill, the Committee invited comments from the public pursuant to Article 118 of the Constitution and received submissions from various whose details are contained in the report.

#### **1.5 Acknowledgement**

The Committee is grateful to the offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings.

Additionally, I wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in the activities of the Committee and preparation of this Report.

Finally, it is my pleasant duty and privilege, on behalf of the Departmental Committee on Education, Research and Technology to table its report on the consideration of the Kenya National Examination Council (Amendment) Bill, No. 7 of 2015 pursuant to Standing Order 127 (4).

Signed.....Date.....

**HON. SABINA CHEGE, M.P.**

**(CHAIRPERSON)**

**DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY**

## **2.0 BACKGROUND**

### **2.1 The President's Award – Globally**

After the world war there was a growing concern about the development of boys, due to the gap between leaving school at age 15 and entering National Service at age 18. It's against this backdrop that His Royal Highness; Prince Phillip founded the Duke of Edinburgh's Award in 1956 in the United Kingdom. The Duke of Edinburgh International Award is available in over 140 countries of which 25 are on the African continent. <sup>1</sup>

Initially the programme was designed around four sections: Rescue & Public Service Training, the Expedition, Pursuits & Projects, and Fitness. Originally the programme targeted boys aged between 14 and 18, however, there was great demand for a similar scheme for girls, and this was launched in September 1958.

The Programme continued to evolve over subsequent decades, until 1980. At this point, the upper age limit was extended to 25, and the programme took on its current four section format of: Service, Adventurous Journey, Skills and Physical Recreation.

### **2.2 The President's Award-Kenya (PA-K)**

The President's Award-Kenya (PA-K) was launched in 1966 by the Founding Father of the nation, Mzee Jomo Kenyatta becoming its first patron and chief trustee. It's an exciting self-development programme available to all young people countrywide equipping them with positive life skills to make a difference for themselves, their communities, country and the world.<sup>2</sup>

The Award is a member of the Duke of Edinburgh's International Award Association, which oversees the Award Programme for young people in over one hundred and twenty countries.

Currently there are over 40000 young people participating in the Award in over 750 schools, universities, middle level colleges, youth groups, rehabilitation centers and open award center's across the country.<sup>3</sup>

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<sup>1</sup> The Duke of Edinburgh's International Award Foundation History of awards, 2017

<sup>2</sup> [www.presidentsaward.or.ke](http://www.presidentsaward.or.ke)

<sup>3</sup> Ibid 2

The Award programme is open to all young people between the ages of 14 and 25, irrespective of gender, creed, race or physical status. It also has trained adult volunteer helpers who inspire and support the young people in their pursuance of the programme activities.

There are three attainment levels of Award for the participants to undertake: Bronze, Silver and Gold. Each of the three levels is divided into four sections to provide a balanced programme of personal development. This includes, service, skills, adventurous journey and physical recreation.

The National Secretariat working closely with operating units, co-coordinators and volunteers runs the President's Award-Kenya.

## **2.3 Comparative Analysis**

### **2.3.1 South Africa**

In South Africa, the President's Award began in 1983 under the name Gold Shield Award. In 1993, it became known as the President's Award for Youth Empowerment, with President Nelson Mandela as the founding Patron-in-Chief.<sup>4</sup>

It is an exciting personal challenge for young people between the ages of 14 and 24. There are over 14,300 active participants in the country from schools, prisons, community, youth groups and children's homes.

The Award Programme encourages: self-belief and confidence, independence, a sense of responsibility to others, a connection to the broader society (civic responsibility), new or improved interests, skills and abilities, opportunity to try out new things, new friendships, life-long interests, life skills including negotiation, research, communication, problem-solving, presentation and planning skills.

The Award Programme has four sections. In order to gain an Award, all four sections must be tackled for the specified minimum period of time as highlighted below;

#### **i. Service**

The sections aim to understand the value of giving service to others and your community. The emphasis of this section is on the regular giving of service to others over a period of time.

#### **ii. Adventurous Journey**

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<sup>4</sup> [www.presidentsaward.co.za](http://www.presidentsaward.co.za)

This section encourages a spirit of adventure whilst undertaking a journey in a group. The emphasis on this section is on a journey on foot, bicycle, boat or horseback, requiring personal effort and no motorized assistance.

**iii. Physical Recreation**

This encourages participation in sport and other physical recreation for the improvement of health and fitness. The emphasis on this section is to take part in some form of organized physical recreation and to show individual progress.

**iv. Skills**

This Section encourages the development of personal interests, creativity or practical skills. The emphasis of this section is on effort and general improvement over a period of time, rather than the attainment of a specific standard.

**v. Residential Project**

The residential project targets Gold Award participants only and aims to broaden experience in a residential setting (i.e. away from home). The emphasis for this section is on living and working with others (who are not your everyday companions/friends) over a period of 5 consecutive days as shown in table 1 below.

**Table 1: The requirements in each of the four Sections**

| <b>Requirements</b>       | <b>Bronze Level</b>                     | <b>Silver</b>   | <b>Gold</b>  |
|---------------------------|---|---|--|
| Age                       | Over 14 and under 25 years              | Over 15 and under 25 years.   | Over 16 and under 25 years   |
| Minimum completion period | 6 months                                | 6 months for Bronze Award Holders and 12 months for non-Bronze Award Holders. | 12 months for Silver Awards Holders and 18 months for Non-Silver Award Holders |
| Service                   | At least 24 hours spread over 3 months. | At least 48 hours spread over 6 months.                                       | At least 72 hours spread over 12 month   |
| Physical                  | Select an activity and show regular     | Select an activity and show regular effort and improvement                    | Select an activity and show regular effort and                                 |



|                     |  |  |   |
|---------------------|--|--|---|
| recreation          | effort and improvement spread over 3 months. Examples: badminton, dance, swimming  | spread over 6 months. Examples: horse-riding, netball, rock-climbing   | improvement spread over 12 months. Examples: karate, waterskiing, soccer  |
| Skills              | Select an activity and show regular effort and improvement spread over 3 months. Examples: debating, photography, chess  | Select an activity and show regular effort and improvement spread over 6 months. Examples: toastmasters, sewing, art   | Select an activity and show regular effort and improvement spread over 12 months. Examples: drama, musical instrument   |
| Adventurous journey | Undertake a journey with an agreed purpose over 2 consecutive days and 1 night in a group of no fewer than 4 peer equals and supervised and assessed by an experienced adult(s). 6 hours planned activity per day. Accommodation in tents, or trail huts or similar. Walk - 24km, or Cycle - 80km, or Horseback - 48km, Canoeing - 4 hours per day, or | Undertake a journey with an agreed purpose over 3 consecutive days and 2 night in a group of no fewer than 4 peer equals and supervised and assessed by an experienced adult(s). 7 hours planned activity per day. Accommodation in tents, or trail huts or similar. Walk - 48km, or Cycle - 145km, or Horseback - 96km, Canoeing - 5 hours per day, or Sailing - 7 hours per day. | Undertake a journey with an agreed purpose over 4 consecutive days and 3 night in a group of no fewer than 4 peer equals and supervised and assessed by an experienced adult(s). 8 hours planned activity per day. Accommodation in tents, or trail huts or similar. Walk - 80km, or Cycle - 225km, or Horseback - 160km, Canoeing - 6 hours per day, or Sailing - 8 hours per day. |

|                     |                           |  |   |
|---------------------|---------------------------|--|---|
|                     | Sailing - 6 hours per day |  |   |
| Residential Project |                           |  | Undertake a shared purposeful activity with people who are not your usual colleagues or friends, in an unfamiliar residential setting for at least 4 nights and 5 consecutive days. |

Source: [www.presidentsaward.co.za](http://www.presidentsaward.co.za)

### 2.3.2 Ireland

The President's Award is a self-development programme that encourages the youth to find their passion, get active and make a difference in the community. The President's Award named Gaisce is a direct challenge from the President of Ireland to young people aged 15-25 to dream big and realise their potential.<sup>5</sup>

#### a. Award Levels

There are three levels to the Award programme, starting with Bronze and progressing to Silver or Gold, with the time and investment required increasing as the participant moves from Bronze towards the Gold Award. While you are able to begin straight away with the Gold Award (depending on your age), most participants begin with the Bronze Award and work up to the higher levels as shown below on table 2

**Table 2: Award Levels**

| Level  | Minimum Starting Age | Regular Length of Award | Length if Previous Level Achieved | An application fee |
|--------|----------------------|-------------------------|-----------------------------------|--------------------|
| Bronze | 15                   | 26 weeks                | –                                 | €15                |
| Silver | 16                   | 52 weeks                | 26 weeks                          | €20                |

<sup>5</sup> <http://gaisce.ie/awards/>

|      |    |          |          |     |
|------|----|----------|----------|-----|
| Gold | 17 | 78 weeks | 52 weeks | €25 |
|------|----|----------|----------|-----|

Source: <http://gaisce.ie/awards>

**b. President’s Award Leader**

A PAL is a President’s Award Leader, and can be any adult (other than a family member) who is involved in supporting the personal development of young people.

**c. Governance of Presidential Award (Gaisce)**

The President’s Award is a governed by a board of directors – the Gaisce Council – appointed by the Minister of Children and Youth Affairs and by the terms of the organisation’s Memorandum and Articles of Association.<sup>6</sup>

Gaisce is a company limited by guarantee (CRO: 251020) and with a charity number (CHY: 8482). The Council comprises of 13 members appointed for a three year term. The nomination of Council includes the appointment of a Chairman. The Council agrees the strategic direction of the organization and the CEO and staff team deliver it.<sup>7</sup>

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<sup>6</sup> Ibid 5

<sup>7</sup> <http://gaisce.ie/awards/>

### 3.0 PRESIDENT'S AWARD BILL, 2017

The principal object of this Bill is to anchor the existence and practice of the President's Award-Kenya in statute law.

#### 3.1 Clause by Clause Highlight

| Part     | CLAUSE        | HIGHLIGHT  |
|----------|---------------|--|
| Part I   | Clauses 1-3   | Contains preliminary provisions including the short title, interpretation and scope of the Act.  |
| Part II  | Clauses 4-16  | Provides for the establishment of the Board of Trustees of the President's Award. The composition of the Board includes the Chairperson, Cabinet Secretaries responsible for matters relating to education and youth affairs and five other members appointed by the President |
| Part III | Clauses 17-20 | Contains the provisions relating to conferring of awards. The Part defines the attainment levels of the Award and the structure of the Award programme.  |
| Part IV  | Clauses 21-28 | Provides for financial provisions.   |
| Part V   | Clauses 29-31 | contains miscellaneous provisions  |
| Part VI  | Clause 32     | Provides for Savings and Transitional provisions.  |

#### 3.2 Stakeholders Submissions

The Committee considered submissions received from the various Stakeholders who included Plan International and Kenya Law reform Commission as shown on table 1 below pursuant to Article 118 of the Constitution and article 127 of the National Assembly Standing Orders.

**Table 1: Proposed amendments by the Stakeholders**

| Claus<br>e | Summary of proposed<br>amendment | Summary of comments by<br>stakeholders                       | Committee's remarks   |
|------------|----------------------------------|--|-----------------------|
| 5.         | Composition of the<br>board      | i. There are no educational<br>qualifications for persons in | Amendment recommended |

|     |  |   |  |
|-----|--|---|--|
|     |  | <p>(1)(d).</p> <p>ii. The qualification for the chairperson is ambiguous.</p> <p>ii. Specify that CEO be an ex-officio member.</p> <p>v. Include an additional provision on consideration of gender balance and inclusion of special interest groups in appointment of board members.</p> <p>v. Provide for youth representation in the board</p> |  |
| 9   | The Chief Executive Officer-recruited by the board     | Concerned that the working experience required for the CEO is ambiguous.  | Amendment recommended  |
| 10  | Removal of CEO from office                             | The grounds for removal from office to include bankruptcy and violation of the Constitution   | Amendment recommended  |
| 11. | Staff of the Board.                                    | <p>i. Insert the word “commission” after the words “public service”</p> <p>ii. Include PWDs in subclause(3)</p>   | <p>Amendment not recommended</p> <p>Amendment recommended</p>  |
| 17  | Establishment of the levels of the presidential awards | The award system should provide clear guidelines on its implementation.   | <p>Amendment recommended</p> <p>The Committee further recommended that the Board should formulate guidelines for the implementation of the</p> |

|    |  |  |  |
|----|--|--|--|
|    |  |  | Presidential Award Programme. For instance the enrollment process, eligible activities requirements to be fulfilled to be eligible for award, management of the participants and the evaluation process. |
| 18 | Qualification for an award –for each award, one must complete the four sections of the award programme in each level. For gold, the participants must get involved in environmental conservation, civic responsibility, and construction work and disaster management. | Provide for what the voluntary services here entail.   | Amendment recommended  |
| 33 | Schedule   | To move the matters on vacation from office to the body of the act as they are substantive matters and not procedural. |  |



#### **4.0 COMMITTEE RECOMMENDATIONS**

Based on the submissions and presentations adduced, the Committee agreed to the Presidential Award Bill subject to the following amendments.

##### **CLAUSE 2**

**THAT** clause 2 of the Bill be amended—

(a) by inserting the following new definition in proper alphabetical sequence—

“Participant” means a person who has attained the age of fourteen years but has not attained the age of twenty-five years and who is taking part in the Award programme.”

(b) in the definition of the word “participating institution” by inserting the words “or any other institution” immediately after the words “educational institution”.

##### **CLAUSE 5**

**THAT** clause 5 of the Bill be amended—

(a) in subclause (1) by —

(i) inserting the words “or a representative designated in writing by the Cabinet Secretary” immediately after the word “education” in paragraph (b);

(ii) inserting the words “or a representative designated in writing by the Cabinet Secretary” immediately after the word “youth” in paragraph (c) ;

(iii) inserting the following new paragraph immediately after paragraph (c) —

“(ca) the Principal Secretary to the National Treasury or a representative designated in writing by the Principal Secretary;”

(iv) by deleting paragraph (d) and substituting therefor the following new paragraph (d)—

“(d) five persons appointed by the Cabinet Secretary.

(b) by inserting the following new sub clauses immediately after subclause 1—

“(1A). A person shall qualify for appointment as the chairperson or a member of the Board under subsection 1(d), if that person —

(a) holds a degree from a University recognized in Kenya;

(b) in the case of a member appointed under subsection (1(d), has at least five years experience in matters relating to resource mobilization, governance and public administration, community and social development, planning and devolution, advocacy and communication skills or research; and

(c) has a proven record of personal integrity, competency and accountability.

**(1B).** In appointing persons as members of the Board, the appointing authority shall ensure that—

- (a) not more than two thirds of the members are of one gender;
- (b) at least one member represents persons with disabilities;
- (c) at least one member represents the youth; and
- (d) the appointments reflect ethnic and regional diversity of the people of Kenya.

(c) in subclause (2) by deleting the word “of” appearing immediately after the word “under”;

(d) by inserting the following new sub clauses immediately after sub clause 2—

**(2A).** The office of the Chairperson or a member of the Board shall become vacant if the Chairperson or member—

- (a) dies;
- (b) resigns from office by way of a notice in writing addressed to the President in the case of the Chairperson or to the Cabinet Secretary in the case of a member of the Board;
- (c) is absent, without the permission of the Chairperson, from three consecutive meetings of the Board;
- (d) is convicted of a criminal offence and is sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (e) is incapacitated, unable or unfit to discharge his functions as a member of the Board; or
- (f) is adjudged bankrupt.

**(2B).** The Chairperson or a member of the Board may be removed from office on the ground of gross misconduct or behavior that is incompatible with the functions of the Board or that brings disrepute to the President’s Award- Kenya.

**(2C).** Where there is a vacancy in the Board, the appointing authority shall, subject to the provisions of this Act and within three months of such vacancy, appoint another person to fill the vacancy for the remaining period of the term of office of the person in whose place he or she was appointed.

**(2D).** Trustees and committee members shall serve as volunteers to the President’s Award-Kenya and shall not be entitled to remuneration of any kind but shall be entitled to be reimbursed for expenses incurred in the conduct of the business of the President’s Award-Kenya.

## **CLAUSE 7**

**THAT** clause 7 of the Bill be amended by deleting paragraph (j).

## **CLAUSE 8**

**THAT** clause 8 of the Bill be amended by deleting the expression (18) appearing in paragraph (e) and substituting therefor the expression (26).

## **CLAUSE 10**



