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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

REPORT OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION ON ITS
CONSIDERATION OF THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL
(NATIONAL ASSEMBLY BILL NO. 17 OF 2023)

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
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LIST OF ABBREVIATIONS AND ACRONYMS

ASWEK	-	Association of Social Work Educators in Kenya
KNASW	-	Kenya National Association of Social Workers
ODM	-	Orange Democratic Movement
SWAAB	-	Social Work Accreditation and Advisory Board
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement

LIST OF ANNEXURES

- 1 Report Adoption Schedule
2. Committee Minutes
3. Copy of the newspaper advertisement on public participation
- 4 Letters inviting stakeholders to meetings with the Committee
- 5 Stakeholders' submissions

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Social Protection on its consideration of the Institute of Social Work Professionals Bill (*National Assembly Bill No. 17 of 2023*). The Bill underwent First Reading on 27th September 2023 and was thereafter committed to the Departmental Committee on Social Protection for consideration and reporting to the House pursuant to the provision of Standing Order 127(1).

The Bill has forty-two (42) clauses and an attendant Schedule, which seek to provide for the examination, registration and regulation of the standards and practice of social work professions. Towards this objective, the Bill seeks to provide for the establishment of the Institute of Social Work and the Social Work Professionals Board, the Institute's Council as well as the Institute's Board. The Bill therefore contains provisions for requisite qualifications, issuance of practicing certificates, offences and penalties, delegation of powers, as well as disciplinary and financial provisions. The Bill seeks to ensure that the social sector in the country is well regulated by providing a proper framework for monitoring social work professionals through registration and standardized regulation.

Following placement of advertisements in the print media on 2nd October 2023 seeking public and stakeholder views on the Bill pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Departmental Committee on Social Protection received memoranda from the National Executive through the State Department for Social Protection and Senior Citizen Affairs under the Ministry of Labour and Social Protection, as well as from the Association of Social Work Educators in Kenya (ASWEK).

The Committee also invited stakeholders vide letter REF: NA/DC-SP/BILL/2023/058 dated 23rd November 2023 for a stakeholders' engagement meeting on the Bill which was held in several meetings venues within the precincts of Parliament on 22nd November 2023, 30th November 2023, 9th April 2024 and 23rd April 2024. The Mover of the Bill (Hon. Joshua Kivinda Kimilu, MP) and Association of Social Work Educators made oral presentations before the Committee, while the State Department for Social Protection and Senior Citizen Affairs provided written submissions on the Bill.

Generally, the stakeholders were of the view that there are currently no laws in place to effectively deal with social work, and the existing measures are ineffective to carry out the role. They observed that some amendments need to be effected on the Bill so as to align it to the Constitution of Kenya and various statutes, in addition to making the proposed law effective.

They averred that there is need to establish a Council to register, regulate and license social work professionals in the country.

In considering the Bill, Members observed that the legislation was timely and much needed as the sector had experienced a myriad of challenges including the increase of unqualified persons masquerading as professional social workers.

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. The Committee further wishes to thank the Mover of the Bill, Hon. Joshua Kivinda Kimilu, MP and all stakeholders who made their respective submissions on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made valuable input during consideration of the Bill and production of this report.

On behalf of the Departmental Committee on Social Protection and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of The Institute of Social Work Professionals Bill (*National Assembly Bill No. 17 of 2023*).

I thus wish to table this Report on The Institute of Social Work Professionals Bill (*National Assembly Bill No. 17 of 2023*) in this Honourable House, with the recommendation that the Bill be **approved with amendments** as reported by the Committee, which are contained in this Report.



The Hon. Alice Wambui Ng'ang'a, CBS, M.P.
Chairperson, Departmental Committee on Social Protection

PART ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Social Protection is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:

- i. *To 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. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
- iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- iv. ***To study and review all the legislation referred to it;***
- v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
- viii. *To examine treaties, agreements and conventions;*
- ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider, social welfare and security, pension matters, gender affairs, equality and affirmative action, affairs of children, youth, persons with disability and senior citizens.

3. In executing its mandate, the Committee oversees the following State departments and Commission;

- i. The State Department for Social Protection and Senior Citizen Affairs
- ii. The State Department for Gender and Affirmative Action
- iii. The State Department for Youth Affairs and Creative Economy
- iv. The State Department for Public Service (NYS)

v. The National Gender and Equality Commission (NGEC)

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Social Protection was constituted by the House on 27th October 2022 and comprises of the following Honourable Members:

Chairperson

Hon. Alice Wambui Ng'ang'a, CBS, MP
Thika Town Constituency

UDA Party

Vice-Chairperson

Hon. Hillary Kiplang'at Koskei, MP
Kipkelion West Constituency

UDA Party

Hon. (Dr.) James Wambura Nyikal, MP
Seme Constituency

ODM Party

Hon. Timothy Wanyonyi Wetangula, MP
Westlands Constituency

ODM Party

Hon. (Dr.) Lilian Achieng Gogo, MP
Rangwe Constituency

ODM Party

Hon. Mark Ogolla Nyamita, MP
Uriri Constituency

ODM Party

Hon. Edith Vethi Nyenze, MP
Kitui West Constituency

WDM-K PARTY

Hon. Betty Njeri Maina, MP
Murang'a County

UDA PARTY

Hon. Michael Wambugu Wainaina, MP
Othaya Constituency

UDA Party

Hon. Sulekha Hulbale Harun, MP
Nominated Member

UDM Party

Hon. Amina Abdullahi Dika, MP
Tana River County

KANU PARTY

Hon. Hussein Abdi Barre, MP
Tarbaj Constituency

UDA Party

Hon. Susan Nduyo Ngugi, MP
Tharaka Nithi County

TSP PARTY

Hon. Agnes Mantaine Pareiyo, MP
Narok North Constituency

JUBILEE PARTY

Hon. Linet Chepkorir, MP
Bomet County

UDA PARTY

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following staff:

Mr. Finlay Muriuki
Lead Clerk/ Head of Secretariat

Mr. Ahmednoor Hassan
Clerk Assistant III

Ms. Jemimah Waigwa
Senior Legal Counsel

Mr. Adan Ahmed Abdi
Fiscal Analyst II

Ms. Grace Maneno
Research Officer III

Mr. Benjamin Ochutsi
Hansard Officer III

Ms. Naomi Onsomu
Public Communications Officer

Mr. Derrick Kathurima
Media Relations Officer

Mr. Cosmas Akhonya
Audio Recording Officer

Ms. Eva Kaare
Serjeant-at-Arms

PART TWO

2 BACKGROUND OF SOCIAL WORK REGULATIONS IN KENYA

2.1 INTRODUCTION

6. Social workers are trained professionals who provides professional social service to individuals in need. They operate within a framework of well-defined ethical codes and seek to rebuild and restore the functioning of individuals in the society.
7. Social Work education and training in Kenya has been growing with several public and private universities today, with undergraduate and post graduate social work training programmes being offered. Graduates from these training programmes constitute the social service workforce in Kenya. However, the social work services have for a long time been provided for in a disjointed *ad hoc* manner despite the existing sound social work training programmes.
8. There exists fragmented regulation governing social work in Kenya despite being a sector that deals with the rights of the vulnerable in the society such as children and persons with disabilities.

2.2 SITUATIONAL ANALYSIS

9. Currently, the roles and responsibilities of social workers include:
 - i) working with communities to identify their needs, strengths, and resources, and then develop and implement programs to address those needs using the available resources;
 - ii) ensuring the well-being and safety of children, especially those in vulnerable situations;
 - iii) working in hospitals, clinics, or community health centers as well as provide support to individuals and families dealing with health challenges;
 - iv) working in schools, addressing issues such as truancy, school dropouts, and behavioural problems. They collaborate with teachers, parents, and other professionals to create a supportive learning environment;
 - v) providing counselling and support for individuals dealing with mental health issues;
 - vi) working or collaborating with Government and Non-Governmental Organizations (NGOs); Social workers in Kenya may work with organizations that implement various programs and projects to address social issues and promote community well-being.
10. Some specific roles and designations of social workers include; program officers, researchers for social issues, social welfare officers, social planners, extension workers, community mobilizers, gender mainstreaming advocates, rehabilitation specialists, probation and alternative correctional officers, child welfare officers, etc.

2.3 COMPARATIVE ANALYSIS

11. **In Canada**, the Canadian Association of Social Workers (CASW) is guided by the Code of Ethics that provides a consistent set of values, principles and standards of conduct for all social workers across Canada. Social workers can use the Code of Ethics are instrumental in guiding the social workers to

make informed and appropriate decisions in the complex situations they encounter in their line of work.

12. The Code of Ethics upholds the following six key value;
 - i) Respect for the inherent dignity and worth of persons
 - ii) Pursuit of social justice
 - iii) Service to humanity
 - iv) Integrity in professional practice
 - v) Confidentiality in professional practice
 - vi) Competence in professional practice
13. Canada does not have a common Act that applies uniformly across the country but there are social work regulatory bodies under respective jurisdiction of provinces and territories that oversee social work practice and ensures that social workers meet specific standards of education, competence, and ethical conduct. These regulatory bodies are responsible for licensing, setting standards, handling complaints, and ensuring that social workers provide competent and ethical services.
14. The Social Workers Act of British Columbia provides for the registration, licensing and issuance of certificates, complaints handling, professional standards and ethics, and other administrative functions of the social workers in the British Columbia Province in Canada.
15. In **South Africa**, the South Africa's Social Service Professions Act 110 of 1978 provides for the establishment of a Council for Social and Associated Workers and to define its powers and functions; for the registration of social and associated workers; for control over the profession of social work and associated professions; and for incidental matters.
16. The Act has several provisions that are similar to the Institute of Social Work Professionals Bill. These include provisions for the establishment of a Council; its objects, powers and functions, qualifications of members of the Council, disciplinary powers of the Council, and so on.
17. The Social Service Professions Act also provides for the Registration of Social and Associated Workers. It states that unregistered persons shall not practice the profession of social work or an associated profession.
18. In **India**, the National Council of Social Service Act 1992 provides for the establishment of a body called the National Council of Social Service, which is a body corporate with perpetual succession and a common seal and with powers to sue and be sued in its corporate name and to perform any other acts that a body corporate may by law perform.
19. The Act provides for the constitution of the Council, the board of the council, functions and powers of the Council, etc. It further provides for appointment of Committees and delegation of powers. Membership fees and financial provisions.
20. In **Singapore**, the Social Work Accreditation and Advisory Board (SWAAB) is responsible for registration of social workers in Singapore. The Singapore Association of Social Workers (SASW) has the responsibility of promoting the quality and effectiveness of social work in Singapore. The Code of Professional Ethics (Code) applies to social workers who practice in Singapore and they are

expected to abide by the Code. The Code reflects the values, defines the principles, and sets the standards for all social work practice in Singapore.

PART THREE

3 OVERVIEW OF THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2023)

3.1 INTRODUCTION

21. The Bill provides for the establishment of the Institute of Social Work and the Social Work Professionals Board; to provide for the examination, registration and regulation of the standards and practice of social work professionals and for connected purposes. The Institute of Social Work Professionals as a body corporate shall consist of persons registered as members of the Institute and associate members.
22. The term 'social work' is defined as the assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal issues through the use of social work knowledge, skills, interventions and strategies in connection with health, education, or social services to facilitate the achievement of optimum psychosocial functioning.
23. The functions of the Institute shall include; to regulate the practice, competence and professional conduct of social work professionals; register persons who meet the required professional requirements and advise the Registration Committee and Examination Board.
24. The Bill provides for the establishment of a Council which shall consist of a chairperson who shall be a social work professional with at least eight years' experience in social work education or practice, elected by the members of the Institute; Principal Secretaries for Health, Correctional Services and Social Welfare and five other members elected by the members of the Institute. The members shall serve for a term of three years and shall be re-eligible for re-election for one further term. An executive director shall be appointed, who will be the secretary of the Council.
25. An examination board responsible for among other things, preparing and conducting examinations for persons seeking registration under the Act shall be established. A registration Committee shall also be put in place and its functions will include to: receive applications for registration and grant practicing certificates; monitor compliance with professional quality assurance and other standards published by the Council and advise the Council on matters pertaining to professional and other standards.
26. The qualifications and procedure for application, registration and issuance of certificate as a social work professional and grounds for disqualification for registration have been provided for in the Bill. It is further stated that no person shall practice as a registered social work professional unless the person has been issued with a valid practicing certificate.
27. Professional misconduct has been provided for and a disciplinary committee consisting of five members appointed by the Council from among members of the Council shall be established.
28. The Bill provides for the source of funds and consequently obligates the Council to prepare estimates of revenue and expenditure of the Council, at least three months before the commencement of each financial year.
29. A person who is not eligible to be registered under the Act and uses any title appropriate to a person so registered, or holds himself out directly or indirectly as being so registered, commits an

- offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.
30. The Bill provides for transition and stipulates that within twelve months of the commencement of this Act, the Interim Council shall facilitate the registration of members of the Institute and convene the first annual general meeting for the election of Council members.

3.2 REVIEW OF THE BILL

The Institute of Social Work Professionals Bill, 2023 (National Assembly Bill No. 17 of 2023) is a Bill sponsored by the Hon. Hon. Joshua Kimilu. The Bill seeks to provide for the establishment of the Institute of Social Work and the Social Work Professionals Board; to provide for the examination, registration and regulation of the standards and practice of social work professionals; and for connected purposes. The Bill is divided into nine (9) parts composed of 42 clauses and one Schedule, which contain the following provisions.

31. **Part 1 of the Bill** contains the preliminary provisions. Clause 1 is the short title. Clause 2 of the Bill provides for the definition of various terms as used in the Bill including the definition of the term 'social work' which means the assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal issues through the use of social work knowledge, skills, interventions and strategies in connection with health, education, or social services to facilitate the achievement of optimum psychosocial functioning.
32. **Part II of the Bill** provides for the establishment of the Institute of Social Work Professionals as a body corporate that shall consist of fellows, persons registered as members of the Institute and associate members as provided for in clauses 3 and 4.
33. Clause 5 of the Bill provides for the functions of the Institute which includes to regulate the practice, competence and professional conduct of social work professionals; register persons who meet the required professional requirements and advise the Registration Committee and Examination Board.
34. Clause 6 of the Bill provides for the establishment of the Council of the Institute which shall consist of a chairperson who shall be a social work professional with at least eight years' experience in social work education or practice, elected by the members of the Institute; Principal Secretaries for Health, Correctional Services and Social Welfare and five other members elected by the members of the Institute. The members shall serve for a term of three years and shall be re-eligible for re-election for one further term.
35. Clause 7 of the Bill provides for the appointment of the Executive Director of the Institute who shall be the secretary of the Council.
36. The Part also provides for the establishment of the Examination Board which shall consist of four persons who shall be registered social work professionals nominated by the Council; two persons nominated by the Cabinet Secretary of the Ministry for the time being responsible for education; two persons nominated by the Commission for University Education and one person nominated by the Attorney General.

37. Clause 16 of the Bill provides that the Board shall be responsible for among other things preparing and conducting examinations for persons seeking registration under the Act.
38. **Part III of the Bill** provides for the establishment of a committee to be known as the Registration Committee comprising of a chairperson appointed by the Council from amongst its members; one person nominated by the Federation of Kenya Employers; one person nominated by the Examination Board; one person nominated by the Kenya National Examination Council; the Attorney-General or his representative designated in writing.
39. Clause 17 of the Bill provides for the functions of the Committee which include to: receive applications for registration and grant practicing certificates; monitor compliance with professional quality assurance and other standards published by the Council and advise the Council on matters pertaining to professional and other standards.
40. Clauses 18 and 19 of the Bill provide for the qualifications for registration as a social work professional and grounds for disqualification for registration. A person shall be eligible to be registered as a social work professional if such person is of good conduct; has paid the prescribed fees; has successfully undergone a prescribed certificate, diploma, degree or research course of instruction and has passed the appropriate examination conducted or prescribed by the Institute in social work theory and practice among others; has undergone a certificate, diploma, degree or research course of training and passed an examination elsewhere than in Kenya, which the Institute recognizes as equivalent to the training and instruction required in the case of persons trained in Kenya and as equivalent to the qualifications required under the Act; and holds such other qualifications as the Council may prescribe.
41. A person is disqualified for registration if the person is convicted by a court of competent jurisdiction in Kenya or elsewhere of any offence involving fraud or dishonesty; is a undischarged bankrupt; is certified as being of unsound mind by a medical practitioner; or is found by the Council to be guilty of professional misconduct in accordance with this Act; and fails to meet the requirements of Chapter Six of the Constitution.
42. Clauses 21 and 22 of the Bill provide for the procedure for application for registration and the issuance of certificate of registration by the Committee. Clause 27 of the Bill provides that a person registered shall use the title "Registered Social Work Professional".
43. **Part IV of the Bill** provides for the application of practicing certificates to the Registration Committee. Clause 28 of the Bill provides that no person shall practice as a registered social work professional unless the person has been issued with a valid practicing certificate.
44. **Part V of the Bill** provides for discipline of Members. Clause 28 provides for professional misconduct and stipulates that a person registered under the Act commits an act of professional misconduct if the person on among other grounds deliberately fails to follow lawful social work procedures stipulated by his or her employer or client. Clause 30 of the Bill provides for establishment of the disciplinary committee which shall consist of five members appointed by the Council from among members of the Council.
45. Clause 31 of the Bill provides for reference of professional misconduct cases to the Committee by the Council. Where satisfied that a member has committed an act of professional misconduct, the Committee may recommend that the member be formally admonished; that the member be suspended for a period not exceeding twelve months; the withdrawal or cancellation of the practicing certificate of the member for such period not exceeding five years; the imposition of a

- fine; or the removal of the Members name from the Register. An aggrieved person may appeal to the Council or the High Court.
46. **Part VI of the Bill** provides for the financial provisions.
 47. **Part VII of the Bill** provides for the offences and penalties. Clause 38 of the Bill provides that a person who, not being eligible to be registered under the Act, uses any title appropriate to a person so registered, or holds himself out directly or indirectly as being so registered, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.
 48. **Part VIII of the Bill** provides for the provisions on delegated powers by providing that the Council may make regulations generally for the better carrying out of the provisions of the Act.
 49. **Part IX of the Bill** provides for transitional provisions. Clause 42 of the Bill provides that the National Executive Council of the Kenya National Association of Social Workers existing before the enactment of the Act shall assume the responsibilities imposed on the Council and Registration Committee by the Act as an Interim Council and Interim Registration Committee until the first elections held under the Act.
 50. The chairperson elected at the last annual general meeting of the Kenya National Association of Social Workers shall continue to act as chairperson of the Institute until the first elections held under the Act.
 51. Within twelve months of the commencement of this Act, the Interim Council shall facilitate the registration of members of the Institute and convene the first annual general meeting for the election of Council members.
 52. Any examinations currently being conducted by any statutory body for the purpose of qualifying as a social work professional shall be transferred to the Examinations Board within twelve months of the commencement of the Act.
 53. **The Schedule to the Bill** provides for the provisions on the conduct of the business and affairs of the Council.

PART FOUR

4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

54. Following the call for memoranda from the public through placement of adverts in the print media on 2nd October 2023 and vide a letter Ref: NA/DC-SP/BILL/2023/058 dated 23rd November 2023 inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders:
- i. The State Department for Social Protection and Senior Citizen Affairs under the Ministry of Labour and Social Protection.
 - ii. Association of Social Work Educators in Kenya (ASWEK)
55. In addition, the Committee sought representation from the Kenya National Association of Social Workers (KNASW), but no submission was received from the Association.
56. The Committee held a meeting with the Association of Social Work Educators in Kenya on 9th April 2024 and 23rd April 2024. The analysis of the submissions made by the Principal Secretary, State Department for Social Protection and Senior Citizens and the Association of Social Work Educators are contained hereunder. The Committee further held a meeting on 30th November 2023 with the sponsor of the Bill, Hon. Joshua Kimilu, M.P, and also met a representative of the Association of Social Work Educators in Kenya.

The stakeholders submitted as follows:

4.1 State Department for Social Protection and Senior Citizen Affairs, and the Association of Social Work Educators in Kenya (ASWEK)

57. In their written and oral submissions in response to the advertisement and the Committee's invitation, the State Department for Social Protection and Senior Citizen Affairs as well as the Association for Social Work Educators in Kenya proposed the following amendments to the Bill:

Clause 1-Short Title

Submission by the State Department for Social Protection and Senior Citizen Affairs

The short title be amended to read "The Act may be cited as the Social Workers Professionals Act, 2023".

Submission by the Association of Social Work Educators

The short title be amended to read "The Act may be cited as the Social Work Professionals Act, 2023".

Committee's Observation

The Bill seeks to regulate social work professionals and hence the title should be amended to align with the contents of the Bill. The

58. Long Title of the Bill:

Submission by the Association of Social Work Educators

Delete the long title of the Bill to read as follows:

“An Act of Parliament to make provision for the training, registration and licensing of social work professionals; to regulate their practice; to provide for establishment of Social Work Professionals’ Council and for connected purposes.”

Committee's Observation

The long title of the Bill is sufficient and correctly captures the objects of the Bill. The Bill makes reference to the Institute of Social Work Professions which is established under clause 3 and hence the long title should not be amended.

59. Clause 2 of the Bill

Submission by the State Department for Social Protection

Add the definition of the term “social worker” which means a person registered pursuant to the Act to practice social work in Kenya”.

Further, amend the definition of the term Cabinet Secretary to mean the Cabinet Secretary responsible for matters relating to social services and social protection.

Submission by the Association of Social Work Educators

Amend clause 2 to insert a new definition of the term a Social Work Professional to mean “a person who is registered under section 21 of the Act”.

Further, amend clause 2 to rename the term practicing certificate to “Practicing License”. Additionally, amend clause 2 to rename Registration Committee to Registration and Licensing Committee.

Committee's Observation

There is need to provide for a definition of the term “social work professional” as used in the Bill to create clarity. Reference to the term practicing certificate already aligns the Bill with best practices on regulation of professionals. There is need to amend the definition of the term Cabinet Secretary to refer to the correct description.

60. Clause 5 of the Bill

Submission by the State Department for Social Protection

Amend clause 5 of the Bill to provide that the Council shall regulate the practice of social work; advance and promote the practice of social work; encourage members to participate in affairs of promoting the practice of social work in the best interest of the public; advise the examinations board on matters relating to examination standards and policies among other functions as contained in the written submission marked as Annex 5A. The amendment is intended to ensure that the functions are placed with the appropriate body which is the Council.

Further, amend clause 5 to insert new sub-clauses to provide for the power of the Council to appoint such committees or panels as may be necessary to perform its functions under the Act and also provide that the Council may delegate the powers and duties of the Council to a committee, panel or a member of the Council.

Committee's Observations

Clause 5 of the Bill is elaborate and exhaustive on the functions of the Institute. Further, clause 6 of the Bill provides that the management of the Institute shall vest on the Council and hence it shall be responsible for performance of the functions of the Institute. There is need for the Council to provide for the power of the Council to appoint such Committees as may be necessary for performance of its functions. The proposed new sub-clause (3) on delegation of powers of the Council may not be necessary in light of clause 10 of the Bill which already provides for the powers of the Council to delegate its powers.

61. Clause 6 of the Bill

Submission by the State Department for Social Protection

Amend clause 6 to provide that the management of the Institute shall vest in the Council comprising of:

- (a) Chairperson elected in the manner provided for in paragraph 1 of the Second Schedule;
 - (b) the Principal Secretary of the Ministry responsible for social services and social protection;
 - (c) one person nominated to represent the Commission for University Education;
 - (d) Six other members elected in the manner provided for in the Third Schedule whom shall be social workers; and
 - (e) the Executive Director, as ex-officio.
- (2) The Chairperson or a member elected under subsection (a), (c) and (d) shall hold office for a period of 3 years and may be eligible for re-election for a further and final term of 3 years.
- (3) A member seeking election as chairperson or member shall be person who:
- (a) is a Kenyan;
 - (b) holds a bachelor's degree in social work from a recognized university in Kenya;
 - (c) has at least 10 years of experience in social work practice;
 - (d) is a registered member of the Institute; and
 - (e) has not been disqualified under the provisions of the Third Schedule.

Justifications:

The amendments conform with the provisions under the second and the third schedule with regard to the election of the chairperson and members of the Council. Additionally, the

amendments delete the representation of Principal Secretaries for correctional services and health respectively and provide for the Principal Secretary for social services to allow other relevant persons to be co-opted during meetings. The amendments also provide for representation from CUE which is a key stakeholder in development and accreditation of social work programs at the universities. Additionally, the amendments provide clarity on qualifications for election as chairperson and members of the Council and their term of office.

Submission by the Association of Social Work Educators

Amend the marginal note in Clause 6(1) to delete the words “Council of the institute” and substitute with the words “Composition of the Council”.

In subclause (1): By deleting paragraph (a) and substituting therefor the following new paragraph:

- (a) a chairperson appointed by the Cabinet Secretary from amongst persons nominated under paragraph (e);

By deleting the words “matters relating to social welfare, the elderly and vulnerable persons” appearing in paragraph (d) and substitute therefor the words “social services and protection. The amendment is necessary to align clause 6(1)(d) with the responsible Ministry as provided for in the Bill which is the Ministry responsible for social services and social protection.

By deleting paragraph (e) and substituting therefor the following new paragraph:

- (e) six other members, who shall be persons with knowledge and experience in social work, nominated by social work professionals and appointed by the Cabinet Secretary;

By inserting the following new subclauses immediately after sub-clause (1):

(1A) A person qualifies for appointment as a Chairperson of the Council under subsection (1)(a), if the person —

- (a) holds a bachelor’s degree in social work from a university recognized in Kenya;
- (b) is a registered social work professional;
- (c) has had at least ten years proven experience in social work; and
- (d) meets the requirements of Chapter Six of the Constitution.

(1B) A person qualifies for appointment as a Member of the Council under subsection (1)(e), if the person —

- (a) holds a bachelor’s degree in social work from a university recognized in Kenya;
- (b) is a registered social work professional;
- (c) has had at least eight years proven experience in social work; and
- (d) meets the requirements of Chapter Six of the Constitution.

The amendments seek to create clarity on the qualifications for appointment as a chairperson and members of the Council.

Committee’s Observations

There is need to provide clarity on the qualifications for appointment as chairperson and

members of the Council. Noting the key role of the Council is to regulate the social work profession, its membership should reflect its functions as a professional body with limited government representation. The provisions for the conduct of elections of the chairperson and members of the Council, holding of annual general meetings and any other procedures should be provided for in regulations and not the Act. The representation of the Commission of University Education to the Council is critical considering its role in accreditation of social work programs.

62. Clause 7 of the Bill

Submission by the Association of Social Work Educators

Amend sub-clause (1) to delete reference to the term “Executive Director” and substitute with “Registrar”. Further, amend sub-clause (2) to insert a new paragraph to provide for the academic qualifications for appointment as a Registrar which shall be:

(aa) holds a bachelor’s degree in social work from a university recognized in Kenya.

Committee’s Observations

There is need to provide clarity on the academic qualifications for appointment as an Executive Director. The Bill does not make reference to the term Registrar in any other provision and hence change of terminology may not create harmony with other existing provisions of the Bill.

63. Clause 15 of the Bill

Submission by the State Department for Social Protection

Delete sub-clause (2) and amend sub-clause (3)(a) to read as follows:

(a) four social work professionals appointed by the Council who represent the diversity of various fields of social work practice, reflect gender, racial and ethnic composition of Kenya and one of whom is teaching at university offering social work.

Insert new paragraph (e) to read:

(e.) the Council shall appoint a chairperson of the Board from among the members under sub-section (3)(a).

Insert a new sub-clause (5) as follows:

The Board shall regulate its own meetings.

Justifications:

The Examination body is an autonomous body independent from the Institute since it has a corporate status. This is against best practice where professional exams are conducted under the supervision of the governing body being the Council. There is need to provide clarity on the diversity of persons to be appointed to the Board and further provide for the manner of the conduct of the affairs of the Board.

Submission by the Association of Social Work Educators

Amend clause 15 by deleting sub-clause (2) which provides for the nature of the Examination Board as a corporate body. The justification for the amendment is that the Examination Board is one of the organs of the Council and hence creating it as a body corporate would be

tantamount to creating a separate body with functions similar to the Council as provided for under clause 5(g) and (h).

Committee's Observations.

The Council is the governing body on matters relating to examination as provided for in clause 5(g) and (h). In this regard, the Examination Body cannot be of corporate status and autonomous from the Council. There is need to ensure that the appointment of the four persons to the Board reflect diversity in terms of social work practice and ethnic composition. Further, there is need to provide that the Board shall regulate its own meetings in terms of procedure.

64. Clause 16 of the Bill

Submission by the State Department for Social Protection

Delete clause 16 and substitute the following new clause 16:

16. The Board shall examine persons seeking to be registered as social workers.

Further, insert a new clause to provide for the remuneration of the members of the Examination Board.

Justifications

The functions of the Examination Board were moved to the Council. The amendment also provides for the remuneration of the members of the Board.

Submission by the Association of Social Work Educators

Amend clause 16 by deleting paragraph (e). Further, amend clause 16 by deleting paragraph (i). The justifications for the amendments are that the function of issuance of certificates and other awards to candidates who satisfy examination requirements is already provided for under paragraph (f). Additionally, all monies collected under the Act are payable to the Council.

Committee's Observations.

The functions of the Examination Board are specific to the Board and hence should be retained. There is need to make provision for the remuneration of the board members. Clause 16(e) on issuance of certificates should be deleted as paragraph (f) already provides for the same. Additionally, noting all monies collected under the Act are payable to the Council, paragraph (i) should be deleted.

65. Clause 17 of the Bill

Submission by the State Department for Social Protection

Delete clause 17 to abolish the Registration Committee as the functions of the Registration Committee are to be exercised by the Council. The Council can also constitute a Registration Committee and assign it functions as it deems it fit.

Committee's Observations.

The Registration Committee is an important administrative body conferred with specific

functions which relate to the receiving of applications for registration and monitoring compliance with professional quality assurance and other standards published by the Council, among other functions and hence should be retained.

66. Clause 18 of the Bill

Submission by the State Department for Social Protection

Delete clause 18 on qualifications for registration as a social work profession to provide that only a person who is a holder of Bachelor's Degree in social work from a recognized university in Kenya; has subsequent to obtaining the degree completed at least 2 years of experience under a registered social worker that in the opinion of the Council demonstrates competence in the field of social work; has passed examinations required by the Council; is of good conduct and has paid the prescribed fees, shall be qualified for registration.

Submission by the Association of Social Work Educators

Delete paragraphs (a) to (j) as the fields for qualification for registration are beyond what is contained in paragraphs (a) to (j) and hence there is need to leave it open and allow for such prescription of the courses to be done through regulations. Delete the words "research course" appearing in paragraphs (c) and (d) as research course should not be a qualification for registration.

Committee's Observations.

The social work practice includes social work professionals who are holders of certificates and diploma in social work and hence the amendment to limit the qualification for registration to a degree would lock out a majority of the practitioners and limit access to social work services by Kenyans. The prescription of the courses for qualification for registration should be provided for in regulations and research course should not be a qualification for registration.

67. Clause 19 of the Bill

Submission by the State Department for Social Protection

Amend clause 19 to insert new sub-clauses to require the Council to inform an applicant where the application for registration has not been approved by the Registration Committee and further allow such a person to appeal against such a decision to the Council.

Committee's Observations.

The amendments seek to entrench fair administrative action in decision making. However, there is need to provide for the timelines for informing an applicant and the period for filing an appeal against the decision of the Registration Committee.

68. Clause 20 of the Bill

Submission by the State Department for Social Protection

Delete paragraph (b) which provides that a person may register a social work firm if the firm has at least one partner or principal shareholder who is registered as a social professional and

who has a valid practicing certificate and substitute with the “firm has shareholders who are registered as social work professionals and have valid practicing certificates”. The amendment shall ensure that only registered and licensed social workers operate social work firms.

Submission by the Association of Social Work Educators

Insert “.....worker...” between social and professional to correct a typographical error to make reference to the term social work professional.

Committee’s Observations.

The amendment although intended to ensure that only registered and licensed social workers operate social work firm, there is need for the management of such firms to also have persons who are registered as social work professionals.

69. Clauses 21, 23 and 28 of the Bill

Submission by the State Department for Social Protection

Delete the expression “Registration Committee” and replace with Council in clauses 21, 23 and 28.

Committee’s Observations.

The Registration Committee is an important administrative body conferred with specific functions which relate to the receiving of applications for registration and monitoring compliance with professional quality assurance and other standards published by the Council, among other functions and hence should be retained.

70. Clause 24(4) of the Bill

Submission by the State Department for Social Protection

Add use of email as a means of communication on notification for removal from register.

Committee’s Observations.

There is need to embrace an efficient mode of communication for issuance of notification for removal from a register.

71. Part IV of the Bill on practicing certificate.

Submission by the State Department for Social Protection

There is need to provide for the date and validity of the practicing certificate and further provide that a practicing certificate issued to any person shall remain the property of the Institute. This will avoid confusion as to whether the certificate once obtained is for a lifetime or for a specific duration. The amendment further shall create clarity on the provisions under clause 28(6).

Submission by the Association of Social Work Educators

In sub-clause (1) include the words "... unless the person has been issued with a valid practicing license which is renewable every two (2) years." The Bill does not contain provisions for renewal of licence.

Committee's Observations.

There is need to provide for provisions for the period of validity of practicing certificates. Clause 28(6) is clear that where a practicing certificate ceases to be in force, the person to whom the certificate was issued shall deliver it to the Council within thirty days from the date on which he or she ceases to be registered. There is hence no need to provide that the practicing certificates shall be the property of the Council.

72. Clause 29(g) of the Bill.

Submission by the Association of Social Work Educators

Delete the words "... favours of a sexual kind..." appearing in clause 29(g) as the words are unnecessary.

Committee's Observation

Reference to the words "favours and other benefits" include of a sexual kind.

73. Clause 30 of the Bill

Submission by the State Department for Social Protection

Include the quorum of the Disciplinary Committee to ensure clarity under what circumstances a hearing can proceed based on number of members present.

Committee's Observation

There is need to provide for the quorum of the Committee to govern its proceedings.

74. Clause 42 of the Bill

Submission by the State Department for Social Protection

Amend the transitional to provide that the Cabinet Secretary for social services and social protection shall at the commencement of the Act appoint an interim Council in accordance with section 6.

The members shall remain in office until after the first elections. Despite section 18 any person who before the commencement of the Act was engaged in social work practice shall within two years after the commencement of the Act apply for registration under the Act.

After expiry of the 24 months after the commencement of the Act, no person shall carry on the business or hold himself or herself out as being a social worker except in compliance with the Act.

Justifications:

The objective of the Act is to promote the social work profession in Kenya and hence the need to guide the Cabinet Secretary in appointment of the interim Council and ensure that it is inclusive. The 2-year period is adequate time for transition to registration. Sub-clause (4) is deleted as accreditation of academic requirements is a function of the CUE.

Submission by the Association of Social Work Educators

Delete sub-clauses (1), (2) and (3) and substitute the following: A person operating as a social worker shall within ninety days of commencement of the Act formalize his or her registration as prescribed under this Act.

Justification: Upon constitution of the Council, the Council should assume its functions and proceed to constitute the Registration Committee hence there is no need to establish an Interim Council.

Committee's Observations

75. The amendment for appointment of an Interim Council under section 6 is pegged on there being a procedure for election of the chairperson and members of the Council. As noted earlier, these are matters that should be provided for in regulations and not the Act to allow involvement of the relevant stakeholders including the social work professionals associations in the development of the same. In regard, to the proposal that the social work professionals do nominate members to the Interim Council, this may negate the autonomy and independence of social work professionals associations to elect and determine the persons to represent them in the Council. Further, the Bill as it is now recognizes only the representation of the Kenya National Association of Social Workers.
76. In this regard, in order to ensure inclusiveness, the Interim Council should be appointed by the Cabinet Secretary upon commencement of the Act comprising of seven persons as follows:
 - (1) the Principal Secretary responsible for social services and social protection;
 - (2) two representatives nominated by the Kenya National Association of Social Workers';
 - (3) two representatives nominated by the Association of Social Work Education in Kenya; and
 - (4) two representatives nominated by the Kenya Medical Social Workers Association.
77. For ease of transition, the Interim Council shall at its first meeting elect a Chairperson to be drawn from the three associations. The members of the Interim Council shall remain in office until after the first elections and shall within three months of the commencement of the Act, facilitate the formulation of the regulations that shall guide the election of chairperson and members of the Council. Within twelve months after the commencement of the Act, the Interim Council shall convene the first annual general meeting for the election of Council. There is also need to provide for adequate time for registration under the Act.

PART FIVE

5 COMMITTEE RECOMMENDATIONS

78. Pursuant to Standing Order 127, the Committee recommends that the Bill does proceed for Second Reading subject to the following amendments—

79. TITLE OF THE BILL

THAT, the title of the Bill be amended by deleting the words “Institute of”.

80. CLAUSE 1

THAT, clause 1 of the Bill be amended by deleting the words “Institute of”.

81. CLAUSE 2

THAT, clause 2 of the Bill be amended by—

- (a) inserting the word “social” immediately after the words “social services and” appearing in the definition of the term “Cabinet Secretary; and
- (b) inserting the following new definition in its proper alphabetical sequence—
“social work professional” means “a person who is registered under this Act to practice social work in Kenya”.

82. CLAUSE 5

THAT, clause 5 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1)—

- (2) The Council may appoint such committees as may be necessary to perform its functions under this Act.

83. CLAUSE 6

THAT, clause 6 of the Bill be deleted and substituted therefor the following new clause—

Composition of the Council.	6(1) The management of the Institute shall vest in a Council comprising of— <ol style="list-style-type: none">(a) a chairperson elected by the members of the Institute in the manner prescribed by regulations;(b) the Principal Secretary of the Ministry responsible for social services and social protection;(c) the Principal Secretary of the Ministry responsible for health;(d) one person nominated to represent the Commission for University Education;
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	<p>(e) five other members elected by the members of the Institute in the manner prescribed by regulations; and</p> <p>(f) the Executive Director, as an ex-officio.</p>
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(2) The chairperson or a member of the Council elected under subsection (1)(a), (d) and (e) shall hold office for a period of three years and may be eligible for re-election for a further and final term of three years.

(3) A person qualifies for appointment as a chairperson or member of the Council under subsection (1)(a), (d) and (e) if the person —

- (a) holds a bachelor's degree in social work from a university recognized in Kenya;
- (b) is a registered social work professional;
- (c) has had at least ten years proven experience in social work; and
- (d) meets the requirements of Chapter Six of the Constitution.

84. CLAUSE 7

THAT, clause 7 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (a)—

(aa) holds a bachelor's degree in social work from a university recognized in Kenya;

85. CLAUSE 15

THAT, clause 15 of the Bill be amended —

- (a) by deleting sub-clause (2);
- (b) in sub-clause (3), by deleting the word “nominated” appearing in paragraph (a) and substituting therefor the word “appointed”;
- (c) by inserting the following new sub-clauses immediately after sub-clause (3) —
 - (3A) In appointing the persons under sub-section (3)(a), the Council shall give regard to the diversity of various fields of social work practice, ethnic and gender representation.

(3B) The Board shall determine and regulate its own procedure.

(3C) The members of the Board shall be paid such allowances as may be determined by the Council.

86. CLAUSE 16

THAT, clause 16 of the Bill be amended by —

- (a) deleting paragraph (e); and
- (b) deleting paragraph (i).

87. CLAUSE 18

THAT, clause 18 of the Bill be amended —

- (a) by deleting paragraph (c) and substituting therefor the following new paragraph—
(c) has successfully undergone a prescribed certificate, diploma or degree and has passed the appropriate examination conducted or prescribed by the Institute;
- (b) in paragraph (d) by deleting the words “degree or research course of training” and substituting therefor the words “ or degree”.

88. CLAUSE 20

THAT, clause 20 of the Bill be amended by—

- (a) inserting the word “work” immediately after the words “a social” appearing in paragraph (b) ;
- (b) inserting the following new paragraph immediately after paragraph (b) —
(bb) the firm has shareholders who are registered as social work professionals and have valid practicing certificates;

89. CLAUSE 21

THAT, clause 21 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (3) —

(4) Where an application for registration fails to meet the requirements specified in section 18, the Executive Director shall inform the applicant, in writing, within seven days of the decision of the Registration Committee.

(5) Within three days of receipt of the notification under sub-section (4), a person may appeal the decision to the Council.

90. CLAUSE 24

THAT, clause 24(4) of the Bill be amended by inserting the words “electronic mail or” immediately after the words “removal by”.

91. CLAUSE 28

THAT, clause 28 of the Bill be amended by—

- (a) inserting the following new sub-clause immediately after sub-clause (4) —
(4A) A practicing certificate shall be renewable every two years.
- (b) inserting the words “Subject to subsection (4A) immediately before the words “A practicing certificate” appearing in sub-clause (5).

92. CLAUSE 29

THAT, clause 29 of the Bill be amended in sub-clause (1) by deleting the words “of a sexual kind” appearing in paragraph (g).

93. CLAUSE 30

THAT, clause 30 of the Bill be amended by inserting the following sub-clause immediately after sub-clause (3) —

(4) The quorum of the Committee shall be three of its members.

94. CLAUSE 42

THAT, clause 42 of the Bill be amended —

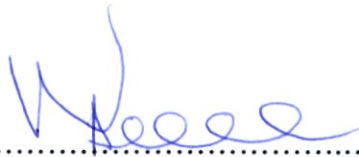
- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
- (1) The Cabinet Secretary shall at the commencement of this Act appoint an Interim Council consisting of—
- (a) the Principal Secretary of the Ministry responsible for social services and social protection;
 - (b) two representatives nominated by the Kenya National Association of Social Workers’;
 - (c) two representatives nominated by the Association of Social Work Education in Kenya; and
 - (d) two representatives nominated by the Kenya Medical Social Workers Association.
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
- (2) The members of the Interim Council under sub-section (1)(b), (c) and (d) shall at the first meeting of the Interim Council elect a chairperson.
- (c) by inserting the following new sub-clause immediately after sub-clause (2) —
- (2A) The chairperson and members of the Interim Council shall remain in office until after the first elections.
- (d) by inserting the words “prescribe regulations for the conduct of the first elections of the chairperson and members of the Council” immediately after the words “Interim Council shall” appearing in sub-clause (3).
- (e) by inserting the following new sub-clauses immediately after sub-clause (4)—
- (5) Despite section 18, any person who before the commencement of the Act was engaged in social work practice shall within two years after the commencement of the Act apply for registration under this Act.

(6) After expiry of the period under sub-section (5), no person shall carry on the business or hold himself or herself out as being a social work professional except in compliance with this Act.

PART SIX

7 SCHEDULE OF PROPOSED AMENDMENTS

95. The Committee proposed the aforementioned amendments outlined in Part 6 of this Report be considered by the House in the Committee Stage:

SIGNED:  DATE: 01/08/2024
HON. ALICE WAMBUI NG'ANG'A, CBS, M.P.
(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION)

ANNEXURE I

ADOPTION SCHEDULE



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – THIRD SESSION - 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

ADOPTION SCHEDULE: *REPORT ON THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL*
(*NATIONAL ASSEMBLY BILL NO. 17 of 2023*)

DATE: 1ST August, 2024

NO.	NAME	SIGNATURE
1.	Hon. Alice Wambui Ng'ang'a, CBS, MP. – Chairperson	
2.	Hon. Kosgei Hilary Kiplangat, MP. – Vice Chairperson	
3.	Hon. Wetangula Timothy Wanyonyi, MP.	
4.	Hon. (Dr.) James Wambura Nyikal, MP.	
5.	Hon. Pareyio, Agnes Mantaine, MP.	
6.	Hon. Nyenze Edith Vethi, MP.	
7.	Hon. (Dr.) Gogo Lilian Achieng', MP.	
8.	Hon. Maina Betty Njeri, MP.	
9.	Hon. Mark Ogolla Nyamita, MP.	
10.	Hon. Linet Chepkorir, MP.	
11.	Hon. Suleka Hulbale Harun, MP.	
12.	Hon. Wainaina Michael, Wambugu, MP.	
13.	Hon. Barre Hussein Abdi, MP.	
14.	Hon. Nduyo Susan Ngugi, MP.	
15.	Hon. Abdullahi Amina Dika, MP.	

ANNEXURE II

MINUTES



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT-SECOND SESSION-2023

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

MINUTES OF THE 77TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION HELD ON WEDNESDAY, 22ND NOVEMBER, 2023 IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS AT 03.20 PM.

PRESENT

1. Hon. Alice Wambui Ng'ang'a, C.B.S, M.P. - Chairperson
2. Hon. Hilary Kiplang'at Koskei, M.P - Vice Chairperson
3. Hon. Agnes Pareyio, M.P
4. Hon. Edith Nyenze, M.P
5. Hon. Suleka Hulbale Harun, M.P
6. Hon. Susan Ngugi, M.P
7. Hon. Linet Chepkorir, M.P

APOLOGIES

1. Hon. (Dr.) James Nyikal, M.P
2. Hon. Wetangula Timothy Wanyonyi, M.P
3. Hon. (Dr.) Lilian Gogo, M.P
4. Hon. Mark Ogolla Nyamita, M.P
5. Hon. Michael Wambugu, M.P
6. Hon. Amina Abdullahi Dika, M.P
7. Hon. Betty Njeri Maina, M.P
8. Hon. Barre Hussein Abdi, M.P

COMMITTEE SECRETARIAT

1. Mr. Ahmednoor Hassan - Clerk Assistant III
2. Mr. Sakana Saoli - Clerk Assistant III

3. Mr. Sidney Lugaga
4. Ms. Grace Maneno

- Senior Legal Counsel
- Research Officer III

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Brief on the Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023)**
5. **Pending Business (enclosed)**
6. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2023/416: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer at 3.20 pm.

MIN. NO. NA/DC-SP/2023/417: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Susan Ngugi, M.P., and seconded by Hon. Linet Chepkorir, M.P.

MIN. NO. NA/DC-SP/2023/418: CONFIRMATION OF MINUTES

Minutes of the 61st Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Agnes Pareyio, M.P. and seconded by Hon. Susan Ngugi, M.P.

Minutes of the 62nd Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Linet Chepkorir, M.P. and seconded by Hon. Agnes Pareyio, M.P.

Minutes of the 63rd Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Hilary Koskei, M.P. and seconded by Hon. Edith Nyenze, M.P.

Minutes of the 64th Sittings was confirmed as a true reflection of the proceedings having been proposed by Hon. Susan Ngugi, M.P. and seconded by Hon. Agnes Pareyio, M.P.

Minutes of the 65th Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Edith Nyenze, M.P. and seconded by Hon. Linet Chepkorir, M.P.

Minutes of the 66th Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Agnes Pareyio, M.P. and seconded by Hon. Edith Nyenze, M.P.

Minutes of the 67th Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Susan Ngugi, M.P. and seconded by Hon. Hilary Koskei, M.P.

Minutes of the 68th Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Edith Nyenze, M.P. and seconded by Hon. Agnes Pareyio, M.P.

Minutes of the 69th Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Susan Ngugi, M.P. and seconded by Hon. Linet Chepkorir, M.P.

Minutes of the 70th Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Linet Chepkorir, M.P. and seconded by Hon. Edith Nyenze, M.P.

Minutes of the 71st Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Agnes Pareyio, M.P. and seconded by Hon. Linet Chepkorir, M.P.

Minutes of the 72nd Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Edith Nyenze, M.P. and seconded by Hon. Susan Ngugi, M.P.

Minutes of the 73rd Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Susan Ngugi, M.P. and seconded by Hon. Hilary Koskei, M.P.

Minutes of the 74th Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Agnes Pareyio, M.P. and seconded by Hon. Hilary Koskei, M.P.

Minutes of the 75th Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Hilary Koskei, M.P. and seconded by Hon. Agnes Pareyio, M.P.

Minutes of the 76th Sitting was confirmed as a true reflection of the proceedings having been proposed by Hon. Amina Dika, M.P. and seconded by Hon. Michael Wambugu, M.P.

MIN.NO.NA/DC-SP/2023/419: BRIEF ON THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 17 of 2023)

The Legal Counsel presented the Brief to the Committee as follows;

Part 1 of the Bill contained the preliminary provisions. Clause 1 was the short title.

Clause 2 of the Bill provided for the definition of various terms as used in the Bill including the definition of the term “social work” which meant the assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal issues through the use of social work knowledge, skills, interventions and strategies in connection with health, education, or social services to facilitate the achievement of optimum psychosocial functioning.

Part II of the Bill provided for the establishment of the Institute of Social Work Professionals as a body corporate that shall consist of fellows, persons registered as members of the Institute and associate members as provided for in clauses 3 and 4.

Clause 5 of the Bill provided for the functions of the Institute which included to regulate the practice, competence and professional conduct of social work professionals; register persons who meet the required professional requirements and advise the Registration Committee and Examination Board.

Clause 6 of the Bill provided for the establishment of the Council of the Institute which shall consist of a chairperson who shall be a social work professional with at least eight years’ experience in social work education or practice, elected by the members of the Institute; Principal Secretaries for Health, Correctional Services and Social Welfare and five other members elected by the members of the Institute. The members shall serve for a term of three years and shall be re-eligible for re-election for one further term.

Clause 7 of the Bill provided for the appointment of the Executive Director of the Institute who shall be the secretary of the Council. This Part also provided for the establishment of the Examination Board which shall consist of four persons who shall be registered social work professionals nominated by the Council; two persons nominated by the Cabinet Secretary of the Ministry for the time being responsible for education; two persons nominated by the Commission for University Education and one person nominated by the Attorney General.

Clause 16 of the Bill provided that the Board shall be responsible for among other things preparing and conducting examinations for persons seeking registration under the Act.

Part III of the Bill provided for the establishment of a committee to be known as the Registration Committee comprising of a chairperson appointed by the Council from amongst its members; one person nominated by the Federation of Kenya Employers; one person nominated by the Examination Board; one person nominated by the Kenya National Examination Council; the Attorney-General or his representative designated in writing.

Clause 17 of the Bill provided for the functions of the Committee which included to: receive applications for registration and grant practicing certificates; monitor compliance with professional quality assurance and other standards published by the Council and advise the Council on matters pertaining to professional and other standards.

Clauses 18 and 19 of the Bill provided for the qualifications for registration as a social work professional and grounds for disqualification for registration. A person shall be eligible to be registered as a social work professional if such person is of good conduct; has paid the prescribed fees; has successfully undergone a prescribed certificate, diploma, degree or research course of instruction and has passed the appropriate examination conducted or prescribed by the Institute in social work theory and practice among others; has undergone a certificate, diploma, degree or research course of training and passed an examination elsewhere than in Kenya, which the Institute recognizes as equivalent to the training and instruction required in the case of persons trained in Kenya and as equivalent to the qualifications required under the Act; and holds such other qualifications as the Council may prescribe.

A person is disqualified for registration if the person is convicted by a court of competent jurisdiction in Kenya or elsewhere of any offence involving fraud or

dishonesty; is a undischarged bankrupt; is certified as being of unsound mind by a medical practitioner; or is found by the Council to be guilty of professional misconduct in accordance with this Act; and fails to meet the requirements of Chapter Six of the Constitution.

Clauses 21 and 22 of the Bill provided for the procedure for application for registration and the issuance of certificate of registration by the Committee.

Clause 27 of the Bill provides that a person registered shall use the title "Registered Social Work Professional".

Part IV of the Bill provided for application of practicing certificates to the Registration Committee. Clause 28 of the Bill provides that no person shall practice as a registered social work professional unless the person has been issued with a valid practicing certificate.

Part V of the Bill provided for discipline of Members. Clause 28 provides for professional misconduct and stipulates that a person registered under the Act commits an act of professional misconduct if the person on among other grounds deliberately fails to follow lawful social work procedures stipulated by his or her employer or client. Clause 30 of the Bill provides for establishment of the disciplinary committee which shall consist of five members appointed by the Council from among members of the Council.

Clause 31 of the Bill provided for reference of professional misconduct cases to the Committee by the Council. Where satisfied that a member has committed an act of professional misconduct, the Committee may recommend that the member be formally admonished; that the member be suspended for a period not exceeding twelve months; the withdrawal or cancellation of the practicing certificate of the member for such period not exceeding five years; the imposition of a fine; or the removal of the Members name from the Register. An aggrieved person may appeal to the Council or the High Court.

Part VI of the Bill entailed the financial provisions.

Part VII of the Bill provided for the offences and penalties. Clause 38 of the Bill provided that a person who, not being eligible to be registered under the Act, uses any title appropriate to a person so registered, or holds himself out directly or indirectly as being so registered, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

Part VIII of the Bill provided for the provisions on delegated powers by providing that the Council may make regulations generally for the better carrying out of the provisions of the Act.

Part IX of the Bill provided for transitional provisions. Clause 42 of the Bill provided that the National Executive Council of the Kenya National Association of Social Workers existing before the enactment of the Act shall assume the responsibilities imposed on the Council and Registration Committee by the Act as an Interim Council and Interim Registration Committee until the first elections held under the Act.

The Chairperson elected at the last annual general meeting of the Kenya National Association of Social Workers shall continue to act as chairperson of the Institute until the first elections held under the Act. Within twelve months of the commencement of the Act, the Interim Council shall facilitate the registration of members of the Institute and convene the first annual general meeting for the election of Council members.

Any examinations currently being conducted by any statutory body for the purpose of qualifying as a social work professional shall be transferred to the Examinations Board within twelve months of the commencement of the Act.

Schedule to the Bill provided for the provisions on the conduct of the business and affairs of the Council.

Committee Resolutions

- 1) The Committee resolved to invite the sponsor, Hon Joshua Kivinda Kimilu, MP, on 30th November 2023 to submit his views on the Bill and provide clarification on key provisions.
- 2) The Committee also resolved to invite the State Department on Social Protection and its SAGAs to appear before the Committee to give their views on the Bill.

MIN. NO. NA/DC-SP/2023/420: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business meeting was adjourned at 4:05 p.m. The next meeting will be held on Tuesday 28th November 2023 at 10.00 am.

Signed.....Wambui Nganga.....Date.....15/03/2024.....

HON. ALICE WAMBUI NGÁNGÁ, C.B.S, M.P.

(Chairperson)



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT-SECOND SESSION-2023

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

MINUTES OF THE 79TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION HELD ON WEDNESDAY, 30TH NOVEMBER, 2023 IN COMMITTEE ROOM 26, 5TH FLOOR, BUNGE TOWER MAIN PARLIAMENT BUILDINGS AT 12.00 NOON.

PRESENT

1. Hon. Alice Wambui Ng'ang'a, C.B.S, M.P. - Chairperson
2. Hon. Hilary Kiplang'at Koskei, M.P - Vice Chairperson
3. Hon. Agnes Pareyio, M.P
4. Hon. (Dr.) Lilian Gogo, M.P
5. Hon. Betty Njeri Maina, M.P
6. Hon. Linet Chepkorir, M.P
7. Hon. Susan Ngugi, M.P
8. Hon. Suleka Hulbale Harun, M.P

APOLOGIES

1. Hon. (Dr.) James Nyikal, MP
2. Hon. Wetangula Timothy Wanyonyi, M.P
3. Hon. Edith Nyenze, M.P
4. Hon. Mark Ogolla Nyamita, M.P
5. Hon. Michael Wambugu, M.P
6. Hon. Amina Abdullahi Dika, M.P
7. Hon. Barre Hussein Abdi, M.P

IN ATTENDANCE

1. Hon. Joshua Kivinda Kimilu, M.P
2. Prof. Gidraph Wairire
3. Ms. Phyllis Muraguri

COMMITTEE SECRETARIAT

1. Ms. Ahmednoor Hassan - Clerk Assistant III
2. Mr. Sakana Saoli - Clerk Assistant III
3. Ms. Jemimah Waigwa - Senior Legal Counsel
4. Ms. Grace Maneno - Research Officer III
5. Mr. John Nduaci - Serjeant At Arms

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Meeting with the Sponsor of the Institute of Social Work Professionals Bill,2023**
5. **Pending Business (enclosed)**
6. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2023/427: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer at 12.00 pm.

MIN. NO. NA/DC-SP/2023/428: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Susan Ngugi, M.P. and seconded by Hon. Agnes Pareyio, M.P.

MIN. NO. NA/DC-SP/2023/429: CONFIRMATION OF MINUTES

Agenda was deferred to the next sitting

MIN.NO.NA/DC-SP/2023/430: MEETING WITH THE SPONSOR OF THE INSTITUTE OF THE SOCIAL WORK PROFESSIONALS BILL,2023

The sponsor of the Bill, Hon. Joshua Kimilu, M.P thanked the Committee for organizing the meeting. Hon. Kimilu thereafter introduced two stakeholders who had accompanied him to the meeting, namely;

1. Prof. Gidraph Wairire
2. Ms. Phyllis Muraguri

Prof. Gidraph Wairire was an expert in the field of Social Sciences and had lectured in the University of Nairobi in the Department of Sociology and Social

work while Ms. Phyllis Muraguri had significant experience in the field as she had served as a social worker.

The Sponsor went ahead to brief the Committee on the Bill as follows;

- 1) The Bill would lead to respect of Social workers in the country and also bring order through sanctioning indiscipline in the sector.
- 2) Hon. Kimilu also stated that most of the programmes such as child protection, social protection, care for the aging populations and other vulnerable groups in the communities were executed by social workers.
- 3) With regards to education in the field, Hon. Kimilu informed the Committee that Social Work education and training in Kenya had grown tremendously since independence. Several public and private universities had undergraduate and post graduate social work training programmes. Graduates from these training programmes constituted the social service workforce in Kenya.
- 4) The Sponsor further pointed out that the bill would therefore help regulate the provision of social work services which had for a long time been provided in a disjointed adhoc manner despite the existing sound social work training programmes.
- 5) Hon. Kimilu stated that the bill would regulate social work practice the following areas;
 - a) program officers;
 - b) research in Social sciences;
 - c) social welfare;
 - d) social planning;
 - e) extension workers;
 - f) community mobilization;
 - g) gender mainstreaming advocacy;
 - h) rehabilitation;
 - i) probation and alternative correctional services;and
 - j) child welfare

Committee Resolutions

The Committee deliberated at length and resolved as follows:

1. There was need to resolve on whether the Bill could be amended to provide for offences for not taking out practicing certificates annually.

2. Amendment of Clause 38 for the fine for offence (Kshs. 500,000) to be proportional to the imprisonment terms.
3. Amendment of Clause 28 (7) to provide for a term of imprisonment to accompany the fine for enhancement.
4. Amend the Bill by deleting 'Institute' to read; The Social Work Professionals Bill, 2023

MIN. NO. NA/DC-SP/2023/431: ADJOURNMENT

There being no other business meeting was adjourned at 4:05 p.m. The next meeting will be held on notice.

Signed..........Date.....15/03/2024.....

HON. ALICE WAMBUI NGÁNGÁ, C.B.S, M.P.

(Chairperson)



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT-THIRD SESSION-2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

MINUTES OF THE 13TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION HELD ON TUESDAY, 9TH APRIL, 2024 IN COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDING AT 10.00 AM.

PRESENT

1. Hon. Alice Wambui Ng'ang'a, C.B.S M.P. - Chairperson
2. Hon. Hilary Kiplang'at Koskei, M.P - Vice Chairperson
3. Hon. Wetangula Timothy Wanyonyi, M.P
4. Hon. (Dr.) James Nyikal, M.P
5. Hon. Edith Nyenze, M.P
6. Hon. Barre Hussein Abdi, M.P
7. Hon. Suleka Hulbale Harun, M.P

APOLOGIES

1. Hon. Agnes Pareyio, M.P
2. Hon. (Dr.) Lilian Gogo, M.P
3. Hon. Betty Njeri Maina, M.P
4. Hon. Mark Ogolla Nyamita, M.P
5. Hon. Michael Wambugu, M.P
6. Hon. Amina Abdullahi Dika, M.P
7. Hon. Susan Ngugi, M.P
8. Hon. Linet Chepkorir, M.P

IN ATTENDANCE

1. Hon. Joshua Kimilu, M.P

COMMITTEE SECRETARIAT

1. Mr. Finlay Muriuki - Committee Lead Clerk

- | | |
|--------------------------|---------------------------|
| 2. Mr. Ahmednoor Hassan | - Clerk Assistant III |
| 3. Ms. Jemimah Waigwa | - Senior Legal Officer |
| 4. Ms. Grace Maneno | - Research Officer III |
| 5. Mr. Derrick Kathurima | - Media Relations Officer |
| 6. Ms. Naomi Onsomu | - Protocol Officer III |
| 7. Ms. Eva Kaare | - Serjeant- At- Arms |

STAKEHOLDERS:

- | | |
|--------------------------|--|
| 1. Prof. Gidraph Wairire | -Lecturer Social Work at University of Nairobi |
| 2. Ms. Phyllis Muraguri | - Social Work Professional |

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Submission of Memoranda by the Association of the Social Work Educators in Kenya on the Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023)**
5. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2024/071: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer at 10:16 a.m.

MIN. NO. NA/DC-SP/2024/072: ADOPTION OF THE AGENDA

The agenda was adopted having been proposed by Hon. Hilary Kiplang'at Koskei, M.P. and seconded by Hon. (Dr.) James Nyikal, M.P.

MIN. NO. NA/DC-SP/2024/073: CONFIRMATION OF MINUTES

The Agenda was deferred.

MIN. NO. NA/DC-SP/2024/074: SUBMISSION OF MEMORANDA BY THE ASSOCIATION OF THE SOCIAL WORK EDUCATORS IN KENYA ON THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2023)

The Chairperson acknowledged the presence of the Sponsor of the Bill, Hon. Joshua Kimilu, MP in the meeting and thereafter called upon the Association to make their submissions.

Prof. Gidraph Wairire made the submission on behalf of the Association. However, the Committee noted that the submissions referred to the Institute of Social Work Professionals Bill of 2020 instead of the Institute of Social Work Professionals Bill of 2023.

The Committee also noted that the submission was done poorly as it referred to page numbers instead of Clauses of the Bill.

The association, through its representative, Prof. Wairire, acknowledged the faults and committed to amend the submissions.

The Chairperson directed the Association to amend the submissions. The Chairperson also directed the Committee Secretariat to schedule for another meeting to receive the amended submissions by the Association.

MIN. NO. NA/DC-SP/2024/075: ANY OTHER BUSINESS

The Chairperson informed the members that there was an upcoming retreat with the National Council for Children Services which was to be held from 11th to 14th April, 2024 in Mombasa County.

MIN. NO. NA/DC-SP/2024/076: ADJOURNMENT

The meeting was adjourned at 01:05 p.m. The next meeting will be held on notice.

Signed.......... Date 20/04/2024.

HON. ALICE WAMBUI NGÁNGÁ, C.B.S, M.P.

(Chairperson)



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT-THIRD SESSION-2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

MINUTES OF THE 22ND SITTING OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION HELD ON TUESDAY, 23RD APRIL, 2024 IN THE CHAMBER AT PARLIAMENT BUILDING AT 10.00 AM.

PRESENT

1. **Hon. Alice Wambui Ng'ang'a, C.B.S M.P.** - Chairperson
2. **Hon. Hilary Kiplang'at Koskei, M.P** - Vice Chairperson
3. Hon. Suleka Hulbale Harun, M.P
4. Hon. Barre Hussein Abdi, M.P
5. Hon. Susan Ngugi, M.P

APOLOGIES

1. Hon. (Dr.) James Nyikal, M.P
2. Hon. Agnes Pareyio, M.P
3. Hon. (Dr.) Lilian Gogo, M.P
4. Hon. Edith Nyenze, M.P
5. Hon. Mark Ogolla Nyamita, M.P
6. Hon. Wetangula Timothy Wanyonyi, M.P
7. Hon. Amina Abdullahi Dika, M.P
8. Hon. Betty Njeri Maina, M.P
9. Hon. Michael Wambugu, M.P
10. Hon. Linet Chepkorir, M.P

In-Attendance:

Hon. Joshua Kimilu, MP

COMMITTEE SECRETARIAT

1. Mr. Finlay Muriuki - Committee Lead Clerk
2. Mr. Ahmednoor Hassan - Clerk Assistant III
3. Ms. Jemimah Waigwa - Senior Legal Counsel
4. Mr. Derrick Kathurima - Research Officer III
5. Ms. Naomi Onsomu - Protocol Officer III
6. Ms. Eva Kaare - Serjeant- At- Arms
7. Mr. Allan Kimani -Intern, Audio services

STAKEHOLDERS:

1. Prof. Gidraph Wairire -Lecturer, University of Nairobi, Consultant Social Work
2. Ms. Phyllis Muraguri -President, ASWEK
3. Mr. Noah Sanganyi -Member, Kenya National Association of Social Workers

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Meeting with the Association of Social Work Educators in Kenya on the Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023)**
5. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2024/117: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer at 10:23 a.m.

MIN. NO. NA/DC-SP/2024/118: ADOPTION OF THE AGENDA

The agenda of the programme was adopted having been proposed by Hon. Susan Nduyo, M.P. and seconded by Hon. Suleka Harun, M.P.

MIN. NO. NA/DC-SP/2024/119: CONFIRMATION OF MINUTES

The Agenda was deferred.

MIN. NO. NA/DC-SP/2024/120: MEETING WITH THE ASSOCIATION OF SOCIAL WORK EDUCATORS IN KENYA ON THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2023)

Prof. Gidraph thanked the Committee for scheduling another meeting following the rescheduling of the meeting on Tuesday, 9th April 2024 to provide more time for the Association to put their submissions in order.

The Professor, on behalf of the Association, made submissions on the amendments as follows:

1. The short title be amended to read “The Act may be cited as the Social Work Professionals Act, 2023”.

2. Delete the long title of the Bill to read as follows:

“An Act of Parliament to make provision for the training, registration and licensing of social work professionals; to regulate their practice; to provide for establishment of Social Work Professionals’ Council and for connected purposes.”

3. Amend clause 2 to insert a new definition of the term a Social Work Professional to mean “a person who is registered under section 21 of the Act”.

Further, amend clause 2 to rename the term practicing certificate to “Practicing License”. Additionally, amend clause 2 to rename Registration Committee to Registration and Licensing Committee.

4. Amend the marginal note in Clause 6(1) to delete the words “Council of the institute” and substitute with the words “Composition of the Council”.

In subclause (1): By deleting paragraph (a) and substituting therefor the following new paragraph:

(a) a chairperson appointed by the Cabinet Secretary from amongst persons nominated under paragraph (e);

By deleting the words “matters relating to social welfare, the elderly and vulnerable persons” appearing in paragraph (d) and substitute therefor the

words “social services and protection. The amendment is necessary to align clause 6(1)(d) with the responsible Ministry as provided for in the Bill which is the Ministry responsible for social services and social protection.

By deleting paragraph (e) and substituting therefor the following new paragraph:

(e) six other members, who shall be persons with knowledge and experience in social work, nominated by social work professionals and appointed by the Cabinet Secretary;

By inserting the following new subclauses immediately after sub-clause (1):

(1A) A person qualifies for appointment as a Chairperson of the Council under subsection (1)(a), if the person —

- (a) holds a bachelor’s degree in social work from a university recognized in Kenya;
- (b) is a registered social work professional;
- (c) has had at least ten years proven experience in social work; and
- (d) meets the requirements of Chapter Six of the Constitution.

(1B) A person qualifies for appointment as a Member of the Council under subsection (1)(e), if the person —

- (a) holds a bachelor’s degree in social work from a university recognized in Kenya;
- (b) is a registered social work professional;
- (c) has had at least eight years proven experience in social work; and
- (d) meets the requirements of Chapter Six of the Constitution.

The amendments seek to create clarity on the qualifications for appointment as a chairperson and members of the Council.

5. Amend **sub-clause 7 (1)** to delete reference to the term “Executive Director” and substitute with “Registrar”. Further, amend sub-clause (2) to insert a new paragraph to provide for the academic qualifications for appointment as a Registrar which shall be:

(aa) holds a bachelor’s degree in social work from a university recognized in Kenya.

6. Amend clause 15 by deleting sub-clause (2) which provides for the nature of the Examination Board as a corporate body. The justification for the amendment is that the Examination Board is one of the organs of the Council and hence

creating it as a body corporate would be tantamount to creating a separate body with functions similar to the Council as provided for under clause 5(g) and (h).


7. Amend clause 16 by deleting paragraph (e). Further, amend clause 16 by deleting paragraph (i). The justifications for the amendments are that the function of issuance of certificates and other awards to candidates who satisfy examination requirements is already provided for under paragraph (f). Additionally, all monies collected under the Act are payable to the Council.
8. Amend Clause 18 by deleting paragraphs (a) to (j) as the fields for qualification for registration are beyond what is contained in paragraphs (a) to (j) and hence there is need to leave it open and allow for such prescription of the courses to be done through regulations. Delete the words “research course” appearing in paragraphs (c) and (d) as research course should not be a qualification for registration.
9. Amend Clause 20 by inserting “.....worker...” between social and professional to correct a typographical error to make reference to the term social work professional.
10. Amend **Clause 29(g) of the Bill** by deleting the words “... favours of a sexual kind...” appearing in clause 29(g) as the words are unnecessary.
11. Amend Clause 42 by deleting sub-clauses (1), (2) and (3) and substitute the following: A person operating as a social worker shall within ninety days of commencement of the Act formalize his or her registration as prescribed under this Act. Upon constitution of the Council, the Council should assume its functions and proceed to constitute the Registration Committee hence there is no need to establish an Interim Council.

Committee Resolution

The Chairperson informed the stakeholders that the Committee would take the submissions into account and finalize with the Bill by tabling a report.

MIN. NO. NA/DC-SP/2024/121: ADJOURNMENT

The meeting was adjourned at 11:42 a.m. The next meeting will be held on notice.

Signed.....16/05/2024..... Date..........

HON. ALICE WAMBUI NGÁNGÁ, C.B.S, M.P.

(Chairperson)



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT-THIRD SESSION-2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

MINUTES OF THE 38TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION HELD ON THURSDAY, 1ST AUGUST, 2024 IN BUNGE TOWER, 5TH FLOOR, COMMITTEE ROOM 24 AT 12.00 NOON

PRESENT

1. **Hon. Alice Wambui Ng'ang'a, C.B.S M.P.** - Chairperson
2. **Hon. Hilary Kiplang'at Koskei, M.P** - Vice Chairperson
3. Hon. Agnes Pareyio, M.P
4. Hon. (Dr.) Lilian Gogo, M.P
5. Hon. Mark Ogolla Nyamita, M.P
6. Hon. Betty Njeri Maina, M.P
7. Hon. Suleka Hulbale Harun, M.P
8. Hon. Amina Abdullahi Dika, M.P

APOLOGIES

1. Hon. Wetangula Timothy Wanyonyi, M.P
2. Hon. (Dr.) James Nyikal, M.P
3. Hon. Edith Nyenze, M.P
4. Hon. Michael Wambugu, M.P
5. Hon. Barre Hussein Abdi, M.P
6. Hon. Susan Ngugi, M.P
7. Hon. Linet Chepkorir, M.P

COMMITTEE SECRETARIAT

1. Mr. Finlay Muriuki - Committee Lead Clerk
2. Mr. Ahmednoor Hassan - Clerk Assistant III
3. Ms. Jemimah Waigwa - Senior Legal Counsel
4. Ms. Naomi Onsomu -Protocol Officer

5. Ms. Eva Kaare - Serjeant- At- Arms
6. Mr. Allan Kimani - Intern, Audio Services

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Consideration and Adoption of the Report on the Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023)**
5. **Consideration and Adoption of the Report on the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023)**
6. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2024/198: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer at 12:20 p.m.

MIN. NO. NA/DC-SP/2024/199: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Amina Dika, M.P. and seconded by Hon. (Dr.) Lilian Gogo, M.P.

MIN. NO. NA/DC-SP/2024/200: CONFIRMATION OF MINUTES

The Agenda was deferred.

MIN. NO. NA/DC-SP/2024/201: CONSIDERATION AND ADOPTION OF THE REPORT ON THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2023)

The Chairperson called on the Legal Counsel, Ms. Jemimah to brief the Committee on the report on the bill.

The Legal Counsel took the members through the report and highlighted the recommendations of the Committee as follows;

1. TITLE OF THE BILL

THAT, the title of the Bill be amended by deleting the words “Institute of”.

2. **CLAUSE 1**

THAT, clause 1 of the Bill be amended by deleting the words “Institute of”.

3. **CLAUSE 2**

THAT, clause 2 of the Bill be amended by—

- (a) inserting the word “social” immediately after the words “social services and” appearing in the definition of the term “Cabinet Secretary; and
- (b) inserting the following new definition in its proper alphabetical sequence—
“social work professional” means “a person who is registered under this Act to practice social work in Kenya”.

4. **CLAUSE 5**

THAT, clause 5 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1)—

(2) The Council may appoint such committees as may be necessary to perform its functions under this Act.

5. **CLAUSE 6**

THAT, clause 6 of the Bill be deleted and substituted therefor the following new clause—

Composition of the Council.	6(1) The management of the Institute shall vest in a Council comprising of— <ul style="list-style-type: none">(a) a chairperson elected by the members of the Institute in the manner prescribed by regulations;(b) the Principal Secretary of the Ministry responsible for social services and social protection;(c) the Principal Secretary of the Ministry responsible for health;(d) one person nominated to represent the Commission for University Education;
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	<p>(e) five other members elected by the members of the Institute in the manner prescribed by regulations; and</p> <p>(f) the Executive Director, as an ex-officio.</p>
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(2) The chairperson or a member of the Council elected under subsection (1)(a), (d) and (e) shall hold office for a period of three years and may be eligible for re-election for a further and final term of three years.

(3) A person qualifies for appointment as a chairperson or member of the Council under subsection (1)(a), (d) and (e) if the person —

- (a) holds a bachelor’s degree in social work from a university recognized in Kenya;
- (b) is a registered social work professional;
- (c) has had at least ten years proven experience in social work; and
- (d) meets the requirements of Chapter Six of the Constitution.

6. CLAUSE 7

THAT, clause 7 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (a)—

(aa) holds a bachelor’s degree in social work from a university recognized in Kenya;

7. CLAUSE 15

THAT, clause 15 of the Bill be amended —

- (a) by deleting sub-clause (2);
- (b) in sub-clause (3), by deleting the word “nominated” appearing in paragraph (a) and substituting therefor the word “appointed”;
- (c) by inserting the following new sub-clauses immediately after sub-clause (3) —
 - (3A) In appointing the persons under sub-section (3)(a), the Council shall give regard to the diversity of various fields of social work practice, ethnic and gender representation.

(3B) The Board shall determine and regulate its own procedure.

(3C) The members of the Board shall be paid such allowances as may be determined by the Council.

8. **CLAUSE 16**

THAT, clause 16 of the Bill be amended by —

- (a) deleting paragraph (e); and
- (b) deleting paragraph (i).

9. **CLAUSE 18**

THAT, clause 18 of the Bill be amended —

- (a) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) has successfully undergone a prescribed certificate, diploma or degree and has passed the appropriate examination conducted or prescribed by the Institute;
- (b) in paragraph (d) by deleting the words “degree or research course of training” and substituting therefor the words “or degree”.

10. **CLAUSE 20**

THAT, clause 20 of the Bill be amended by—

- (a) inserting the word “work” immediately after the words “a social” appearing in paragraph (b);
- (b) inserting the following new paragraph immediately after paragraph (b) —
 - (bb) the firm has shareholders who are registered as social work professionals and have valid practicing certificates;

11. **CLAUSE 21**

THAT, clause 21 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (3) —

- (4) Where an application for registration fails to meet the requirements specified in section 18, the Executive Director shall inform the applicant, in writing, within seven days of the decision of the Registration Committee.

(5) Within three days of receipt of the notification under sub-section (4), a person may appeal the decision to the Council.

12. CLAUSE 24

THAT, clause 24(4) of the Bill be amended by inserting the words “electronic mail or” immediately after the words “removal by”.

13. CLAUSE 28

THAT, clause 28 of the Bill be amended by—

- (a) inserting the following new sub-clause immediately after sub-clause (4) —
(4A) A practicing certificate shall be renewable every two years.
- (b) inserting the words “Subject to subsection (4A) immediately before the words “A practicing certificate” appearing in sub-clause (5).

14. CLAUSE 29

THAT, clause 29 of the Bill be amended in sub-clause (1) by deleting the words “of a sexual kind” appearing in paragraph (g).

15. CLAUSE 30

THAT, clause 30 of the Bill be amended by inserting the following sub-clause immediately after sub-clause (3) —

- (4) The quorum of the Committee shall be three of its members.

16. CLAUSE 42

THAT, clause 42 of the Bill be amended :

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) The Cabinet Secretary shall at the commencement of this Act appoint an Interim Council consisting of—
 - (a) the Principal Secretary of the Ministry responsible for social services and social protection;
 - (b) two representatives nominated by the Kenya National Association of Social Workers’;
 - (c) two representatives nominated by the Association of Social Work Education in Kenya; and
 - (d) two representatives nominated by the Kenya Medical Social Workers Association.

- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
 - (2) The members of the Interim Council under sub-section (1)(b), (c) and (d) shall at the first meeting of the Interim Council elect a chairperson.
- (c) by inserting the following new sub-clause immediately after sub-clause (2) —
 - (2A) The chairperson and members of the Interim Council shall remain in office until after the first elections.
- (d) by inserting the words “prescribe regulations for the conduct of the first elections of the chairperson and members of the Council” immediately after the words “Interim Council shall” appearing in sub-clause (3).
- (e) by inserting the following new sub-clauses immediately after sub-clause (4)—
 - (5) Despite section 18, any person who before the commencement of the Act was engaged in social work practice shall within two years after the commencement of the Act apply for registration under this Act.
 - (6) After expiry of the period under sub-section (5), no person shall carry on the business or hold himself or herself out as being a social work professional except in compliance with this Act.

MIN. NO. NA/DC-SP/2024/202: CONSIDERATION AND ADOPTION OF THE REPORT ON THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILL NO. 29 OF 2023)

The Legal Counsel brought to the attention of the Committee that the issues sought to be legislated by the Bill were already encompassed in the Children Act 2022 and that the State Department for Social Protection and Senior Citizen Affairs was in the process of developing key regulations and guidelines with the objective of fully implementing the Children Act, 2022.

The Counsel further stated that the State Department for Social Protection and Senior Citizen Affairs rejected the Bill in its entirety for the reasons stated above.

The Legal Counsel also pointed out that the matter sought to be legislated by the Bill had already been covered by the Basic Education Act as well as the National Guidelines for School Re-entry in Early Learning and Basic Education, 2020.

Committee Resolution

The Committee Adopted the Report on the Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023) having been proposed by Hon. (Dr.) Lilian Gogo, MP and seconded by Hon. Amina Dika, MP.

The Committee did not adopt the report on the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023) for the reasons cited above. The Committee resolved to have a meeting with the sponsor of the Bill, Sen. Miraj Abdillahi Abdulrahman, the State Department for Social Protection and Senior Citizen Affairs as well as the Ministry of Education before tabling the report.

MIN. NO. NA/DC-SP/2024/203: ADJOURNMENT

The meeting was adjourned at 01:35 p.m. The next meeting will be held on notice.

Signed..... 01/08/2024 Date..... W. Nganga

HON. ALICE WAMBUI NGÁNGÁ, C.B.S, M.P.

(Chairperson)

ANNEXURE III

NEWSPAPER ADVERT

Anti-graft agency recovers Sh345m asset from ex-MP

► The property belonged to the Ministry of Housing but was grabbed.

► Court nullified transactions that led to the illegal transfer of the land.

DANIEL CHEGE, NAKURU

The Ethics and Anti-Corruption Commission (EACC) has recovered a five-acre government land worth Sh345 million that had been grabbed by a former MP.

The land located in the Central Business District (CBD) in Nakuru also had houses.

According to the anti-graft agency, the property belonged to the Ministry of Housing and Urban Development but was grabbed by individuals through companies and proxies.

EACC's South Rift Regional Manager Godfrey Oyugi said the land had been reserved and also used for government housing.

"The government residential quarters are popularly known as St Xavier Estate, located off Oginga Odinga Avenue, along Gusi Road," he said. Oyugi said the commission won a case it filed against former Commissioner of Lands Wilson Gachanja and two private entities; Pembeni Limited and Liberty Assurance Limited, linked to a former Aldid MP.

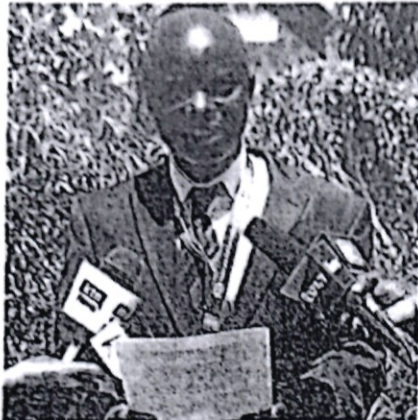
"The commission also sued Saleh Chepkole and Titus Kipkemboi who were also involved in the land transfer fraud with Gachanja," said Oyugi.

According to Oyugi, Gachanja fraudulently allocated the land to Chepkole and Kipkemboi who subsequently transferred it to Pembeni and Liberty Assurance.

Oyugi added that in its ruling, the Lands Court nullified all the transactions that led to the illegal transfer of the land.

"The court ordered the land to be registered in the name of the Principal Secretary (PS) Treasury, in trust, on behalf of the Ministry of Housing and Urban Development," said Oyugi.

According to Oyugi, civil servants occupy the property



EACC South Rift Regional Manager Godfrey Oyugi. (Kipsang Joseph Standard)

and have been paying rent to the government.

He insisted that the issue was that the land was registered under the names of the company instead of the government.

"Since the civil servants have not bought the land but only occupy the houses as tenants, they will not be evicted. The only process will be rectification of the titles for the land," said Oyugi.

He warned all government officials involved in land frauds that the commission was watching and that it would take action against any of them without fear or favour.

Oyugi advised those occupying government land illegally and holding titles to surrender them to the government instead of wasting time on lengthy and costly court processes which they will eventually lose.

"Do not fight a losing battle in court. Surrender the land. EACC has the mandate to negotiate with those who surrender the land under the Alternative Dispute Resolution (ADR) framework," he said.

The commission, expounded Oyugi, will pursue the rectification of the Nakuru Land Register, to have a new title issued in the name of the government as ordered by the Court.

He further stated that once

the rectification process is concluded, EACC will hand over the title to the government.

Oyugi said, in Nakuru alone, the commission is pursuing other grabbed public property in court.

He said the targeted land constitutes agricultural land, road reserves, land reserved for expansion of state agencies and Government houses for civil servants.

Justice Mwangi Njoroge ruled in favour of EACC on September 22 this year.

In the judgement, Mr Njoroge upheld EACC's submissions that at the time of the allocation, the land was government property and was not available for allocation.

Njoroge ruled that all transactions concerning the land were fraudulent.

He cancelled the registration entries on the lease of the parcel registered in favour of Chepkole and Kipkemboi.

"A permanent injunction is issued restraining the Liberty Assurance Company or any other person from charging, transferring, leasing, developing or occupying the land," ruled Njoroge.

EACC filed the case on June 29, 2018, and submitted that despite sending several demands, the individuals and the companies refused to voluntarily surrender the property.



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - SECOND SESSION (2023)

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2022);
2. THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2023);
3. THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2023); AND
4. THE NATIONAL LAND COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2023)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution of Kenya requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, the Bills listed below were read a First Time on Wednesday, 27th September 2023 and pursuant to Standing Order 127(1) of the National Assembly Standing Orders, committed to respective Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that-

1. The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 48 of 2022) sponsored by Hon. Abdul Rahim Dawood, MP, seeks to amend the Parliamentary Pensions Act, Cap. 196 to bring it into conformity with the provisions of the Constitution of Kenya, 2010 and to provide for the Act to apply to Members of both Houses of Parliament. The Bill further seeks to bring Cap 196 into conformity with the directions of the Salaries and Remuneration Commission as regards the retirement benefits due to Members of Parliament.
2. The Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023) sponsored by Hon. Joshua Kimilu, MP, seeks to establish the Institute of Social Work Professionals and to regulate the training registration and licensing of registered social work professionals.
3. The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2023) sponsored by Hon. Daniel Manduku, MP, seeks to amend the Kenya Roads Act, 2007 to provide that one of the functions of the Rural Roads Authority shall be to plan for the equitable development, rehabilitation, and maintenance of rural roads in each constituency. The Bill further proposes that the monies allocated to the Rural Roads Authority and the Urban Roads Authority by the Cabinet Secretary responsible for finance be used for the development of roads in each constituency. Additionally, the Bill proposes that the road investment programme prepared by the Cabinet Secretary responsible for roads should outline the development and maintenance priorities for each county.
4. The National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023) sponsored by Hon. Owen Baya, MP, seeks to amend the National Land Commission Act, 2012 to empower the National Land Commission to continue reviewing and establishing the propriety or legality of all grants and dispositions of public land. The Bill further seeks to empower the National Land Commission to continue admitting and processing claims of historical land injustices.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3) the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below:

S/No	BILL	COMMITTEE
1.	The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 48 of 2022)	Finance and National Planning
2.	The Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023)	Social Protection
3.	The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2023)	Transport and Infrastructure
4.	The National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023)	Lands

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda should be addressed to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to ca@parliament.go.ke to be received on or before Friday, 13th October 2023 at 5.00 p.m.

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY

2nd October 2023

"For the Welfare of Society and the Just Government of the People"

ANNEXURE IV

INVITATION TO STAKEHOLDERS



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

REF: NA/DC-SP/BILL/2023/058

23rd November 2023

Mr. Joseph Mogosi Motari, MBS
Principal Secretary
State Department for Social Protection and Senior Citizens Affairs
Ministry of Labour and Social Protection
Social Security House
NAIROBI

Hon. Joshua Kivinda Kimilu, MP
Kaiti Constituency
Parliament Buildings
NAIROBI

Mr. Kigai J. Kiarie
President
Kenya National Association of Social Workers
P.O. Box 53685 – 00200
NAIROBI

Dear *K. g a.*

RE: STAKEHOLDER ENGAGEMENT ON THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL, 2022

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216 and is mandated, *inter alia*, “to study and review all legislation referred to it”.

The Institute of Social Work Professionals Bill, 2022 (*Copy attached*) is before the Committee for consideration and reporting to the House in line with the provisions of Standing Order 127(1). The Bill seek to establish the Institute of Social Work Professionals and to regulate the training registration and licensing of registered social work professionals.


Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3) which provides for public participation and involvement in the law-making process, the Committee invites you for a meeting on **Thursday, 30th November, 2023 at 12.00 noon** to discuss the Bill. The meeting venue will be communicated in due course.

You are requested to submit 20 copies of your written submissions and soft copies sent to the emails provided below to be received by **Wednesday, 29th November, 2023 at 5.00 pm.**

The Committee's contact persons on this subject are **Mr. Saoli Sakana**, Tel. No. 0719-646-697 or email address: sakana.saoli@parliament.go.ke and **Mr. Mr. Ahmednoor Hassan**, Tel. No. 0748 993 663 or email: ahmednhassan.sheikh@parliament.go.ke.

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Florence K. Bore** 
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
NAIROBI



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

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Parliament Buildings
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Mr. Kigai J. Kiarie
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Hon. Joshua Kivinda Kimilu, MP
Kaiti Constituency
Parliament Buildings
NAIROBI

Mr. Kigai J. Kiarie
President
Kenya National Association of Social Workers
P.O. Box 53685 – 00200
NAIROBI

Dear *Hon Kimilu*

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Yours



JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Florence K. Bore**
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
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23rd November 2023

Mr. Joseph Mogosi Motari, MBS
Principal Secretary
State Department for Social Protection and Senior Citizens Affairs
Ministry of Labour and Social Protection
Social Security House
NAIROBI

Hon. Joshua Kivinda Kimilu, MP
Kaiti Constituency
Parliament Buildings
NAIROBI

Mr. Kigai J. Kiarie
President
Kenya National Association of Social Workers
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NAIROBI

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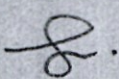
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Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Florence K. Bore** 
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
NAIROBI

ANNEXURE V

STAKEHOLDERS' SUBMISSIONS



DDC

15/4/24

MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS
OFFICE OF THE PRINCIPAL SECRETARY

Tel: +254 (0) 2729800/2727980-4
Fax: +254 (0) 2726222/2734417
Email: ps@socialprotection.go.ke
When replying, please quote

Social Security House, Bishops Road
P.O. Box 40326 - 00100
Nairobi
KENYA

REF: ML&SP/SP/37/5

April 11, 2024

Clerk of the National Assembly

Parliament Buildings
P.O. Box 41842-00100
NAIROBI

(Attn: Jeremiah W. Ndombi, MBS)

**RE: INVITATION TO SUBMIT MEMORANDUM ON THE INSTITUTE
OF SOCIAL WORK PROFESSIONALS BILL, 2023**

Reference is made to your letter dated 22nd March 2024 under Ref No. NA/DDC/SP/CORR/2024/076 requiring submission of Memorandum with respect to the Institute of Social Work Professionals Bill, 2023 sponsored by Hon. Joshua Kivinda Kimilu, M.P.

Attached find submissions on the Institute of Social Work Professionals Bill, 2023 (hereinafter "the Bill")

Joseph M. Motari, MBS
PRINCIPAL SECRETARY

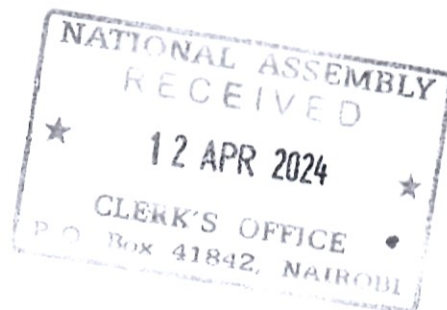
Encl.

Copy to:

Hon. Florence Bore
Cabinet Secretary
Ministry of Labour and Social Protection

Moses Kamau
Lead Parliamentary Liaison Officer
State Department for Social Protection & Senior Citizen Affairs

Ms. Finlay Muziriki
Pls ACK DM 15/04/24



15 APR 2024



MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS
OFFICE OF THE PRINCIPAL SECRETARY

S/No.	CLAUSES IN THE BILL	PROPOSED AMENDMENT	JUSTIFICATION
1.	Clause 1	The Act be cited as Social Workers Professionals Act,2023	The object of the Bill is to provide for the regulation of the standards and practice of social work profession in Kenya and should thus reflect the profession rather than the Institute.
2.	Clause 2	Add “social worker” means a person registered pursuant to this Act to practice social work in Kenya	This makes a provision for interpretation of the term without ambiguity
3.	Clause 2	“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to social services and social protection.	
4.	Clause 5	Amend to read: 5(1)The Council shall: a.) Regulate the practice of social work through- i) The registration, licensing, professional conduct and other processes set out in this Act and the regulations, ii) The approval and promotion of a code of ethics, and	-The amendment ensures that the functions of the Institute are placed with the appropriate body which is the Council since the Council is the governing body of the Institute, -These new Clauses expound on the functions of the Council and also provide clarity on the functions in regulating the profession by ensuring that the integrity

		<ul style="list-style-type: none"> iii) The development, approval and promotion of standards of practice, entry level competencies and continuing competency requirements; b.) Subject to paragraph (b), and in the public interest, advance and promote the practice of social work; c.) Encourage members to participate in affairs promoting the practice of social work, in the best interest of the public; d.) Advocate for the development, enhancement and promotion of policies to improve social conditions and promote social justice; e.) Prescribe the initial and continuing educational, proficiency and other qualifications for registration; f.) Examine applicants and judge entitlement to registration; g.) Provide investigation of complaints and for the discipline of social workers in accordance with this Act and the regulations; h.) Enter into agreements or other arrangements with the governing bodies that regulate the practice of social work in other jurisdictions to provide for the inter jurisdictional practice of social workers and the continuation of control and regulation over the practice of social work; i.) plan, arrange, co-ordinate and oversee continuing professional training and development and facilitate internship of trainee social workers; 	<p>of the profession is preserved through code of ethics, standards of practice, examination among others. In addition, the amendment also provides for comprehensive and detailed functions of the Council.</p>
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	<p>j.)collaborate with training institutions, professional associations, professional organizations and other relevant bodies in matters relating to training and professional development of social workers;</p>	
	<p>k.)determine the fees to be charged by professional social workers and firms for professional services rendered from time to time;</p> <p>l)establish a system of professional supervision of social workers and the appointment of supervisors for that purpose;</p> <p>m.)upon request, facilitate arbitration or mediation in any disputes between a licensed Social Worker and a client;</p> <p>n.)represent, protect and assist social workers in respect of conditions of practice and otherwise;</p> <p>o.)promote research in social work practice and related matters;</p> <p>p.)publish books, periodicals, journals and articles on social work;</p> <p>q.)provide a medium for communication and exchange of information, knowledge and ethical standards for those persons engaged in the field of social work;</p> <p>r.)advise the Examinations Board on matters relating to examination standards and policies;</p> <p>s.)promote inter-professional collaboration with other professional bodies;</p> <p>t.)prescribe the fees and other charges payable with respect to examinations by the Examination Board;</p>	

		<p>u.)issue certificates to candidates who have satisfied examination requirements; and</p> <p>v.)carry out any other functions prescribed for it under any of the provisions of this Act or under any written law.</p> <p>5(2) The Council may appoint such committees or panels as may be necessary to perform its functions under this Act.</p> <p>5(3) The Council may delegate the powers and duties of the Council, as specified in the delegation, to a committee, panel, or a member of the Council</p>	<p>Sub Clause (2) is a new provision which provides for the Council to appoint committees or panels for performance of its functions.</p> <p>Sub Clause (3) is a new provision which rephrases Clause 10 of the Bill to provide for delegation of the powers and duties of the Council.</p>
5.	Clause 6	<p>6(1) The management of the Institute shall vest in the Council comprising-</p> <p>a) a chairperson elected in the manner provided in paragraph 1 of the Second Schedule;</p> <p>b) the Principal Secretary of the Ministry responsible for matters relating to social services and social protection or a representative designated in writing by the Principal Secretary;</p> <p>c) one person nominated to represent the Commission for university Education;</p>	<p>-The proposed amendment to Clause 6 conforms with the provision under the Second and Third Schedule with regards to election of the Chairperson and the six members under paragraph (d).</p> <p>-The Second Schedule under Paragraph (1) provides that the Chairperson of the Council shall be elected by members of the Institute during the Annual General Meeting of the Institute.</p> <p>-The Third Schedule under Paragraph (1) provides that each of the six members of</p>

		<p>d) Six other members elected in the manner provided in the Third Schedule whom shall be social workers; and</p> <p>e) the Executive Director, as an <i>ex officio</i>.</p>	<p>the Council shall be elected by members during the Annual General Meeting of the Institute.</p> <p>Clause 6 is further amended by deleting</p>
		<p>(2) "the Chairperson and or a member elected under Sub section (1) (a), (c) and (d) shall hold office for a period of three years and may be eligible for re-election for a further and final term of three years.</p> <p>3) A member seeking election as chairperson or a member shall be a person who-</p> <ol style="list-style-type: none"> a. Is a Kenyan; b. holds at least a Bachelor's Degree in Social Work from a recognized university in Kenya; c. has at least 10 years of experience in social work practice; d. meets the requirements of Chapter Six of the Constitution; e. is a registered member of the Institute; and f. has not been disqualified under the provisions of the Third Schedule. 	<p>paragraphs (b) and (c) which provides for representation by the Principal Secretaries for matters relating to health and correctional services respectively. The best practice is to provide for the PS responsible for the matter concerned (in this case, Social services) and coopt other persons on case to case basis during Council meetings.</p> <p>-These amendments ensure that the Chairperson and the six members under paragraph (d) are registered social workers and elected by the members of the institute as per the Second and Third Schedule.</p> <p>-The amendment also provides for a representative of Commission for University Education which is a key stakeholder in development and accreditation of social work programs at the universities.</p>

			-Sub clause (2) and (3) provide for term of office for the chairperson and members of the Institute and their qualifications.
6.	Clause 15	<p>-Delete sub clause (2)</p> <p>-In sub clause (3) delete paragraph (a) and insert a new paragraph (a) as follows-</p> <p>(a) "four social work professionals appointed by the Council who represent the diversity of various fields of social work practice and who reflect the gender, racial and ethnic composition of Kenya, one of whom is teaching at University offering social work,</p> <p>-Insert a new paragraph (e) to read as follows-</p> <p>(e) "the Council shall appoint a chairperson of the Board among the members under sub section (3) (a)".</p> <p>-Insert a new sub clause (5) as follows-</p> <p>(5) "the Board shall regulate its own meetings"</p>	<p>-The Bill under Clause 15 makes the Examination Board an autonomous body independent from the institute by giving it a corporate status. This is against the best practice in most professions where professional exams are conducted under the supervision of the governing body, in this case the Council.</p> <p>-The amendment under Sub Clause (2) removes the body corporate status of the Examination Board. The reason for this amendment is that examination is a function of the Council and therefore cannot be an independent function from other functions of the Council. Also, it is best practice that professional examinations are conducted in accordance with the standards and regulations by the governing body.</p> <p>-The amendment under Sub Clause (3) paragraph (a) provides clarity of persons to be appointed as members of the Examination Board who must be social workers and who reflect the</p>

			<p>gender, racial and ethnic composition in conformity with the Constitution.</p> <p>-The new paragraph (e) provides for appointment of the Chairperson of the Examination Board.</p> <p>-The new Sub Clause (5) provides for how the Board shall conduct its affairs.</p>
7.	Clause 16	<p>Delete Clause 16 and substitute with a new Clause 16 as follows-</p> <p>16. "the Board shall examine persons seeking to be registered as social workers."</p> <p>-Insert a new Clause immediately after Clause 16 as follows-</p> <p>Remuneration of the Examination Board Members</p> <p>16A. the members of the Examination Board shall be paid such, fees, allowances and disbursements for expenses as may be determined by the Council.</p>	<p>-The proposed amendment under Clause 16 deletes the functions of the Examination Board and moves the said functions to Clause 5 under the functions of the Council. this amendment aligns the functions of the Examination Board with its mandate which is examining person seeking to be registered as social worker.</p> <p>-The function of the Examination Board is to conduct examination on behalf of the Council and therefore the amendment to Clause 16 is meant to reflect the same.</p> <p>-The functions under Clause 16 are functions by the Council being the governing body of the Institute. The said functions have been restructured and moved to Clause 5 as functions of the Council.</p>

			Clause 16A is a new provision to provide for remuneration of the members of the Examination Board
8.	Clause 17	Delete	<p>-Clause 17 of the Bill provides for establishment of a Registration Committee whose functions are to receive applications for registration and grant practicing certificates among other functions in accordance to the Act. These functions are functions to be exercised by the Council and therefore need not be expressly provided for in the Bill as functions of the Committee. The amendment therefore ensures that the functions are placed with the right body.</p> <p>-The Council is responsible for registration of members of the Institute and can carry out the function of registration through delegation of the function to a committee of the Council in accordance with Clause 5 (2) and (3) hence the amendment by deleting Clause 17. The Council can therefore constitute a Registration Committee and assign it functions as it deem fit.</p>
9.	Clause 18	Delete and substitute with:	The proposed amendment provides that only persons who are holders of a B.A

		<p>Subject to the provisions of this Act, a person shall be eligible to be registered as a social work professional if such a person-</p> <p>(a) has obtained a bachelor's degree in social work from a recognized university in Kenya;</p> <p>(b) has, subsequent to obtaining the degree, completed at least two years of experience under a registered social worker that in the opinion of the Council, demonstrates competence in the field of social work,</p> <p>(c) has passed the examinations required by the Council,</p> <p>(d) is of good conduct and has paid the prescribed fees.</p>	Social work degree are registered as social work professionals.
10.	Clause 19	<p>Insert new sub clause (2) and (3) as follows-</p> <p>(2) The Council shall inform the applicant, in writing, of its refusal to register the applicant.</p> <p>(3) A person whose application for registration has been rejected may appeal to the Council.</p>	-The amendment is to provide for the process of communication by the Council to an applicant in case the application is not approved for registration.
11.	Clause 20	<p>Delete paragraph (b) and substitute thereof with the following new paragraph-</p> <p>(b) "the firm has shareholders who are registered as social work professionals and have valid practicing certificates".</p>	This ensures that only registered and licensed social workers operate social work firm
12.	Clauses 21-23,28	Delete the expression "Registration Committee" and replace with "Council"	The amendment aligns the Clause with the functions of the Council
13.	Clause 24(4) on notification of removal of one	Add use of e-mail as a means of communication	This is being the digital era, use of e-mail has been adopted as an efficient means of communication.

	from the Register		
14.	Part IV on practicing Certificate	<p>1. Date and validity of the practicing certificate to be included.</p> <p>2. A practicing certificate issued to any person to remain the property of the Institute</p>	<p>1. This will avoid confusion as to whether the certificate once obtained is for a lifetime or for a specific duration.</p> <p>2. This will justify Clause 28(6) of the Bill.</p>
15.	Clause 30	Include the quorum of Disciplinary Committee members to sit	This will ensure clarity under what circumstances a hearing can proceed based on number of members present.
16.	Clause 42	<p>Delete and substitute with:</p> <p>(1) The Cabinet Secretary for the time being responsible for matters relating to social services and social protection shall at the commencement of this Act appoint an interim Council in accordance with Section 6.</p> <p>(2) The members appointed under subsection (1) shall remain in office until the first election of the members of the Council under Section 6 are conducted.</p> <p>(3) Notwithstanding the provisions under Section 18 of this Act: -</p> <p>a. Any person immediately before the commencement of this Act who was engaged in social work practice shall within two years after the commencement of this Act apply for registration under this Act.</p> <p>b. After the expiry of twenty-four months after the commencement of the Act no person shall</p>	<p>-The proposed amendment to Clause 42 ensures that the appointment of the interim Council is in accordance with the spirit and the letter of Clause 6 of the Bill. The Cabinet Secretary is expected to appoint an interim Council in accordance with Clause 6; a Chairperson, six members who are social work professionals, a representative of the Commission for University Education, P.S for Ministry responsible for social services and social protection and the Executive Director of the Institute.</p> <p>-As currently worded, Clause 42 (1) limits the representation to the National Executive Council of the Kenya National Association of Social Workers which negates the spirit of the Bill.</p>

		<p>carry on business or hold himself or herself out as being a social worker except in compliance with this Act.</p>	<p>-The objective of this Act is to promote the Social Work Profession in Kenya and thus the need to guide the Cabinet Secretary in appointment of the interim Council which should reflect the spirit under Clause 6 and ensure that the interim Council is inclusive as envisaged under this Act.</p> <p>-The new Sub-Clause (3) provides for transitional registration of Social Workers under this Act.</p> <p>-The two-year period is to provide adequate time for transition to registration under this Act.</p> <p>-Sub-clause (4) is deleted since academic requirements for curriculum development is a function of the Commission for University Education.</p> <p>-The council is only supposed to provide for professional requirement for the development of curriculum and thus a function of the Council.</p>
17.	Schedules	<p>a) Second Schedule- THE INSTITUTE; and</p> <p>b) Third Schedule-</p>	<p>-The Bill has no provision for (i) conduct of annual general meetings, (ii) Meetings of the Institute, (iii) election of the Chairperson and the six members of the Council and (iv) disqualification of members from contesting any position on</p>

		<p>THE COUNCIL immediately after the First Schedule under the ARRANGEMENT OF CLAUSES</p>	<p>the Council. The proposed amendments under the Second and Third Schedule make provision for election of the Chairperson and members, conduct of the Annual General Meetings and disqualification of members among other provisions.</p> <p>-The Bill under Clause 6 on appointment of the Chairperson and 5 members of the Council refers to Regulations which are supposed to prescribe the election process of the Chairperson and the said members. It is important to note that these Regulations are not in place and the process of developing the same is lengthy and it may therefore cause a delay in constituting the Council and by extension registration of members. The best practice in drafting of legislation is to provide for the process of conducting annual general meetings and election of the Chairperson and the members of the Council, in a schedule in the Act. The amendment will therefore ensure the process of constituting the Council is fast-tracked and registration of members commences without delay.</p>
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			-The amendments will ensure that once the Act is commenced the Institute can be operationalized by means of the Second and Third Schedule.
18.		<p>That the Bill is amended by inserting the Second and Third Schedule immediately after the First Schedule as follows: -</p> <p>SECOND SCHEDULE (Sections 3,6.) THE INSTITUTE Chairperson of the Institute</p> <ol style="list-style-type: none"> 1. (1) The Chairperson shall be elected during the annual general meeting of the Institute. (2) Unless he or she earlier vacates the office, a person elected to the office of Chairperson shall hold the office until another Chairperson is elected. (3) A person elected as Chairperson in Subsection (1) shall hold office for a period of three years and may be eligible for a further and final term of three years. (4) A person who holds the office of Chairperson may resign from the office by writing under his hand delivered to the Council. 	<p>To provide for election of the Chairperson and members of the Council and conduct of business of the council including holding of annual general meetings of the institute.</p> <p>The current Bill has no provision for conduct of general meetings, appointment of Chairperson and members to the Council. The Bill under Clause 6 provides for the election of the Chairperson and 5 other members to be elected in the manner prescribed by the regulations which are not in place hence may cause delay in the constitution of the Council. The best practice in similar institutions is that election of chairperson and members is provided for in the Act under the Schedule.</p>

Meetings of the Institute

Subject to paragraph 3 of this Schedule, an Annual General Meeting of the Institute shall be held not later than six months after the end of each year.

3. A special general meeting of the Institute-
 - (a) may be held at any time; and
 - (b) be held on a written request made to the Council and signed by not less than an eighth of members of the Institute.

4. (1) A meeting of the Institute shall be convened by the Council by giving to every member of the Institute a written notice-
 - (a) stating the place and time of the meeting; and
 - (b) indicating the business which it is proposed to transact at the meeting, which shall include, among other matters, the presentation of the following-
 - (i) a report by the Council covering the past year;
 - (ii) financial statements and the auditor's report thereon;
 - (iii) election of the Chairperson and Council members; and
 - (iv) the appointment of the auditor.
- (2) Notice of a meeting shall be given not less than fourteen days before the date on which it is to be held to each member of the Institute

		<p>by posting the notice to the address of the member last known to the Institute, or by handing the notice to the member in person.</p>	
		<p>The validity of any proceedings of the Institute shall not be affected by any failure to comply with the requirement of sub-paragraph (2) of this paragraph unless it is proved that the failure to comply in relation to any member was a deliberate failure.</p> <p>5. (1) The Chairperson shall preside at all meetings of the Institute at which he is present.</p> <p>(2) At a meeting of the Institute at which the Chairperson is not present, the Vice-Chairperson shall preside.</p> <p>(3) At a meeting of the Institute at which neither the Chairperson nor the Vice-Chairperson are present, the members of the Institute present shall elect one of their members to preside.</p> <p>6. (1) Subject to this paragraph, the quorum at a meeting of the Institute shall be an eighth of members.</p> <p>(2) Where a general meeting of the Institute is convened-</p> <p>(a) otherwise than pursuant to paragraph 4(b) of this Schedule, and a quorum is not present when the meeting proceeds to business, the meeting shall stand adjourned until the same day on the following week, at</p>	

		<p>the same time and place, and if a quorum is not present at or within fifteen minutes after that time, the members present shall constitute a quorum; or</p> <p>(b) pursuant to paragraph 4(b) of this Schedule, and a quorum is not present when the meeting proceeds to business the meeting shall be dissolved.</p> <p>7. (1) No business shall be transacted at a meeting of the Institute unless-</p> <p>(a) the business is indicated in the notice of the meeting as business which it is proposed to transact; or</p> <p>(b) in the case of business not so indicated, the meeting decides to transact the business and the person presiding at the meeting agrees to the transaction of the business.</p> <p>(2) Minutes of the proceedings at meetings of the Institute shall be kept in such a manner as the Chairperson or in his absence the person presiding at a particular meeting, directs.</p> <p>8. The person presiding at a meeting of the Institute may adjourn the meeting from time to time and from place to place, with the consent of the meeting.</p> <p>9. The person presiding at a meeting of the Institute may in his discretion limit the number of persons permitted to speak in favour of or against any motion and the time any such person may so speak.</p>	
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		<p>10. (1) Questions arising at a meeting shall be determined by a majority of the members of the Institute voting on the question.</p> <p>(2) Voting on any question shall be by a show of hands or such other procedure as may be prescribed in by-laws or regulations published under the provisions of this Act.</p> <p>(3) Where a ballot is held, voting may be either done personally or by written proxy.</p> <p>(4) An instrument appointing a proxy shall be in writing and shall be deposited with the Secretary to the Council not less than forty-eight hours before the meeting of the Institute at which it is to be used.</p> <p>(5) A proxy to be used in any ballot at any meeting may be used at the meeting or, if the meeting is adjourned, in any ballot when the meeting is resumed after the adjournment but the holding of a proxy shall not be counted towards the quorum at any stage of any meeting.</p> <p>(6) The person presiding at a meeting of the Institute has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.</p>	
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		<p>A declaration by the person presiding at a meeting of the Institute that a resolution has or has not been carried and an entry to that effect in the minutes of the meeting is evidence of that fact.</p>	
<p>19.</p>		<p>THIRD SCHEDULE [Sections 6 (2), 11.] THE COUNCIL Members of the Council</p> <p>1) Each of the Six members of the Council (one of whom shall be the Vice- Chairperson) referred to in Section 6 (g) of this Act shall be elected at an Annual General Meeting of the Institute.</p> <p>(2) Subject to paragraph 2 of this Schedule, a member of the Council-</p> <ul style="list-style-type: none"> (a) elected pursuant to sub-paragraph (1); (b) appointed pursuant to Section 6 (b) and (c) of this Act; or (c) co-opted pursuant to sub-paragraph (4), <p>shall hold office for the prescribed period, unless he earlier ceases to hold office.</p> <p>(3) A member of the Institute shall be disqualified from contesting any position on the Council if within the preceding three years, such member-</p> <ul style="list-style-type: none"> (a) has been found guilty of an act of professional misconduct under this Act, which in the opinion of the Council renders him or her unfit to hold the office; 	

		<p>(b) has been convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;</p> <p>(c) has been convicted of an offence involving corruption, dishonesty or abuse of office; or</p> <p>(d) has been adjudged bankrupt or has entered into a composition or scheme of arrangement with his creditors.</p>	
		<p>Subject to sub-paragraph (5), where a member of the Council (including a member co-opted pursuant to this sub-paragraph) ceases to hold office before the expiration of the prescribed period or otherwise than under the provisions of paragraph 2 of this Schedule (where applicable), the Council may co-opt a person to hold that office.</p> <p>(5) Sub-paragraph (4) does not apply to the members of the Council appointed pursuant to Section 6 (b) and (c) of this Act.</p> <p>(6) In this sub-paragraph, the "prescribed period" means-</p> <p>(a) in relation to a member referred to in sub-paragraph (2)(a), the period beginning with his or her election and ending at the commencement of the day on which the third annual general meeting after his election is to be held;</p> <p>(b) in relation to a member referred to in sub-</p>	

		<p>paragraph (2)(b), the period of three years next following his appointment; or</p> <p>(c) in relation to a member referred to in subparagraph (2)(c), the period beginning with his being co-opted and ending at the commencement of the day on which the first annual general meeting after his being co-opted is to be held.</p> <p>Of the six members of the Council (including the Vice-Chairperson) first elected by the Institute after the commencement of this Act-</p> <p>(a) two (identified by agreement of the members of the Council or by lot) shall cease to hold office at the commencement of the day on which the second annual general meeting of the Institute is to be held, save in the case of any such who earlier ceases to hold office;</p> <p>(b) two (so identified) shall cease to hold office at the commencement of the day on which the third annual general meeting of the Institute is to be held, save in the case of any such member who earlier ceases to hold office; and</p> <p>the remaining two members shall cease to hold office at the commencement of the day on which the fourth annual general meeting of the Institute is to be held, save in the case of any such member who earlier ceases to hold office.</p>	
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		<p>3. Notwithstanding paragraph 2, the office of a member of the Council shall become vacant if such member-</p>	
		<p>(a) resigns the office by writing under his hand delivered-</p> <ul style="list-style-type: none"> (i) in the case of the members appointed pursuant to Section 6(b), and (c) to the Minister; or (ii) in the case of any other member, to the Council; <p>(b) has the appointment revoked by the Minister in the case of the members appointed pursuant to Section 6 (b) and (c);</p> <p>(c) ceases to hold the office in the case of the members appointed pursuant to Section 6 (b) and (c);</p> <p>(d) is adjudged bankrupt or enters into a composition or scheme of arrangement with his creditors; or</p> <p>(e) is absent without the permission of the Council from three or more consecutive ordinary meetings of the Council; or</p> <p>(f) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine; or</p>	

		<p>(g) is found guilty of an act of professional misconduct under this Act, which in the opinion of the Council renders him unsuitable to continue to hold office; or</p> <p>h) becomes for any reason, including infirmity of body or mind, incompetent or incapable of performing the functions of his office.</p> <p>4. (1) Subject to paragraph 1(4) of this Schedule, where a member of the Council ceases to hold office, another member shall be elected to fill the vacancy at the annual general meeting of the Institute next following, or shall be appointed as provided under Section 6 (b) and (c) of this Act, as the case may be.</p> <p>(2) A member of the Council who ceases to hold office other than under paragraph 3(b), (c), (d), (e) or (f) is eligible for re-election or re-appointment.</p>	
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**SUBMISSION TO THE DEPARTMENTAL COMMITTEE ON SOCIAL
PROTECTION ON**

THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL, 2023

Kenya Gazette Supplement N0. 64 (National Assembly Bills No. 17)

Sponsored by Hon. Joshua Kivinda Kimilu

In consideration of the bill sponsored by Hon Joshua Kivinda and which has already gone through the first reading in parliament, broad consultations have been undertaken resulting in the amendments herein proposed.

This structured amendment proposal provides a comprehensive overview of the proposed changes to the Institute of Social Work Professionals Bill, 2023. Each amendment is accompanied by a clear justification, highlighting the rationale behind the proposed change.

The proposed amendments aim to streamline the bill, improve its clarity and effectiveness, and ensure that it aligns with best practices and the current needs of the social work profession in Kenya.

Overall, these amendments are crucial for the successful implementation of the bill and for advancing the social work profession in Kenya. They reflect a commitment to professionalism, quality, and effectiveness in social work practice, ultimately benefiting the individuals and communities served by social workers across the country.

#	CLAUSE	PROPOSED AMENDMENT	JUSTIFICATION (REASON)
1.	Title of the Bill.	Delete the title of the Bill and replace with the following new title: “THE SOCIAL WORK PROFESSIONALS, BILL 2024”	The Bill seeks to regulate the social work professionals and hence the title is proposed to be amended to align with the contents of the Bill.
2	Long Title	Delete the long title of the Bill to read as follows: “An Act of Parliament to make	The amendment seeks to align the Long Title of the Bill with the objects and purpose of

		provision for the training, registration and licensing of social work professionals; to regulate their practice; to provide for establishment of social work professionals' Council and for connected purposes.”	the Bill which is to regulate the social work professionals.
3	Clause 1	Delete the words “Institute of Social Work Professionals” appearing in clause 1 on short title and substitute with the words “Social Work Professionals”.	The amendments are intended to align the Bill with the change in its title which has been renamed to Social Work Professionals Bill.
4.	Clause 2	Amend clause 2 to insert a new definition of the term a Social Work Professional to mean “a person who is registered under section 21 of the Act”.	It is notable that the Bill has used the term social work professional without defining the term and hence the amendment seeks to include the definition.
5.	Clause 2	Amend clause 2 to rename the term practicing certificate to “Practicing License”.	The amendment seeks to align the Bill with best practices on regulation of professionals. The Committee should also effect further consequential amendments to the Bill by deleting reference to the words practicing certificate whenever they appear and substituting therefor the words “practicing licence”.

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6.	Clause 2	<p>Amend clause 2 to rename Registration Committee to Registration and Licensing Committee</p>	<p>The amendments seek to align the Bill with the functions of the Committee which shall be to register and issue practicing licences to social work professionals.</p> <p>The Committee should also effect further consequential amendments to the Bill by deleting reference to the words Registration Committee whenever they appear and substitute therefor the words "Registration and Licensing Committee".</p>
7	Clause 6(1)	<p>Amend the marginal note in Clause 6(1) to delete the words "Council of the institute" and substitute with the words "composition of the Council".</p>	<p>The clause provides for the composition of the Council.</p>
8	Clause 6	<p>In subclause (1):</p> <p>By deleting paragraph (a) and substituting therefor the following new paragraph:</p> <p>(a) a chairperson appointed by the Cabinet Secretary from amongst persons nominated under paragraph (e);</p> <p>By deleting the words "matters relating to social welfare, the elderly and vulnerable persons" appearing in paragraph (d) and substitute therefor the words "social services and protection.</p> <p>By deleting paragraph (e) and substituting therefor the following new paragraph:</p>	<p>The amendments seek to create clarity on the qualifications for a appointment as a chairperson and members of the Council.</p> <p>Noting the critical functions of the Council, the amendments seek to provide for the qualifications of the membership of the Council to ensure that only persons with the requisite qualifications, technical expertise and solid experience are</p>

		<p>(e) six other members, who shall be persons with knowledge and experience in social work, nominated by social work professionals and appointed by the Cabinet Secretary;</p> <p>By inserting the following new subclauses immediately after sub-clause (1):</p> <p>(1A) A person qualifies for appointment as a Chairperson of the Council under subsection (1)(a), if the person —</p> <ul style="list-style-type: none"> (a) holds a bachelors degree in social work from a university recognized in Kenya; (b) is a registered social work professional; (c) has had at least ten years proven experience in social work; and (d) meets the requirements of Chapter Six of the Constitution. <p>(1B) A person qualifies for appointment as a Member of the Council under subsection (1)(e), if the person —</p> <ul style="list-style-type: none"> (a) holds a bachelors degree in social work from a university recognized in Kenya; (b) is a registered social work professional; (c) has had at least eight years proven experience in social work; and (d) meets the requirements of Chapter Six of the Constitution. 	<p>appointed to the Council.</p> <p>The amendments further seek to align clause 6(1)(d) with the responsible Ministry as provided for in the Bill which is the Ministry responsible for social services and protection.</p>
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9	Clause 7	<p>Amend sub-clause (1) to delete reference to the term “Executive Director” and substitute with “Registrar”.</p> <p>Amend sub-clause (2) to insert a new paragraph to provide for the academic qualifications for appointment as a Registrar which shall be:</p> <p>(aa) holds a bachelors degree in social work from a university recognized in Kenya.</p>	<p>The amendments seeks to align clause 7 of the Bill with clause 28 of the Bill which provides for the functions of the Registrar.</p> <p>The amendments seek to create clarity on the academic qualifications for a Registrar.</p> <p>Noting the critical functions of a Registrar, the amendments seek to provide for the academic qualifications of the Registrar to ensure that only a person with the requisite qualifications, is appointed as a Registrar.</p>
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10	Clause 15(2)	Amend clause 15 by deleting sub-clause (2) which provides for the nature of the Examination Board as a corporate body.	It is notable that the Examination Board is one of the organs of the Council and hence creating it as a body corporate would be tantamount to creating a separate body with functions similar to the Council as provided for under clause 5(g) and (h).
11	Clause 16	Amend clause 16 by deleting paragraph (e).	The issuance of certificates and other awards to candidates who satisfy examination requirements is already provided for

		Amend clause 16 by deleting paragraph (i).	under paragraph (f); All monies collected under the Act are payable to the Council.
12	Clause 18 (1)(c)	Delete paragraphs (a) to (j) Delete the words "research course" appearing in paragraphs (c) and (d).	The fields for qualification for registration are beyond what is contained in paragraphs (a) to (j) and hence there is need to leave it open and allow for such prescription of the courses to be done through regulations. Additionally, the prescription of the courses is a function of the Council. Research course should not be a qualification for registration.
13	Clause 20(b)	Insert ".....worker..." between social and professional.	To correct a typographical error to make reference to the term social work professional.
14	Clause 28(1)	In sub-clause (1) include the words "... unless the person has been issued with a valid practicing license which is renewable every two (2) years."	The Bill does not contain provisions for renewal of licence.
15	Clause 29(g)	Delete "... favours of a sexual kind..."	Reference to the words "favours and other benefits" include favours of a sexual kind.

16	Clause 42	<p>Delete sub-clauses (1), (2) and (3) and substitute the following:</p> <p>(1) A person operating as a social worker shall within ninety days of commencement of this Act formalize his or her registration as prescribed under this Act.</p>	<p>Upon constitution of the Council, the Council should assume its functions and proceed to constitute the Registration Committee hence there is no need to establish an Interim Council.</p>
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