

SPECIAL ISSUE

Kenya Gazette Supplement No. 179 (National Assembly Bills No. 31)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2020

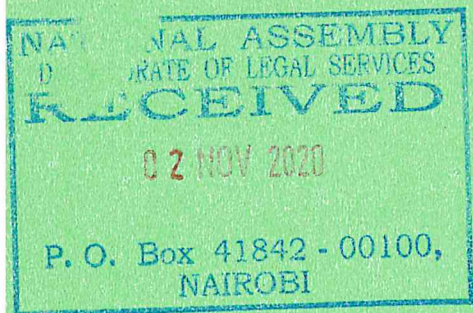
NAIROBI, 14th October, 2020

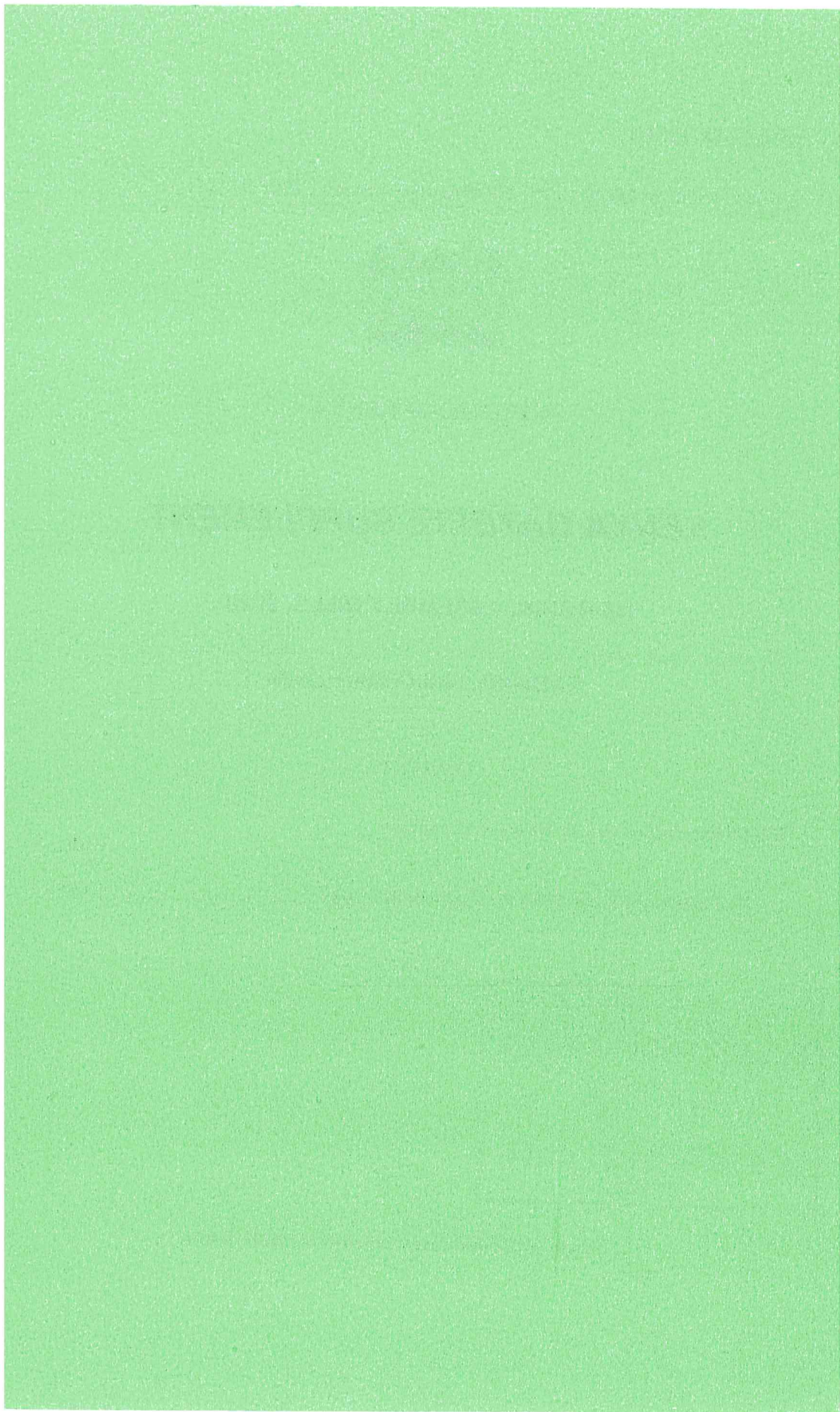
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THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL, 2020

A Bill for

AN ACT of Parliament 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

ENACTED by Parliament of the Republic of Kenya as follows—

PART I – PRELIMINARY

1. This Act may be cited as the Institute of Social Work Professionals Act, 2020.

Short title.

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

Interpretation.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to social services and protection;

“Council” means the Council of the Institute established under section 6;

“Disciplinary Committee” means the committee established under section 30;

“Examinations Board” means the Social Work Professionals Examinations Board established under section 15;

“Executive Director” means the person appointed as the Executive Director of the Institute under section 7;

“Institute” means the Institute of Social Work established under section 3;

“practicing certificate” means a practicing certificate issued by the Registration Committee pursuant to section 28;

“Register” means the register kept pursuant to section 24;

“Registration Committee” means the committee established under section 17; and

“social work” 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.

PART II—THE INSTITUTE OF SOCIAL WORK PROFESSIONALS

3. (1) There is hereby established an institute to be known as the Institute of Social Work Professionals.

Establishment of Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding or disposing of property;
- (c) borrowing money; and
- (d) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done by a body corporate.

(3) The Headquarters of the Institute shall be in Nairobi, but the Institute may establish offices at any place in Kenya.

4. (1) A person who is registered under this Act shall be a member of the Institute.

Membership of the Institute.

(2) The members of the Institute shall comprise—

- (a) Fellows, being members of the Institute recognized to have rendered outstanding services to the profession of social work;
- (b) members registered under section 22; and
- (c) associate members, being persons eligible to be registered under section 22 who do not meet the requirements prescribed under subsection (1) of that section.

(3) Where the Council considers that a person, not being a member of the Institute has rendered exceptional services to the Institute or the profession of social work, the council may invite the person to become an Honorary Fellow of the Institute.

5. (1) The Institute shall—

Functions of the
Institute.

- (a) establish, monitor and publish the standards of professional competence and practice amongst social work professionals;
- (b) register persons who meet the required professional and ethics standards;
- (c) promote research in social work practice and related matters;
- (d) publish books, periodicals, journals and articles on social work;
- (e) provide a medium for communication and exchange of information, knowledge and ethical standards for those persons engaged in the field of social work;
- (f) network with regional and international related bodies to promote and develop progressive social work practices;
- (g) hold examinations and prescribe tests of competency deemed appropriate to qualify for membership and certification by the Institute;
- (h) advise the Examinations Board on matters relating to examination standards and policies;
- (i) advise the Registration Committee on matters relating to registration;
- (j) regulate the practice, competence and professional conduct of social work professionals;
- (k) promote and protect the welfare and interests of the social work profession;
- (l) promote inter-professional collaboration with other professional bodies; and
- (m) carry out any other functions prescribed for it under any of the provisions of this Act or under any written law.

6. (1) The management of the Institute shall vest in a Council comprising—

Council of the
Institute.

- (a) 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 in the manner prescribed by regulations;

- (b) the Principal Secretary of the Ministry for the time being responsible for matters relating to health or a representative designated in writing by the Principal Secretary;
- (c) the Principal Secretary of the Ministry for the time being responsible for matters relating to correctional services or a representative designated in writing by the Principal Secretary;
- (d) the Principal Secretary of the Ministry for the time being responsible for matters relating to social welfare, the elderly and vulnerable persons or a representative designated in writing by the Principal Secretary;
- (e) five other members, who shall be persons with knowledge and experience in social work, elected by social work professionals in the manner prescribed by regulations; and
- (f) the Executive Director, as an *ex officio*.

(2) A member elected to the Institute under subsection (1)(a) and (d) shall hold office for a period of three years and shall be eligible for re-election for a further and final term of three years.

7. (1) There shall be an Executive Director of the Institute who shall be competitively appointed by the Council, and whose terms and conditions of service shall be determined by the Council in the instrument of appointment.

Executive
Director.

(2) A person shall not be appointed as an Executive Director under this section unless such person—

- (a) is a registered social work professional;
- (b) has had at least eight years proven experience in social work; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3) The Executive Director shall—

- (a) be the secretary to the Council;
- (b) subject to the directions of the Council, be responsible for the day to day management of the affairs of the Institute; and
- (c) be responsible to the Council generally for the implementation of this Act.

8. The Council may appoint such officers, agents and other staff as are necessary for the proper and efficient discharge of the functions of the Institute and the Council under this Act, upon such terms and conditions of service as the Council may determine.

Staff of the Institute.

9. The Council may, on the advice of the Executive Director, engage on behalf of the Institute, the services of an expert or a consultant in respect of any of the functions of the Institute in which the experts or consultant has special competence.

Experts and consultants.

10. The Council may, by resolution delegate to any committee or to any member, officer, employee or agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council or the Institute under this Act or under any other written law.

Delegation by the Council.

11. The members of the Council shall be paid such, fees, allowances and disbursements for expenses as may be determined by the Council.

Remuneration of Council members.

12. (1) The conduct of the business and affairs of the Council shall be as provided in the Schedule.

Conduct of the business and affairs of the Council.

(2) Except as provided in the Schedule, the Council may regulate its own procedure.

13. (1) The common seal of the Institute shall be kept in the custody of the Executive Director or of such other person as the Council may direct, and shall not be used except upon the order of the Council.

Common seal.

(2) The common seal of the Institute, when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any necessary order or authorization by the Council under this section shall be presumed to have been duly given.

14. No matter or thing done by a member of the Council or by any officer, member of staff, or agent of the Council shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Council under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

Protection from
personal liability.

15. (1) There is hereby established a Board to be known as the Social Work Professionals Examinations Board.

Examinations
Board.

(2) The Examination Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding or disposing of property;
- (c) borrowing money; and
- (d) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done by a body corporate.

(3) The Examinations Board shall comprise—

- (a) four persons who shall be registered social work professionals nominated by the Council, one of whom shall be appointed by the Council from amongst the members of the Institute as Chairperson of the Board;
- (b) two persons nominated by the Cabinet Secretary of the Ministry for the time being responsible for education, one of whom shall be from Kenya Institute of Curriculum Development and one from the Kenya National Examination Council;
- (c) two persons nominated by the Commission for University Education; and
- (d) one person nominated by the Attorney General.

(4) A member appointed to the Board under subsection (3)(a) shall hold office for a period of three

years and shall be eligible for reappointment for a further and final term of three years.

16. The Examination Board shall—

Functions of the Examination Board.

- (a) prescribe and regulate the syllabus of instruction for social work professionals examinations;
- (b) prepare and conduct examinations for persons seeking registration under the Act;
- (c) make rules with respect to examinations;
- (d) prescribe the fees and other charges payable with respect to such examinations;
- (e) issue certificates to candidates who have satisfied examination requirements;
- (f) issue certificates and other awards to candidates who satisfy examination requirements;
- (g) investigate and determine cases involving indiscipline by students registered with the Examination Board;
- (h) promote recognition of its examinations locally and internationally;
- (i) remit a proportion of not less than thirty percent of the fees collected under paragraph (d) to the Institute to support continuing social work professional development; and
- (j) do anything incidental to the performance its functions.

PART III – REGISTRATION OF SOCIAL WORK PROFESSIONALS

17. (1) There is hereby established a committee to be known as the Registration Committee comprising—

Registration Committee.

- (a) a chairperson appointed by the Council from amongst its members;
- (b) one person nominated by the Federation of Kenya Employers;
- (c) one person nominated by the Examination Board;
- (d) one person nominated by the Kenya National Examination Council; and

(e) the Attorney-General or his representative designated in writing.

(2) A member of the Committee shall hold office for a period of three years and shall be eligible for reappointment for a further and final term of three years.

(3) The Registration Committee shall—

- (a) receive applications for registration and grant practicing certificates in accordance with the provisions of this Act;
- (b) monitor compliance with professional quality assurance and other standards published by the Council for observance by the members of the Institute;
- (c) prescribe regulations to govern quality assurance programmes, including actions necessary to rectify deviations from standards;
- (d) where appropriate and based on the results of a quality assurance investigation recommend to the Council that a member's conduct be referred for inquiry; and
- (e) advise the Council on matters pertaining to professional and other standards necessary for the achievement of quality assurance.

(4) The Executive Director shall serve as the secretary to the Registration Committee, and may, with the consent of the person presiding at a meeting, take part in the deliberations on any matter arising at the meeting, but shall not be entitled to vote on any such matter.

18. (1) Subject to the provisions of this Act, a person shall be eligible to be registered as a social work professional if such person—

- (a) is of good conduct;
- (b) has paid the prescribed fees;
- (c) 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—

Qualifications for registration.

- (a) social work theory and practice;
- (b) social psychology;
- (c) human growth and development;
- (d) social policy;
- (e) social work philosophy;
- (f) social work ethics and practice;
- (g) social work research methods;
- (h) sociology;
- (i) social planning; or
- (j) social policy administration.

(d) 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

(e) holds such other qualifications as the Council may prescribe.

(2) The Council may, by notice in the *Gazette*, approve qualifications it considers sufficient to allow a person to be registered as a social work professional.

19. A person is disqualified from being registered if the person—

Disqualification from registration.

(a) is convicted by a court of competent jurisdiction in Kenya or elsewhere of any offence involving fraud or dishonesty;

(b) is a undischarged bankrupt;

(c) is certified as being of unsound mind by a medical practitioner; or

(d) is found by the Council to be guilty of professional misconduct in accordance with this Act; and

(e) fails to meet the requirements of Chapter Six of the Constitution.

20. A person may register a social work firm if—

Registration of social work firms.

(a) the firm has a certificate of registration of a business name or certificate of incorporation;

- (b) 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
- (c) the person fulfills any other condition as may be stipulated by the Council.

21. (1) A person wishing to be registered as a social work Professional shall apply to the Registration Committee.

Application for registration.

(2) An application under this section shall be made in the prescribed manner and form and shall be accompanied by the prescribed fee.

(3) Where an application is made by a person in accordance with this section, the Registration Committee shall approve the application if it is satisfied that the applicant meets the requirements specified under section 18.

22. The Registration Committee shall issue to every person registered under this Act a certificate of registration in the prescribed form.

Certificate of registration.

23. The Registration Committee may direct that the name of a person be removed from the register where such person—

Removal of names from the Register.

- (a) is certified to be of unsound mind;
- (b) requests that the name be removed from the register;
- (c) is convicted of an offence under this Act;
- (d) has been found guilty and his registration suspended or revoked after the conclusion of disciplinary proceedings;
- (e) has failed to renew membership; or
- (f) is declared bankrupt.

24. (1) The Executive Director shall maintain a Register containing—

Register.

- (a) the names of persons registered under this Act;
- (b) the names of all persons issued with a practicing certificate;

(c) particulars of the cancellation of the registration of any person; and

(d) such other details as the Council may direct.

(2) The Executive Director shall remove from the register—

(a) the name of a deceased member; and

(b) any entry which has been incorrectly or fraudulently made.

(3) The Executive Director shall cause the name and address of a person whose name is removed from the register under this section, to be published in the Gazette within one month from the date of such removal.

(4) Upon the removal of a person's name from the Register, the Executive Director shall inform the person of the removal by registered mail to the person's last recorded address.

(5) Where the name of any person has been removed from the register under this Act, it shall not be reinstated except by the direction of the Council.

(6) A person whose name has been removed from the register shall cease to be registered for the purpose of this Act from the date of such removal.

25. The Executive Director shall make any necessary alteration or correction in the register in relation to any entry.

Correction of Register.

26. Where the name of any person has been removed from the register, the Council may, either of its own motion or on the application by the person concerned made in the prescribed manner, and in either case after holding such inquiry as the Council thinks fit, direct that—

Reinstatement to the Register.

(a) the removal of such person's name from the register be upheld; or

(b) the name of the person be restored in the register.

27. A person registered under this Act shall—

Use of title.

(a) by virtue of being so registered, be entitled to take and use the title and description of "Registered Social Work Professional";

- (b) not take or use, or affix to or use in connection with his premises, any title or description, in addition to that of a Registered Social Work Professional, other than as indicated by the particulars relating to his or her qualifications entered in the register.

PART IV – PRACTICING CERTIFICATE

28. (1) No person shall practice as a registered social work professional unless the person has been issued with a valid practicing certificate.

Application for practicing certificate.

(2) A person wishing to obtain a practicing certificate shall apply to the Registration Committee.

(3) An application under this section shall be in the prescribed form and shall be accompanied by the prescribed fee.

(4) Where an application is made by a person in accordance with this section, Executive Director shall issue such a person a practicing certificate if satisfied that the person—

- (a) is registered under this Act; and
- (b) meets such other requirements as may be prescribed.

(5) A practicing certificate remains in force unless its holder—

- (a) is removed from the register; or
- (b) is suspended.

(6) Where a practicing certificate ceases to be in force under subsection (5), 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.

(7) Any person who, without reasonable excuse contravenes subsection (6) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings.

PART V – DISCIPLINE OF MEMBERS

29. (1) A person registered under this Act commits an act of professional misconduct if the person—

Professional misconduct.

- (a) deliberately fails to follow lawful social work procedures stipulated by his or her employer or client;
- (b) refuses, fails or neglects to apply established social work principles in the course of discharging his or her professional functions;
- (c) engages in corrupt practice;
- (d) is grossly negligent in the conduct of professional duties;
- (e) engages in negative practices such as nepotism, tribalism, racism and other acts of discrimination in the discharge of professional functions;
- (f) discloses information acquired in the course of his or her duties to any person without the consent of his employer or client or otherwise than required by law;
- (g) uses his or her position to obtain favours of a sexual kind or other benefits for which he or she is not entitled to in the discharge of professional functions;
- (h) engages in activities which are in conflict with those of his or her employer or client or activities which are contrary to those for which he is registered as a social work professional;
- (i) is found guilty of fraud or any dishonest act;
- (j) allows a person not licensed to practice to practice in his name;
- (k) enters for the purpose of or in the course of practicing as a social work professional, into partnership with a person who does not hold a practicing certificate or secures any professional business through the service of such a person or by means not open to a social work professional;
- (l) pays or allows or agrees to pay or allow directly or indirectly, any person other than a person who holds a practicing certificate, is a retired partner or the legal representative of such a partner any share, commission or brokerage out of the fees for, or profits of, his or her professional services;

- (m) expresses an opinion on any matter with which he or she is concerned in a professional capacity without obtaining sufficient information on which to base the opinion;
- (n) fails to account for client's money;
- (o) violates Chapter Six of the Constitution; or
- (p) does or fails to do any other act which may be prescribed.

30. (1) There shall be a Committee to be known as the Disciplinary Committee.

Disciplinary Committee.

(2) The Committee shall consist of five members appointed by the Council, from among the members of the council.

(3) The Committee shall appoint one of their number to be the Chairperson.

31. Where the Council has reason to believe that a registered person has committed an act of professional misconduct it shall refer the matter to the Disciplinary Committee which shall inquire into the matter.

Reference of matters to the Disciplinary Committee.

32. (1) The Disciplinary Committee shall afford a member whose conduct is under inquiry an opportunity to be heard in person or through a legal representative.

Inquiry by the Disciplinary Committee.

(2) For the purpose of proceedings at any inquiry held by the Disciplinary Committee, the Committee may administer oaths, and may subject to any regulations made under this Act, enforce attendance of persons as witnesses and the production of books and documents.

(3) The Committee shall, have power to regulate its own procedure.

(4) Where satisfied that a member has committed an act of professional misconduct, the Committee may recommend—

- (a) that the member be formally admonished;
- (b) that the member be suspended for a period not exceeding twelve months;
- (c) the withdrawal or cancellation of the practicing certificate of the member for such period not exceeding five years;

- (d) the imposition of a fine; or
- (e) the removal of the Members name from the Register.

(5) Upon receipt and consideration of recommendations by the Disciplinary Committee, the Council shall as soon as practicable, and in writing, inform the affected member of the disciplinary action taken against the member and provide reasons for the action.

(6) A person aggrieved by the decision of the Council in the exercise of its powers under this section may within sixty days from the date of the decision of the Council, appeal to the High Court

33. (1) Where a social work professional has been suspended from practicing; he or she may appeal to the Council for the lifting of the suspension at any time before the expiry of the suspension.

Lifting of suspension.

(2) Where the Council is satisfied that the suspension of a social work professional should be lifted, the Council shall, upon the receipt of the prescribed fee, lift the suspension and restore to the social work professional's registration and practicing certificate.

PART VI – FINANCIAL PROVISIONS

34. (1) The funds of the Council shall consist of—

Funds of the Council.

- (a) such monies or assets as may accrue to or vest in the Council in the course of the exercise of its powers or performance of its functions under this Act;
- (b) such monies as may be payable to the Council pursuant to this Act or any other written law;
- (c) donations, gifts and endowments from lawful organizations or sources;
- (d) proceeds of any investments by the Council; and
- (e) grants.

35. The financial year of the Council shall be the period of twelve months ending on the thirtieth of June in each year.

Financial year.

36. (1) At least three months before the commencement of each financial year, the Council shall

Annual estimates.

cause to be prepared estimates of the revenue and expenditure of the Council for that financial year.

(2) The annual estimates shall make provisions for all estimated expenditure of the Council for the financial year concerned, and in particular shall provide for the —

- (a) payment of salaries, allowances and other charges in respect of the staff of the Council;
- (b) payment of pensions, gratuities and other charges in respect of former staff of the Council;
- (c) proper maintenance of the buildings and grounds of the Council;
- (d) maintenance, repair and replacement of the equipment and other property of the Council;
- (e) payment of allowances of the members of the Council and the members of the Board; and
- (f) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate.

(4) No expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (3).

37. (1) The Council shall cause to be kept proper books and other records of accounts of its income, expenditure, assets and liabilities.

Accounts and
audit.

(2) Within a period of three months after the end of each financial year, the Council shall submit to the Auditor-General the accounts of the Council, in respect of that year, together with—

- (a) a statement of income and expenditure during that financial year; and
- (b) a statement of the assets and liabilities of the Council on the last day of that financial year.

(3) The accounts of the Council shall be examined, audited and reported upon annually by the Auditor-General in accordance with the provisions of the Public Audit Act, 2015.

No. 34 of 2015.

PART VII – OFFENCES AND PENALTIES

38. A person who, not being eligible to be registered under this 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.

Holding out as a registered social work professional.

39. A person who wilfully makes or causes to be made any false entry in, or falsification of, any register or record kept under this Act, or who presents or attempts to present himself or any person to be registered under this Act by making or producing or causing to be made or produced a false or fraudulent representation or declaration, either orally or in writing, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

Falsification of registers or records.

40. A person convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

General penalty.

PART VIII – PROVISIONS ON DELEGATED POWERS

41. (1) The Council may make regulations generally for the better carrying out of the provisions of this Act.

Regulations.

(2) without prejudice to the generality of subsection (1) the regulations may prescribe—

- (a) the curriculum and the courses of study to be pursued by the students and candidates in order to satisfy the academic requirements of any particular registration;
- (b) the experience criteria to be met by candidates for registration;

- (c) a code of ethics, rules of professional conduct and standards of practice;
- (d) the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (e) fees payable to under the Act;
- (f) forms under the Act; and
- (g) rules for the calling, holding and conducting of meetings of the board and of the members of the association.

PART IX—TRANSITIONAL PROVISIONS

42. (1) The National Executive Council of the Kenya National Association of Social Workers existing before the enactment of this Act shall assume the responsibilities imposed on the Council and Registration Committee by this Act as an Interim Council and Interim Registration Committee until the first elections held under this Act.

Transition.

(2) 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 this Act.

(3) 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.

(4) 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 this Act.

SCHEDULE

[s. 12(1)]

**PROVISIONS AS TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE COUNCIL**

1. An office of a member of the Council shall become vacant if the member—

Vacation of office.

- (a) dies;
- (b) becomes subject to any of the disqualifications referred to in paragraph 2;
- (c) resigns the office by writing under his hand delivered to the chairperson of the Council;
- (d) is absent without the permission of the chairperson from three or more consecutive meetings of the Council;
- (e) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (f) is convicted of an offence under section which in the opinion of the Council renders him unsuitable to continue to hold office;
- (g) becomes for any reason including infirmity of body or mind, incompetent or incapable of performing the functions of the office; or
- (h) is otherwise unable to discharge his functions.

2. A vacancy in the office of a member under paragraph 3 shall be filled, by a person elected by the members of the Institute in the manner prescribed by the Regulations.

Filling of vacancy.

3. The Council shall, at its first meeting, elect a Vice Chairperson from amongst the persons elected under section 6 (1) (e) of this Act.

Vice chairperson.

4. (1) The Council shall meet at least four times in each year.

Meetings.

(2) The Chairperson may at any time convene a special meeting of the Council and shall do so within fifteen days of a written requisition for the meeting signed by at least three members.

(3) The Chairperson shall preside at all meetings of the Council, which he is present and in the case of his absence, the Vice Chairperson shall preside.

(4) At a meeting of the Council at which neither the Chairperson or Vice chairperson is present, the members of the Council present shall elect one of their number to preside, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted.

5. The quorum for the conduct of the business of the Council shall be six members.

Quorum.

6. The decisions of the Council shall be by a majority of votes, and the Chairperson of the meeting shall have an original and a casting vote.

Voting procedure.

7. The validity of any proceedings of the Council shall not be affected by any vacancy among the membership thereof, or by any defect in the appointment of a member thereof.

Validity of proceedings.

8. Minutes of the proceedings at meetings of the Council shall be kept in such a manner as the Council directs.

Minutes.

9. The Council may establish such committees as may be necessary for the performance of the functions of the Council and may, subject to the provisions of this Act, delegate powers conferred on it to any such committee.

Committees of the Council.

10. Subject to the provisions of this Schedule, the Council shall regulate its own procedure.

Power of the Council to regulate own procedure.

11. (1) If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

Disclosure of interest.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The object of this Bill is to establish the Institute of Social Work Professionals and to regulate the training registration and licensing of registered social work professionals.

PART II (Clause 3-16) contains provisions on the establishment of the Institute of Social Work Professionals, its Council and the Examination Board.

PART III (Clauses 17-27) of the Bill contains provisions on the registration and the requisite qualifications of Social Work Professionals.

PART IV (Clause 28) of the Bill provides for the issuance of practicing certificates to registered social work professionals.

PART V (Clauses 28-33) of the Bill contains provisions on the discipline of members of the Institute.

PART VI (Clauses 34-37) of the Bill contains financial provisions.

PART VII (Clauses 38-40) of the Bill contains provisions on offences and penalties.

PART VIII (Clause 41) of the Bill contains provisions on delegated powers.

PART IX (Clause 42) of the Bill contains transitional provisions.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill delegates legislative powers to the Council of the Institute to make regulations for the carrying into effect of the provisions of the Bill. The Bill does not limit any fundamental rights or freedoms.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.

Dated the 12th October, 2020.

JOSHUA KIVINDA KIMILU,
Member of Parliament.

