

CHAPTER 128F
GRENADA COUNCIL FOR TECHNICAL AND VOCATIONAL
EDUCATION AND TRAINING ACT

• Act • Subsidiary Legislation •

ACT

Act No. 9 of 2009

ARRANGEMENT OF SECTIONS

1. Short title and commencement.
2. Interpretation.

PART I

Establishment of the National Training Agency

3. Establishment of Agency.
4. Functions of the Agency.
5. Establishment and composition of Council.
6. Tenure of office and leave of absence.
7. Resignation of member.
8. Meetings of the Council.
9. Decisions of the Council.
10. Council to regulate its own procedure.
11. Directions to Council.
12. Policy and planning.
13. Plans.
14. System of monitoring.
15. Reports.
16. Appointment of committees of Council.
17. Composition of committee.
18. Appointment of Executive Officer and staff of the Authority.

PART II

Finance

19. Funds of the Agency.
20. Accounts and audit.
21. Annual report.

PART III

Training Schemes

22. Establishment of training schemes.
23. Procedure with respect to establishment of scheme.

PART IV

Miscellaneous

24. Contracts.

25. Regulations.
26. Repeal.

CHAPTER 128F
GRENADA COUNCIL FOR TECHNICAL AND VOCATIONAL EDUCATION
AND TRAINING ACT

An Act to make provisions for technical and vocational education and training, and for matters related or incidental thereto.

[Act No. 9 of 2009.]

[By Proclamation.]

1. Short title and commencement

(1) This Act may be cited as the Grenada Council for Technical and Vocational Education and Training Act.

(2) This Act shall come into operation on a date, which the Governor-General may by Proclamation appoint.

2. Interpretation

In this Act—

“Agency” means the National Training Agency established under section 3;

“Chief Executive Officer” means the Chief Executive Officer appointed under section 18;

“committee” means a committee established under section 16;

“Council” means the Grenada Council for Technical and Vocational Education and Training established under section 5;

“member” means a member of the Council appointed pursuant to section 5(3);

“Minister” means the Minister responsible for education;

“trainee” means a person who has received or is receiving training in accordance with the provisions of this Act;

“training provider” means a person or an institution providing training in accordance with the provisions of this Act.

PART I

Establishment of the National Training Agency

3. Establishment of Agency

(1) There is hereby established for the purposes of this Act, the National Training Agency.

(2) The Agency shall be a body corporate to which section 49 of the Interpretation and General Provisions Act shall apply.

(3) The Agency shall be managed by a Council, which shall provide guidance and supervision to the National Training Agency and shall function as an advisory body to the Minister with respect to the policies and strategies required for an efficient and effective system of technical and vocational education and training suited to the needs of Grenada.

(4) The Agency shall be ultimately accountable to the Council for the conduct of its affairs.

4. Functions of the Agency

(1) The Agency shall have the following functions—

- (a) to oversee, design, monitor, co-ordinate and promote the establishment of technical and vocational education and training to meet the skills development needs of Grenada;
- (b) to advise the Council on the development of new standards relating to technical and vocational education and training and to assist in the development of the competencies and qualifications relating to such standards;
- (c) to advise the Council on training facilities to be provided at institutions for persons employed or seeking training in technical and vocational education and training;
- (d) to advise the Council on the selection criteria in respect of persons who obtain technical and vocational education and training;
- (e) to apply or make arrangements for tests and other methods of ascertaining the standards of efficiency for persons seeking technical and vocational education and training;
- (f) to recommend the terms applicable to persons wishing to obtain technical and vocational education and training;
- (g) to develop plans for technical and vocational education and training, acting on the advice of the Council;
- (h) to consult with the relevant stakeholders with respect to the plans developed under paragraph (g);
- (i) to ensure that agreed plans for technical and vocational education and training developed by the Agency in accordance with paragraphs (g) and (h), are implemented;
- (j) to approve the design and delivery of training courses;
- (k) to manage the accreditation and registration of training providers and the provision of quality services to such training officers in the prescribed manner;
- (l) to establish a system of national vocational qualifications, course entry qualifications and job related qualifications;
- (m) to ensure the application of quality assurance mechanisms;
- (n) to validate regional competency standards and qualifications and develop new competency standards and qualifications as needed with respect to technical and vocational education and training, drawing from regional and international best practices;
- (o) to manage the process of registration of trainees and matching such trainees with courses and traineeships;
- (p) to manage the issuance of certificates in relation to technical and vocational training in the manner as may be prescribed;
- (q) to provide support to training providers, employers and trainees in order to facilitate their participation and enable effective training;

- (r) to submit to the Council for its consideration, such reports and training proposals submitted by persons or institutions wishing to conduct technical and vocational education and training;
- (s) present reports to the Council in such manner as may be determined by the Council; and
- (t) such other functions as the Council may delegate to it in writing.

(2) In performing its functions stated under subsection (1), the Agency shall be required to work with governmental and non-governmental organisations and other relevant stakeholders in order to ensure that there is an adequate framework existing for the delivery of technical and vocational education and training and shall engage the following training providers—

- (a) primary and secondary schools;
- (b) post secondary and technical colleges and training institutions; and
- (c) firms and other institutions providing or seeking to provide technical and vocational education and training.

(3) In performing any of its functions under the Act, the Agency shall consult and shall act on any advice given to it by the Council.

5. Establishment and composition of Council

(1) There is hereby established the Grenada Council for Technical and Vocational Education and Training Council.

(2) The Council shall be ultimately accountable to the Minister for the conduct of its affairs.

(3) The Council shall comprise of the following members—

- (a) the Permanent Secretary in the Ministry responsible for labour;
- (b) the Chief Education Officer; or a person designated by him or her;
- (c) the Permanent Secretary in the Ministry responsible for economic development; and
- (d) the Chief Executive Officer of the National Training Agency, who shall be *ex officio* members; and
- (e) the following persons who shall be appointed by the Minister—
 - (i) one person appointed on the recommendation of the Grenada Employers Federation,
 - (ii) one person appointed on the recommendation of the Council of the T.A. Marryshow Community College,
 - (iii) one person appointed on the recommendation of a non-governmental organisation which has an interest in technical and vocational education and training, and
 - (iv) four other persons appointed on the recommendation of the Private Sector Organisation from among the key industrial and service sectors.

(4) The Minister may issue such directions to the Council with respect to policy matters relating to technical and vocational education and training, and the Council shall comply with such directions.

(5) The Minister shall appoint one member as a Chairperson and one member as a Deputy Chairperson of the Council.

(6) In the case of the inability of any member to act, the Minister may appoint a person to act temporarily in the place of that member.

6. Tenure of office and leave of absence

(1) A member of the Council appointed under section 5(3)(e), shall hold office for a term not exceeding three years unless the member resigns or has his or her appointment revoked before the end of his or her tenure, save however that—

- (a) a person who is appointed to fill a vacancy created by death, resignation or revocation of appointment of a former member shall hold office only for the unexpired portion of the term of that former member; and
- (b) every member is, on the expiration of the term of his or her appointment eligible for reappointment for a further term.

(2) The Minister may grant leave of absence to a member appointed under section 5(3)(e) of the Council and may appoint a person to act temporarily in the place of that member.

7. Resignation of member

(1) A member of the Council other than the Chairperson may resign his or her office by instrument in writing addressed to the Minister transmitted through the Chairperson and, from the date of the receipt of the instrument by the Minister if no date is specified therein, that member shall cease to be a member of the Council.

(2) The Chairperson may at any time resign his or her office by instrument in writing addressed to the Minister, and from the date of the receipt of the instrument by the Minister if no date is specified therein, the Chairperson shall cease to be a member of the Council.

8. Meetings of the Council

(1) A meeting of the Council shall be held at such place and as such time as the Council may determine.

(2) The Chairperson may at any time call a meeting of the Council and shall call a special meeting to be held within ten days of the receipt of the written request for that purpose addressed to him or her by any three members of the Council.

(3) Seven members of the Council shall constitute a quorum at any meeting of the Council.

(4) The Chief Executive Officer shall assign a member of his or her secretarial staff to be the secretary to the Council.

(5) Minutes of each meeting are to be duly kept by the secretary and shall be confirmed by the Council at its next meeting and signed by the Chairperson or other person presiding at that meeting.

(6) The Council shall co-opt persons to attend any of its meetings for the purpose of assisting and advising the Council with respect to any matters with which it is dealing save that a co-opted member shall not have the right to vote.

(7) All documents made by, and all decisions of the Council shall be signified under the hand of the Chairperson or any member authorised by the Council to act in that behalf, or by the secretary.

(8) A member of the Council or a member of a committee appointed by the Council under section 16 shall receive such allowance or remuneration as the Minister may determine.

9. Decisions of the Council

All decisions of the Council shall be decided by a majority of members present and voting at the meeting and, in the event of an equality of votes the Chairperson shall have a casting vote.

10. Council to regulate its own procedure

Subject to the provisions of this Act, the Council may regulate its own procedure.

11. Directions to Council

The Minister may give directions of a general or specific nature to the Council and the Council shall comply with those directions.

12. Policy and planning

The Council shall prepare a national policy for technical and vocational education and training to meet the needs of the society and the economy.

13. Plans

(1) The Council shall prepare a strategy and plan for technical and vocational education and training and shall update the plan each year.

(2) The strategy and plan referred to in subsection (1) shall identify outputs and priorities and recommend allocation of resources to implement the plan in the most cost effective manner.

14. System of monitoring

The Council shall establish a system of monitoring for the implementation of the technical and vocational education and training strategy and plan.

15. Reports

The Council shall present reports to the Minister in such manner as may be determined between the Minister and the Chairperson.

16. Appointment of committees of Council

The Council may appoint committees to perform, in relation to technical and vocational education and training, the following functions—

- (a) to undertake research or assist persons in undertaking research into matters relating to technical and vocational education and training; and
- (b) such other functions as the Council may delegate to such committee in writing.

17. Composition of committee

(1) A committee appointed under section 16 shall comprise not less than six persons.

(2) The Council shall, in respect of a committee, appoint one member of the committee to be the chairperson of that committee and another to be the deputy chairperson respectively.

(3) A member of a committee may, with the permission of the chairperson of that committee appoint a person to act for him or her in case of his or her absence from a particular meeting.

(4) A person appointed to act as a member of a committee under subsection (3) shall not appoint any other person to act for him or her and such person shall not be appointed to act for more than one member of a committee.

(5) The terms of appointment and the duration of tenure of a committee shall be determined by the Council acting on the advice of the Minister.

18. Appointment of Executive Officer and staff of the Authority

(1) The Council shall appoint such technical and other professional staff as may be necessary for the proper discharge of its functions under the Act and such persons shall be responsible for co-ordinating training support, quality assurance, and standards in relation to technical and vocational education and training.

(2) The Council shall, with the approval of the Minister appoint a Chief Executive Officer of the Agency on such terms and conditions as it thinks fit, who shall be responsible for the implementation of all policies relating to technical and vocational education and training and for the overall management of the affairs of the Agency.

(3) In addition to the functions stated under subsection (2), the Chief Executive Officer shall—

- (a) exercise appropriate supervision over the employees of the Agency; and
- (b) submit status reports to the Council with respect to the work of the Agency in such manner as may be determined by the Council.

(4) The Council shall not, without the prior approval of the Minister, assign a salary to any person, in excess of such sum as may be determined by the Minister.

PART II

Finance

19. Funds of the Agency

The funds of the Agency shall consist of—

- (a) monies voted by Parliament for that purpose; and
- (b) any other monies, whether by gifts, grants, loans or otherwise, provided for the purposes of its functions under the Act.

20. Accounts and audit

(1) The Agency shall keep proper accounts and audit of its financial transactions in relation to the administration of its resources in accordance with the directions of the Director of Audit or any auditor duly appointed by the Director of Audit under subsection (2) for the purposes of auditing such accounts in respect of each financial year.

(2) The Agency shall, within three months after the end of each financial year, submit the accounts of the Agency for audit by the Director of Audit or an auditor duly appointed by the Director of Audit.

(3) The Director of Audit or any auditor duly appointed by the Director of Audit under subsection (1) shall, as soon as practicable, not later than three months after the end of the financial year submit copies of the audited financial statement of the Agency and a report on the financial statement to the Council.

(4) The Council, the Executive Officer and employees of the Agency shall grant to the Director of Audit or any other auditor duly appointed by the Director of Audit under subsection (2), access to all books, documents, cash and securities relating to the accounts

of the Agency and shall give the Director of Audit or any other auditor duly appointed by the Director of Audit under subsection (2), on request, all such information as may be within their knowledge in relation to the financial transactions of the Agency.

21. Annual report

(1) The Agency shall, not later than six months after the end of the financial year, submit to the Minister a report on the work and activities of the Agency for that financial year and the Minister shall not later than one month following receipt of the annual report lay the same in Parliament.

(2) The annual report submitted pursuant to subsection (1) shall be accompanied by the Auditor's report submitted pursuant to section 20(3).

PART III

Training Schemes

22. Establishment of training schemes

(1) The Agency shall, with the approval of the Council and subject to section 23, formulate schemes for regulating and training in any occupation.

(2) A scheme under subsection (1), may contain, in respect of any occupation to which it relates—

- (a) the qualifications, including the age and educational standards required for trainees;
- (b) the practical training that an employer is required to provide to a trainee;
- (c) the theoretical training that is required to be provided by, or at the expense of, an employer for his or her trainee, or that a trainee is required to undergo, and the manner in which training is to be provided or undergone;
- (d) the proficiency tests or examinations that trainees are required to take;
- (e) the maximum number of ordinary working hours a trainee may be required or permitted to work during any day or during any specified period;
- (f) the minimum wages and other conditions that apply to a trainee;
- (g) the minimum remuneration and other conditions that apply in respect of any period during which a trainee is unable, by reason of any condition of training or other circumstances to render service to his or her employer during ordinary working hours;
- (h) any other matter that in the opinion of the Agency, with the approval of the Council is necessary for the effective operation of the scheme.

(3) In formulating a scheme under subsection (1), the Agency shall consult with all relevant persons in the industrial sector who may be affected by the formulation and the implementation of the scheme.

23. Procedure with respect to establishment of scheme

(1) Before a scheme comes into operation, the Agency shall cause to be published in the *Gazette* and one newspaper in general circulation in Grenada, a notice of its intention to establish a scheme.

(2) A notice under subsection (1) shall contain a statement of a place where copies of the proposed scheme may be inspected, or are available, at a prescribed fee and a time

that is not less than three weeks from the date of first publication, within which any objection to the proposed scheme may be submitted to the Agency.

(3) An objection to a proposed scheme shall be in writing and shall contain the grounds of objection and any proposed deletions from, or additions or modifications to, the proposed scheme.

(4) At the expiration of the time specified for the making of objections, the Agency may, with the approval of the Council—

- (a) withdraw the proposed scheme;
- (b) give effect to the proposed scheme as published under subsection (2); or
- (c) give effect to the proposed scheme subject to such deletions, additions or modifications as the Council deems fit.

(5) No deletion from, addition or modification to, any proposed scheme, may be made under subsection (4)(c), if in the opinion of the Agency such deletion, addition, or modification would effect important alterations in the character of the proposed scheme as published.

(6) The Agency may, with the approval of the Council, amend a proposed scheme other than as permitted under subsection (4)(c), but in that case all the provisions of this section shall apply to that amended scheme as if it were an original proposed scheme.

(7) When a proposed scheme is finalised, the Agency shall cause it to be published in the *Gazette* and at least one newspaper in general circulation in Grenada.

PART IV

Miscellaneous

24. Contracts

The Agency may enter into contracts with any person for the provision of training and related services.

25. Regulations

The Minister acting on the advice of the Council may make regulations—

- (a) providing for the establishment of a training fund;
- (b) providing for the adequate supervision of trainees;
- (c) prescribing the form and terms of any contract of training;
- (d) relating to the manner of proof of educational qualifications;
- (e) prescribing the nature of returns that employers are required to furnish to the Council and the period during which the returns are to be furnished;
- (f) prescribing the procedure for the registration and transfer of contracts for training and for the notification of the expiration or termination of such contracts;
- (g) for the holding of examinations in respect of a specified occupation;
- (h) prescribing the form and manner in which notice of completion of training is to be given by employers; and
- (i) generally for giving effect to the provisions of this Act.

26. Repeal

Section 105 of the Education Act No. 21 of 2002 is hereby repealed.

CHAPTER 128F
GRENADA COUNCIL FOR TECHNICAL AND VOCATIONAL EDUCATION
AND TRAINING ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
