



THE REPUBLIC OF KENYA

LAWS OF KENYA

KENYA SCHOOL OF GOVERNMENT ACT

NO. 9 OF 2012

Revised Edition 2017 [2012]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

NO. 9 OF 2012

KENYA SCHOOL OF GOVERNMENT ACT

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

Section

1. Short title.
2. Interpretation.

**PART II – ESTABLISHMENT AND FUNCTIONS
OF THE KENYA SCHOOL OF GOVERNMENT**

3. Establishment of the Kenya School of Government.
4. Campuses of the School.
5. Functions of the School.
6. The Council.
7. Committees of the Council.
8. Functions of the Council.
9. Meetings of the Council.
10. Academic Board.
11. Committees and procedure of the Board.
12. Common seal.
13. Director-General.
- 13A. Determination of Fees.
14. Staff of the School.

PART III – FINANCIAL PROVISIONS

15. Funds, assets and liabilities of the School.
16. Strategic plans, budget and annual report.
17. Accounts and audit.

PART IV – GENERAL

18. Protection of staff and members of the School from personal liability.
19. Exemption from stamp duty.
20. Regulations.
21. Transitional provisions.
22. Repeal of Act No. 2 of 1996.

SCHEDULE – EXISTING GOVERNMENT TRAINING INSTITUTES

NO. 9 OF 2012

KENYA SCHOOL OF GOVERNMENT ACT

[Date of assent: 9th May 2012.]

[Date of commencement: 1st July 2012.]

An Act of Parliament to establish the Kenya School of Government as a successor to the Kenya Institute of Administration and the Kenya Development Learning Centre, to provide for the powers, functions and administration of the School, and for connected purposes

[Act No. 9 of 2012, L.N. 46/2012, Act No. 18 of 2014, Act No. 11 of 2017.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Kenya School of Government Act, 2012.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**Cabinet Secretary**” means the Cabinet Secretary for the time being responsible for matters relating to the Public Service;

“**Campuses of the School**” means the former Government Training Institutes specified in the Schedule and such other campuses as the Cabinet Secretary may, declare to be campuses of the School under section 4;

“**Council**” means Council of the Kenya School of Government established under section 5;

“**Director-General**” means the Director-General appointed under section 12;

“**School**” means the Kenya School of Government established under section 3.

(2) Until after the first general elections under the Constitution, references in this Act to the expression “Cabinet Secretary” shall be construed to mean Minister.

**PART II – ESTABLISHMENT AND FUNCTIONS
OF THE KENYA SCHOOL OF GOVERNMENT**

3. Establishment of the Kenya School of Government

(1) There is established a school to be known as the Kenya School of Government.

(2) The School 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) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all such other things or acts, including entering into contracts as may be necessary or expedient for the furtherance

of the provisions of this Act and which may lawfully be done by a body corporate.

(3) The School shall be the successor of the Kenya Institute of Administration established by the Kenya Institute of Administration Act (now repealed) and the Kenya Development Learning Centre established by the Education (Board of Governors) (Development Learning Centre) Order, 2003.

(4) Subject to this Act, all rights, duties, obligations, assets and liabilities of the Kenya Institute of Administration and the Kenya Development Learning Centre existing at the commencement of this Act shall be automatically and fully transferred to the School and any reference to the Kenya Institute of Administration or the Kenya Development Learning Centre in any contract or document shall for all purposes be deemed to be a reference to the School established under subsection (1).

(5) The headquarters of the School shall be in the capital city, but the School may establish branches at any place in Kenya.

4. Campuses of the School

(1) The Cabinet Secretary may, on the advice of the Council, by Order in the *Gazette*, establish campuses within the School whose functions and powers shall be provided by that Order.

(2) The Government Training Institutes specified in the Schedule shall be deemed to be campuses of the School established under subsection (1).

5. Functions of the School

(1) The School shall provide learning and development programmes to build capacity for the Public Service.

(2) Notwithstanding the generality of subsection (1), the School shall—

- (a) provide training, consultancy and research services designed to inform public policy, promote national development and standards of competence, and integrity in the Public Service;
- (b) promote continuous learning for public service excellence;
- (c) provide programmes that promote a culture of decency, honesty, hard work, transparency and accountability among public servants;
- (d) facilitate the establishment of professional networks and think tanks to develop and grow public sector leaders;
- (e) develop linkages and collaborations with institutions of learning, professional organizations, private sector schools of government and other similar institutions across the world;
- (f) monitor, evaluate and communicate the impact of strengthened education and training programmes for national leadership and management;
- (g) develop and deliver programmes tailored to promote the School's mandate and clients' needs;
- (h) conduct examinations and award diplomas and other forms of suitable awards to successful candidates; and
- (i) do any other thing necessary, or expedient for the discharge of its functions under this Act;

- (j) encourage pride and excellence in the public service and foster in managers and other public service employees a sense of the purposes, values and professional work ethic of the public service as stipulated in the Constitution and the relevant policies, laws and regulations;
- (k) ensure acquisition by officers in the public service, of the analytical, creative, advisory, administrative and other managerial skills and knowledge necessary to develop and implement policy, respond to changes, including change in the expectations of efficient and effective service delivery, and manage Government programs, services and personnel efficiently, effectively and equitably;
- (l) train managers and other public service employees to develop successful working relationships at all levels through leadership, motivation, effective internal communications and the encouragement of innovation, high-quality service to the public and skills development;
- (m) develop within the public service and endeavour to attract to the public service through the School's programs and studies, persons who are of high calibre and who reflect the diversity of Kenyan society, and support their growth and development as public sector managers and employees committed to service to the Republic;
- (n) encourage greater public awareness of issues related to public sector management, public administration and the role and functions of Government and involve a broad range of individuals and institutions in the school's pursuit of excellence in public administration.

[Act No. 18 of 2014, Sch.]

6. The Council

(1) There shall be a Council of the School which shall consist of—

- (a) a non-executive chairperson, who shall be a person with considerable experience in executive management, appointed by the President;
- (b) the Principal Secretary in the ministry for the time being responsible for the Public Service;
- (c) the Principal Secretary in the ministry for the time being responsible for finance;
- (d) the Principal Secretary in the ministry for the time being responsible for higher education;
- (e) the Secretary to the Commission for Higher Education;
- (f) three renowned leaders and managers from the private sector;
- (g) one person to represent universities;
- (h) one person nominated by the Public Service Commission; and
- (i) one person nominated by the Kenya Institute for Public Policy Research and Analysis (KIPPRA);
- (j) the Director-General, who shall be the secretary.

(2) A person shall not be appointed as member of the Council unless that person possesses a minimum of a Bachelor's degree, has experience of at least five years in a senior management position and has demonstrated leadership skills.

(3) The members of the Council, appointed under subsection (1)(f), (g) and (i) shall be appointed by the Cabinet Secretary, by a notice in the *Gazette*.

(4) The chairperson and the members of the Council appointed under subsection (1)(f), (g) and (i) shall hold office for a term not exceeding three years and shall be eligible for re-appointment for one further term.

(5) The appointment of a member to the Council shall cease if the member—

- (a) resigns, in writing, under his hand addressed to the Chairman of the Council;
- (b) is adjudged bankrupt;
- (c) is convicted of a criminal offence and sentenced to imprisonment;
- (d) dies;
- (e) conducts himself in a manner that is considered by the Minister to be inconsistent with membership of the Council and that brings the School into disrepute; or
- (f) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

(6) The Council may co-opt any person to assist it for such purposes and such period as the Council may determine, but persons so co-opted may not vote on any matter before the Council.

[Act No. 18 of 2014, Sch.]

7. Committees of the Council

(1) The Council may establish committees consisting of members of the Council to deal with such matters as the Council may specify.

(2) The Council may co-opt persons who are not members of the Council to committees established under subsection (1) for a particular reason and such persons shall hold office for such period as the Council may determine.

(3) The Council shall not co-opt more than three persons at any given time to its committees.

8. Functions of the Council

The Council shall—

- (a) provide strategic advice and direction to the School;
- (b) be responsible for the School's development and fund-raising goals;
- (c) competitively search, vet and submit the names of three nominees to the Cabinet Secretary for appointment to the position of Director-General;
- (d) approve and support the implementation of policies that facilitate the development of the School;
- (e) analyse trends on leadership and governance to inform learning and development programmes of the School;
- (f) utilize the capacity and synergy in the public sector, private sector and other key stakeholders, both local and international, through collaborative engagement and networking for knowledge and experience sharing to promote good leadership and governance in the School;

- (g) liaise with existing research, training, universities, quality assurance agencies and other related institutions in the performance of its functions;
- (h) monitor the performance of the School and make policy decisions that enhance the performance of the School;
- (i) monitor and evaluate the impact of the School on social and economic development of the country;
- (j) approve study programmes;
- (k) administer the property and funds of the School in such manner and for such purpose as shall promote the functions of the School;
- (l) approve and submit, through the Minister, financial estimates in respect of the School for consideration by the Treasury;
- (m) receive, on behalf of the School, grants-in-aid, gifts, donations, fees, subscriptions or other monies;
- (n) perform such other functions as are incidental to the foregoing.

[Act No. 18 of 2014, Sch.]

9. Meetings of the Council

(1) The chairperson shall preside at all meetings of the Council but in the absence of the chairperson the members present shall appoint one member from among themselves to preside at the meeting.

(2) The quorum for the conduct of business at a meeting of the Council shall be five.

(3) The members of the Council may attend the meetings in person or through a representative.

(4) Except as provided for in this section, the Council shall comply with the provisions of the State Corporations Act (Cap. 446) governing the meetings and proceedings of Boards of State Corporations.

[Act No. 18 of 2014, Sch.]

10. Academic Board

(1) There shall be an Academic Board of the School which shall consist of—

- (a) the Director-General, who shall be the chairperson;
- (b) the Directors in charge of—
 - (i) Finance and Administration; and
 - (ii) Academic Affairs;
- (c) the Directors of the School's Campuses;
- (d) persons in charge of academic affairs in the School's Campuses; and
- (e) the head of the School's library services.

(2) The Director in charge of academic affairs shall be the secretary of the Academic Board.

(3) The Academic Board shall be responsible for the—

- (a) development, review and delivery of learning and development programmes;
- (b) determination of entry levels for learning and development programmes; and

- (c) determination of the standards and criteria for certification.

11. Committees and procedure of the Board

(1) The Academic Board may establish committees to deal with such matters as the Board may specify.

(2) The Academic Board may co-opt persons to committees established under subsection (1) for a particular reason and such persons shall hold office for a period as the Board may determine.

(3) The Academic Board shall regulate its own procedure.

12. Common seal

(1) Subject to this section, the common seal of the School shall be kept in such custody as the Council may direct and shall not be used except in the manner authorized.

(2) All deeds, instruments, contracts and other documents shall be considered to be duly executed by or on behalf of the School—

(a) where they are required to be under seal, or sealed with the common seal of the School and authenticated by the chairperson of the Council and the Director-General; or

(b) where they are not required to be under seal, if executed in that behalf by a member authorized by the Council for that purpose.

(3) A deed, instrument, contract or any other document executed in accordance with subsection (2) shall, in law, bind the School, its assignees and its successors and may be varied or discharged in the same manner that it was executed.

13. Director-General

(1) There shall be a Director-General appointed by the Cabinet Secretary, on the recommendation of the Council following a competitive process of recruitment, who shall be the chief executive officer of the School.

(2) A person shall not qualify to be appointed as the Director-General of the School unless that person has a minimum of a Masters degree, experience in executive management and leadership training, and possesses not less than ten years experience in senior management and leadership position.

(3) The Director-General shall—

(a) subject to the direction of the Council on matters of policy, be responsible for the administration and management of the School;

(b) after consultation with the Council, engage temporary employees at such daily rates of pay, not below the minimum rates prescribed by any written law, as may be considered appropriate, and shall report such employment to the Council at its next meeting.

(3A) The officers and employees necessary for the conduct of the work of the school shall be appointed by the Council in accordance with the rules, regulations and procedures of the Public Service Commission.

(3B) Despite subsection (3A) the Director-General may, on behalf of the Council, appoint and employ teaching and research staff and may, with the approval of the Council, determine the terms and conditions of their employment, including their remuneration.

(3C) The rules, regulations and procedures of the Public Service Commission shall not apply to any person employed by School under subsection (3B).

(4) The Director-General shall be the Secretary to the Council and any committee which the Council may establish, and shall on the advice of the chairperson of the Council or any such committee, convene any meeting of the Council or the committee, and in carrying out any functions under this subsection, the Director-General may attend any of the meetings together with such officers as he considers necessary.

(5) In exercising the powers of management and control, the Director-General shall take into consideration the policies of the Government and the policies with respect to learning, training and public service delivery needs and priorities that are established by the Public Commission and the relevant Ministry.

(6) The Director-General shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

(7) In the event of a vacancy in the office of the Director-General, the Cabinet Secretary may appoint a senior officer of the school to act as a Director-General but the term of such an appointment shall not exceed ninety days except with the Council's approval.

[Act No. 18 of 2014, Sch., Act No. 11 of 2017, Sch.]

13A. Determination of Fees.

The Director-General may, with the approval of the Council prescribe the fees or the manner of determining the fees to be charged for any service or for the use any facility provided by the school or to be charged by the School when selling, licensing the use of or otherwise making available any property right held, controlled or administered by the School.

[Act No. 18 of 2014, Sch.]

14. Staff of the School

The Council may, subject to the State Corporations Act (Cap. 466) employ the Director-General, and such directors and staff as it considers necessary for the efficient discharge of the functions of the School.

PART III – FINANCIAL PROVISIONS

15. Funds, assets and liabilities of the School

The funds, assets and liabilities of the School shall consist of—

- (a) such sums as the Cabinet Secretary may, with the consent of the Treasury, make available for the purposes of this Act out of monies provided by Parliament;
- (b) any assets, liabilities, rights and privileges held by or on behalf of the former Institute, Government Training Institutes and the Kenya Development Learning Centre at the commencement of this Act;
- (c) any sums or property which may in any manner become payable to, or vest in the School in respect of tuition fees or any other matter incidental to the carrying out of its functions;
- (d) all monies from any other source provided for or donated or lent to the School; and
- (e) any sums or property which may be donated to, or borrowed by the School:

Provided that the Council shall not be obliged to accept a donation for any particular purposes unless it approves the terms and conditions attached to that donation.

16. Strategic plans, budget and annual report

(1) The Council shall, as soon as practicable after the commencement of this Act and in a period not exceeding three years, prepare or cause to be prepared a five year strategic plan pertaining to the School which shall be submitted to the Council for approval.

(2) The Council shall, not later than the end of February in every year, prepare and submit to the Cabinet Secretary for approval a three year budget incorporating estimates of the School's revenue and expenditure for the next three financial years.

(3) A plan or budget submitted to the Cabinet Secretary under this Act, unless earlier disapproved by the Cabinet Secretary, shall be approved by the Cabinet Secretary with or without such modifications not later than three months after it has been submitted.

(4) The Council shall, within a period of three months after the end of each financial year or within such longer period as the Cabinet Secretary may approve, submit to the Cabinet Secretary a report on the operations and activities of the School.

(5) The financial year of the School shall be the period of twelve months ending on the thirtieth June, in each year.

17. Accounts and audit

(1) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the School.

(2) The accounts of the Council shall be prepared and submitted for examination annually by the Controller and Auditor-General in accordance with the Public Audit Act (No. 12 of 2003).

PART IV – GENERAL

18. Protection of members and staff of the School from personal liability

No act or thing done by any member of the Council, any officer or employee of the School shall, if the act or thing was done in good faith for the purpose of carrying out the provisions of this Act, subject the person to any liability, action, claim or demand whatsoever.

19. Exemption from stamp duty

No duty shall be chargeable under the Stamp Duty Act (Cap. 480) in respect of any instrument executed by, or on behalf of or in favour of the School which, but for this section, the School would be liable to pay.

20. Regulations

The Cabinet Secretary may make regulations for the better carrying out of the purposes of this Act, and in particular with respect to—

- (a) staff appointment and discipline;
- (b) staff welfare including pension scheme, gratuities, superannuation or provident fund; and

(c) general management of the School.

21. Transitional provisions

(1) For purposes of this section—

“**former Institutes**” means the Institutes known as the Kenya Institute of Administration, the Kenya Development Learning Centre and the Government Training Institutes existing immediately before the commencement of this Act.

(2) The annual estimates approved for the former Institutes in respect of the financial year in which this Act comes into operation shall be considered to be the annual estimates of the School for the remainder of the financial year but those estimates may be varied by the Cabinet Secretary.

(3) All the members of staff of the Kenya Institute of Administration, Government Training Institutes and the Kenya Development Learning Centre employed at the time of commencement of this Act shall become employees of the School subject to such terms and conditions as the Council shall determine.

(4) Despite subsection (3), all the members of staff of the Kenya Institute of Administration, Government Training Institutes and the Kenya Development Learning Centre in the employment immediately before the commencement of this Act shall, upon the commencement of this Act be given an option to serve in the School and if not appointed by the Council be redeployed in the Public Service.

[Act No. 11 of 2017, Sch.]

22. Repeal of Act No. 2 of 1996

The Kenya Institute of Administration Act, 1996, is repealed.

SCHEDULE

[Section 4(2).]

EXISTING GOVERNMENT TRAINING INSTITUTES

Government Training Institute, Embu

Government Training Institute, Mombasa

Government Training Institute, Matuga

Government Training Institute, Baringo
