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National Accreditation and Quality Assurance
Authority Act, 2015



THE GAMBIA

NO. 2 OF 2015

Assented to by The President,
this 1st day of April 2015

A handwritten signature in green ink, appearing to read 'Jammeh'.

YAHYA A. J. J. JAMMEH
President

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AN ACT to provide for the establishment of the National Accreditation and Quality Assurance Authority and its governing Council, to provide for the appointment of the Chief Executive Officer and staff of the Authority, and for connected matters.

ENACTED by the President and the National Assembly.

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1. Short title

This Act may be cited as the National Accreditation and Quality Assurance Authority Act, 2015.

2. Interpretation

In this Act, unless the context otherwise requires –

“accreditation” means the process of according formal recognition to an educational institution by the Authority for meeting satisfactory standards in performance, integrity and quality in relation to the programmes offered by the institution;

“Authority” means the National Accreditation and Quality Assurance Authority established under section 3;

“awarding body” means an institution that is authorised by the Authority to award degrees, diplomas or certificates;

“Chief Executive Officer” means the Chief Executive Officer appointed by the Council under section 12;

“Council” means the governing Council established under section 5;

“establishment” means the process which new tertiary or higher education institutions undergo prior to registration and accreditation;

“financial year” means a year of twelve months, starting on the

first day of January and ending on the thirty-first day of December for which a Government Budget is approved, executed, reported and audited;

"functions" includes powers and duties;

"Government" means the Government of the Republic of The Gambia;

"higher education institution" includes a university, college, or institute offering degree and non-degree courses of an academic or professional nature;

"institution" means a tertiary institution or a higher education institution;

"Minister" means the Minister responsible for Higher Education, Research, Science and Technology; and "Ministry" shall be construed accordingly;

"President" means the President of the Republic of The Gambia;

"programme" means any arrangement of a course of study that is structured or designed to achieve a learning outcome leading to an award of a tertiary qualification or a higher education qualification;

"provider" means a training institution;

"quality assurance" means the method which an organisation uses to systematically monitor various aspects of a service, process or facility in order to identify and ensure that they meet set standards;

"registration" means the status accorded to a tertiary or higher education institution for meeting relevant institutional standards;

"technical and vocational education and training" means programmes geared towards skills acquisition in vocational and technical training; and

"tertiary institution" means a post-secondary institution offering professional, vocational and technical training courses from certificate through diploma level.

PART II – ESTABLISHMENT OF THE AUTHORITY AND ITS GOVERNING COUNCIL

3. Establishment of the Authority

(1) There is established by this Act, the National Accreditation and Quality Assurance Authority.

(2) The Authority is a body corporate with perpetual succession and a common seal and may –

- (a) sue and be sued in its corporate name;
- (b) enter into contracts and acquire, hold and dispose of property;
- (c) do 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 application of the common seal of the Authority shall be authenticated by the signature of the Chief Executive Officer or such other person as may be authorised by the Chief Executive Officer in writing to sign on behalf of the Authority.

(4) A document bearing the imprint of the common seal of the Authority is deemed to be properly sealed, unless the contrary is proved.

4. Functions of the Authority

(1) The Authority shall –

- (a) issue licenses to awarding bodies of approved professions and providers of skills in particular fields;
- (b) revoke registration and accreditation licenses;
- (c) suggest amendments and updates on the legislative instruments used as relevant guides to implement the activities of the Authority;
- (d) monitor and oversee the quality assurance practices of tertiary and higher education institutions for continuous quality improvement;
- (e) provide educational pathways to enhance the credit

transfer system;

- (f) collaborate with other quality assurance bodies within and outside The Gambia;
- (g) provide technical advice to the Minister;
- (h) develop criteria and standards for the establishment, registration and accreditation of institutions;
- (i) establish transparent working methods and sound financial management controls to account for the available resources and encourage a market-driven approach to the development of tertiary and higher education;
- (j) enter into contracts to provide consultancy or advisory services to employers, employers' associations, employees' associations, assessment centres and providers of tertiary and higher education, where such services are relevant to the activities of the Authority;
- (k) promote the involvement of the community, employers, trade unions, private sector and international donors in tertiary and higher education;
- (l) harmonise and streamline all professional, tertiary and higher education programmes to reflect human resource development and needs;
- (m) provide policies and guidelines relating to institutional establishment, registration, accreditation of programmes of tertiary and higher education providers, registration and accreditation of training providers, trainers, assessors and verifiers within the technical and vocational education and training sector; and
- (n) perform such other functions as may be conferred on it by this Act or any other Act of the National Assembly.

5. Governing Council of the Authority

- (1) There is established by this Act, the Governing Council of the Authority.
- (2) The President shall appoint members of the Council after consultation with the Minister and the Public Service Commission.

(3) The Council shall consist of –

- (a) a chairperson;
- (b) the Permanent Secretary of the Ministry of Higher Education, Research, Science and Technology;
- (c) the Permanent Secretary of the Personnel Management Office;
- (d) two representatives, one from –
 - (i) a public higher educational institution, and
 - (ii) a public tertiary educational institution;
- (e) two representatives, one from –
 - (i) a private higher educational institution, and
 - (ii) a private tertiary educational institution;
- (f) two other persons who have special knowledge, experience and professionalism in matters relating to tertiary and higher education, nominated by the Minister;
- (g) a representative from the industrial sector;
- (h) the Chief Executive Officer, who shall be the Secretary to the Council.

(4) The Council may establish and assign responsibilities to such committees and sub-committees as it considers necessary for the performance of its functions.

6. Functions of the Council

The Council shall –

- (a) determine the validity and equivalence of diplomas, certificates and other qualifications awarded by institutions within or outside The Gambia;
- (b) approve plans and policies for the management of the Authority;
- (c) approve the issuance of establishment, registration and accreditation licenses;

- (d) decide on the appointment, functions, emoluments and code of conduct of the staff of the Authority;
- (e) recommend to the Minister, the granting of approval to or the rejection the application of any applicant who does not fulfil the criteria for the establishment of a tertiary and higher education institution;
- (f) receive and monitor reports, returns, statements, and any other information relating to institutional audit and evaluation; and
- (g) perform such other functions as may be conferred on it by this Act or any other Act of the National Assembly.

7. Term of office

A member of the Council shall hold office for a term of three years and is eligible for re-appointment for one further term.

8. Vacation of office

The office of a member of the Council, other than an ex officio member, shall become vacant if the member –

- (a) resigns his or her office by giving thirty days' notice in writing addressed to the chairperson;
- (b) is absent from three consecutive meetings of the Council without the permission of the chairperson;
- (c) is convicted of an offence by a court and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (d) is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (e) is unable, by reason of mental or physical infirmity, to discharge his or her functions as a member of the Council;
- (f) is adjudged bankrupt;
- (g) is otherwise unable or unfit to continue serving as member of the Council; or
- (h) dies

9. Meetings of the Council

- (1) The Council shall meet at such times and places as the Council may deem appropriate but it shall meet at least once in every quarter.
- (2) The quorum for meetings of the Council shall be seven members.
- (3) Decisions of the Council shall be taken on the basis of a simple majority vote of those present.
- (4) The Council may co-opt any person whose knowledge and experience it considers is likely to be of assistance to the Council to attend any meeting of the Council and take part in the proceedings, but a co-opted individual shall not be entitled to vote at any meeting and on any matter for decision by the Council.
- (5) The Council shall determine its own procedures.

10. Remuneration of members of the Council

The members of the Council shall be paid such remuneration, fees or allowances for expenses as the Minister of Finance and Economic Affairs may determine.

11. Delegation by the Council

The Council may, by resolution, either generally or in any particular case, delegate to any committee of the Council or to the Chief Executive Officer, the performance of any of the functions of the Council under this Act.

PART III – THE CHIEF EXECUTIVE OFFICER AND STAFF OF THE AUTHORITY

12. The Chief Executive Officer of the Authority

- (1) The Authority shall be headed by a Chief Executive Officer.
- (2) The Chief Executive Officer shall be appointed by the President after consultation with the Council and the Public Service Commission, on such terms and conditions as may be specified in his or her letter of appointment.
- (3) The Chief Executive Officer is an ex officio member of the Council and shall not have the right to vote at any meeting and on

any matter for decision by the Council.

13. Functions of the Chief Executive Officer

- (1) The Chief Executive of the Authority shall –
 - (a) be responsible for the day-to-day management of the affairs of the Authority;
 - (b) ensure the maintenance of efficiency and discipline by all staff of the Authority;
 - (c) manage the budget of the Authority to ensure that its funds are properly expended and accounted for; and
 - (d) perform such other duties as the Council may, from time to time, assign.
- (2) The Chief Executive Officer, acting on the advice of the Council, may establish such departments in the Authority as he or she may consider necessary or expedient for the effective management of the Authority.

14. Staff of the Authority

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

PART IV – ESTABLISHMENT AND CLOSURE OF INSTITUTIONS

15. Establishment of tertiary and higher education institutions

- (1) The Minister may, in collaboration with the Council, determine the period and process of establishment of tertiary and higher education institutions.
- (2) The Authority shall provide establishment guidelines to prospective tertiary and higher education institutions.
- (3) The Authority shall determine the eligibility criteria for the establishment of tertiary and higher education institutions and may make recommendations to the Minister for the approval of institutions.
- (4) The Authority shall issue licences to approved tertiary and higher education institutions to enable them to operate in The

Gambia, in accordance with the guidelines mentioned in subsection (2).

16. Disclosure of information

- (1) An awarding body, a service provider or an employer shall disclose all relevant information to the Authority and other authorities monitoring or having an oversight over its affairs.
- (2) The Chief Executive Officer or any other person authorised by the Authority shall have access to the relevant records, books or facilities of the institution requested to provide the information.
- (3) The Authority shall disclose such confidential information as may be authorised in writing by the Minister.

17. Closure of an institution

- (1) The Authority may recommend to the Minister the closure of an institution where the Authority considers that –
 - (a) the location and operations of an institution are detrimental to the physical and mental welfare of the students who attend it;
 - (b) the institution is operating below the minimum standard acceptable to the Authority; and
 - (c) the continued existence of the institution is against the public interest.
- (2) The Authority shall formally notify the institution in question to rectify the deficiencies within a period not exceeding three months.
- (3) If the institution fails to rectify the deficiencies within three months, the Council shall recommend to the Minister the closure of that institution within a specified time.

18. Sanctions

- (1) The Council may, on the recommendation of the Authority, impose a sanction on a person who –
 - (a) fails to renew the registration of an institution; or
 - (b) fails to renew the accreditation of a programme;
 - (c) and continues to operate the institution or run the

programme as if the registration or accreditation had been duly renewed.

(2) The sanction that the Council may impose include—

- (a) the withdrawal of public funding;
- (b) the transfer of students to another institution; or
- (c) the payment a fine to be prescribed by the Council.

PART V – FINANCIAL PROVISIONS

19. Funds of the Authority

The funds of the Authority shall consist of –

- (a) moneys appropriated by the National Assembly;
- (b) moneys paid to the Authority by the Government by way of subventions;
- (c) fees collected in respect of the performance of the following functions –
 - (i) registration,
 - (ii) accreditation,
 - (iii) quality assurance, and
 - (iv) consultancy;
- (d) education and training levies, and
- (e) grants, donations or gifts received from any lawful source.

20. Annual estimates

- (1) The Chief Executive Officer shall submit to the Council the estimates of the income and expenditure of the Authority for the next following financial year.
- (2) An expenditure shall not be made out of the funds of the Authority unless the expenditure has been approved by the Council under the estimates for the year in which the expenditure is made or in any supplementary estimate.

- (3) The expenditure of the Authority shall be in accordance with the estimates approved by the Council and endorsed by the Minister of Finance and Economic Affairs.

21. Accounts and Audit

- (1) The Authority shall keep proper books of accounts of all its income and expenditure and proper records in relation to the accounts in such form as the Auditor General may approve.
- (2) The Council shall prepare a statement of account in respect of each financial year.
- (3) The Council shall ensure that before the expiration of three months of the end of the immediately preceding financial year, a statement of account is prepared and submitted to the Auditor General.
- (4) The Auditor General shall audit and deliver to the Council for consideration a copy of the audited accounts, together with his or her report on the audited accounts not later than three months from the date of his or her receipt of the statement of account.

22. Annual report

- (1) The Council shall, within three months of the end of the immediately preceding financial year submit to the Minister an annual report on the activities and operations of the Authority.
- (2) The Minister shall without delay submit the report to the National Assembly, but may attach to them his or her comment and observations.

PART VI – MISCELLANEOUS

23. Protection from liability

The Chief Executive Officer, staff of the Authority or a person acting on behalf of the Chief Executive Officer shall not be subject to civil or criminal proceedings or be personally liable for any act or omission done in good faith in the exercise of his or her functions.

24. Regulations

- (1) The Minister may, on the recommendation of the Council, make regulations.
- (2) Regulations made under subsection (1) may –
 - (a) prescribe the establishment of tertiary and higher education institutions;
 - (b) prescribe the registration and accreditation procedures;
 - (c) prescribe the fees and other charges for services rendered by or on behalf of the Authority;
 - (d) provide for any other matters necessary for the effective implementation of the provisions of this Act.

25. Repeal and savings

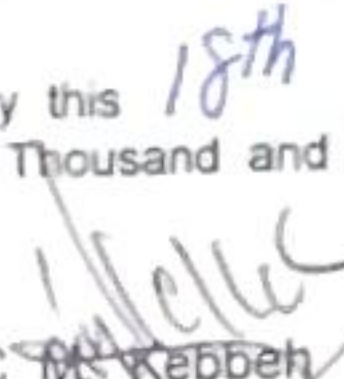
- (1) The National Training Authority Act is repealed.

[Cap 49:05]

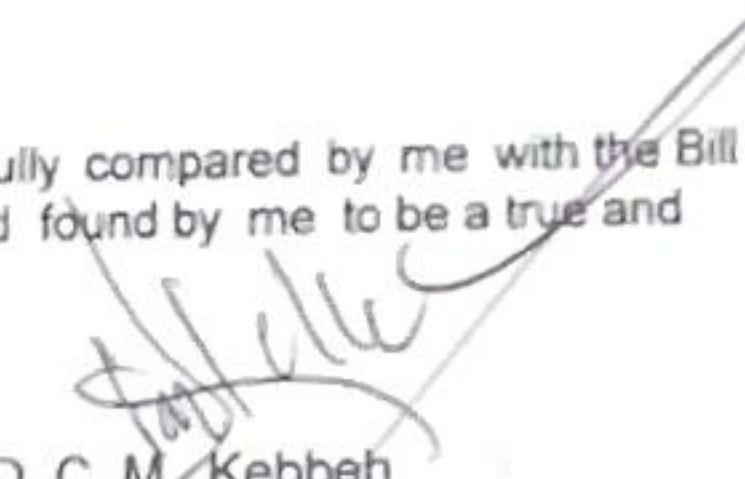
- (2) Notwithstanding the repeal of the National Training Authority Act –

- (a) any document made or thing duly done by the Director-General of the National Training Authority or a person acting on behalf of the Director-General of the National Training Authority before the commencement of this Act shall remain valid as if made or done under this Act;
- (b) all employees of the National Training Authority before the commencement of this Act shall be employees of the Authority established by this Act as if they were appointed under this Act;
- (c) all assets, funds, resources and other moveable property which before the commencement of this Act were vested in the National Training Authority shall be vested in the Authority established by this Act;
- (d) all rights, interests, obligations and liabilities of the National Training Authority existing before the commencement of this Act under any contract or instrument or in law or equity, shall by virtue of this Act be assigned to or vest in the Authority established by this Act.

PASSED in the National Assembly this 18th day of March in the year of Our Lord Two Thousand and Fifteen.


D. C. M. Kebbeh
Clerk of the National Assembly

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.


D. C. M. Kebbeh
Clerk of the National Assembly