

Over 8,000 students have to ensure that their post-O'level institutions are registered by the directorate of Business, Technical and Vocational Education and Training, following a new Solicitor General legal opinion, writes Conan Businge

Solicitor General STIRS CHAOS in certificate courses registration



Students attending a tailoring lesson at an institute. Many students opt for vocational courses after O'level

Conflicting views by the Solicitor General have created confusion in the accreditation of vocational programmes offered by post-ordinary level institutions.

The accreditation has now been moved from National Council for Higher Education (NCHE) to the directorate of Business, Technical and Vocational Education and Training (BTJET). Based on advice from the Solicitor General, NCHE in May wrote to the institutions instructing them to have all their programmes accredited by the higher education watchdog.

However, in July, the Solicitor General backtracked on this communication. The Solicitor General clarified that they had erred in their legal opinion and that the mandate of the higher education council starts from accreditation of programmes offered by post-O'level institutions.

"The had [erroneously] stated that National Council for Higher Education would be the right body to accredit post-O'level certificate since qualifications build into each other," stated the July 13 letter from the Solicitor General's office. "However, it appears that this would cause more confusion and disharmony in the education system as this would result in more than one body accrediting these certificates. The mandate of NCHE in relation to accreditation of certificates is restricted to the higher education certificate which is offered after one has completed A'level which falls within the jurisdiction of higher education," added the letter signed for the Solicitor General by Betty Adwona.

The latest position by the Solicitor General follows a request by the Uganda Business and Technical Examinations Board for legal guidance in regard to whether NCHE was mandated by law to accredit institutions offering post-O'level certificates.

In response, the Solicitor General

clarified that, accreditation as defined by the University and Other Tertiary Institutions Act (UOTIA), excludes institutions that are not under NCHE.

"Therefore, the post-ordinary certificate courses cannot be accredited by NCHE since it falls within the regime of secondary education and post-ordinary certificate courses are just equivalent to advanced level, for which NCHE has no mandate," the letter stated.

The Solicitor General further observed that the fact that the post O'level certificate is not defined leaves it open for interpretation and poses challenges, as to what constitutes a post-ordinary level certificate.

"This clearly is a lacuna in the law for which we recommend an amendment," added the letter.

The Implication
The implication of the opinion is that the accreditation of the certificate courses for post-O'level institutions will continue to be handled by the directorate of BTJET.

Two months ago, New Vision published the first directive where the



Students of Nakawa Vocational Training Institute assembling parts of a car engine

MAY
NCHE wrote to the institutions to have all certificate courses accredited by the council

JUNE
Deadline for accreditation

JULY
Solicitor General writes saying NCHE does not have mandate to accredit post-O'level certificates

WHY CHANGE OF OPINION

The Solicitor General cites Section 10 of the Education (Pre-primary, Primary and Post-Primary Act) of 2008 as the basis for his change in legal opinion. The section breaks down the four levels of education in Uganda - pre-primary, primary, post-primary education and training and university education.

Section 10 (4), he says, defines post primary education and training to constitute secondary education. The certificate obtained at this level is equivalent to a Senior Six certificate. In his view therefore, after reconsidering these laws, the NCHE should not accredit post O'level programmes.

NCHE wrote to all institutions offering post-O'level certificates, instructing them to immediately avail details about their students and the programmes they offered, for them to be accredited. It also directed that all one year certificate study gets doubled.

This was after the Solicitor General's first communication, early in the year, advised that NCHE handles the accreditation of these programmes and institutions.

Panic
There are 8,000 students doing post-O'level programmes who have now been thrown in confusion following the change in the legal opinions.

With the NCHE that gave June 30, 2017 as a deadline within which the licensed and accredited higher education training institutions should have complied, a number

of post-O'level training institutions rushed to register their programmes.

"When the NCHE set up new accreditation guidelines, we all got into a panic mode. I made us feel like we were duping students, which is not the case. The new guidance of the Solicitor General is relief for us," said a director of a private tertiary institution in Kampala.

Another principal in Masaka town says he has already registered with NCHE though he had for long also been registered by the ministry under BTJET. "This is double registration. I wanted to safeguard myself from any messy situation. However, with the latest guidance from the Solicitor General, hopefully this matter will be put to rest," he says.

NCHE reacts
When contacted, the NCHE Executive Director, Prof. Asibo Opuda could not disclose the exact number of institutions that registered with them following the communication but said: "So many registered, including universities which have certificate courses."

Opuda said their communication followed the same advice from the Solicitor General wrote to us saying it was okay to accredit these programmes. "What matters is that we are just

WHAT OTHERS SAY

Patrick Kaboyo, chief executive officer of the Coalition of Uganda Private School Teachers Association

This new legal opinion makes more sense. I always doubted if the NCHE really had the mandate to handle the accreditation of these institutions. Kaboyo, had earlier on, in May this year, argued that the mandate of accrediting post O'level certificate programmes lies elsewhere and not with NCHE, as the situation was turning out to.



Prof. Venansius Daryamureba, UBTEB board chair

The curriculum for post O'level institutions should be set by the National Curriculum Development Centre and not NCHE. Like in Rwanda, Kenya and Tanzania, the council should be made to oversee universities alone.



Prof. Abdu Kasozi, the former NCHE executive director

This contradiction between the BTJET law and the University and Other Tertiary Institutions Act, was about to get solved, if the Skills Development Authority had been set up. All technical, vocational and business institutions would have been under the Skills Development Authority. The NCHE would be left to handle universities. This is the same case in Kenya, where they have the National Council for Universities, and not higher education.



following the law and we will continue registering those institutions which are interested. The other certificate award under BTJET," he said.

Asked if this would not cause confusion in the running of institutions and equating qualifications for graduates; he said: "We are going to sit at a round table and agree over this matter, with the Solicitor General and all those concerned."

Opuda, however, argues that much as such institutions may remain under BTJET and also do national examinations set by the Uganda Business and Technical Examinations Board, "There are courses which are complicated for it to examine in national examinations." He cites a course like nuclear physics. "UBTEB cannot handle UBTEB executive director Onemus Oyesigye, however, insists they have the competence to handle the programme. "My team has the capacity to handle any examination. We have capable people and as always, we can set any kind of exam."

Roles of National Council for Higher Education and BTJET

Business, Technical, Vocational Education and Training (BTJET)

This department has the primary and residual responsibility for all business, technical and vocational education at all levels of the education system.

The department will have three divisions namely: business education, technical education and vocational education. Each division will be headed by an Assistant Commissioner.

The National Council for Higher Education (NCHE)

The council was established to implement the University and Other Tertiary Act of Parliament (1200) as the regulator of higher education.

The council consists of 18 persons, the majority of whom are representatives of various social constituencies including public and private universities, religious organisations, commerce, industry, agriculture, the general public, the Ministry of Education and people with disabilities. The council members are appointed

under Section 7 of the Universities and Other Tertiary Institutions Act.

For any institution to be accredited, the National Council must be satisfied, after a series of inspections and visitations, that the

institution concerned has adequate physical and financial resources, viable programmes, adequate qualified staff and structures of governance to deliver quality higher education.

MAKERERE INSTITUTE FOR SOCIAL DEVELOPMENT

PO Box 10078 Kampala, Uganda. Tel: 011-2542411, 011-2542412, 011-2542413, 011-2542414, 011-2542415, 011-2542416, 011-2542417, 011-2542418, 011-2542419, 011-2542420, 011-2542421, 011-2542422, 011-2542423, 011-2542424, 011-2542425, 011-2542426, 011-2542427, 011-2542428, 011-2542429, 011-2542430, 011-2542431, 011-2542432, 011-2542433, 011-2542434, 011-2542435, 011-2542436, 011-2542437, 011-2542438, 011-2542439, 011-2542440, 011-2542441, 011-2542442, 011-2542443, 011-2542444, 011-2542445, 011-2542446, 011-2542447, 011-2542448, 011-2542449, 011-2542450, 011-2542451, 011-2542452, 011-2542453, 011-2542454, 011-2542455, 011-2542456, 011-2542457, 011-2542458, 011-2542459, 011-2542460, 011-2542461, 011-2542462, 011-2542463, 011-2542464, 011-2542465, 011-2542466, 011-2542467, 011-2542468, 011-2542469, 011-2542470, 011-2542471, 011-2542472, 011-2542473, 011-2542474, 011-2542475, 011-2542476, 011-2542477, 011-2542478, 011-2542479, 011-2542480, 011-2542481, 011-2542482, 011-2542483, 011-2542484, 011-2542485, 011-2542486, 011-2542487, 011-2542488, 011-2542489, 011-2542490, 011-2542491, 011-2542492, 011-2542493, 011-2542494, 011-2542495, 011-2542496, 011-2542497, 011-2542498, 011-2542499, 011-2542500, 011-2542501, 011-2542502, 011-2542503, 011-2542504, 011-2542505, 011-2542506, 011-2542507, 011-2542508, 011-2542509, 011-2542510, 011-2542511, 011-2542512, 011-2542513, 011-2542514, 011-2542515, 011-2542516, 011-2542517, 011-2542518, 011-2542519, 011-2542520, 011-2542521, 011-2542522, 011-2542523, 011-2542524, 011-2542525, 011-2542526, 011-2542527, 011-2542528, 011-2542529, 011-2542530, 011-2542531, 011-2542532, 011-2542533, 011-2542534, 011-2542535, 011-2542536, 011-2542537, 011-2542538, 011-2542539, 011-2542540, 011-2542541, 011-2542542, 011-2542543, 011-2542544, 011-2542545, 011-2542546, 011-2542547, 011-2542548, 011-2542549, 011-2542550, 011-2542551, 011-2542552, 011-2542553, 011-2542554, 011-2542555, 011-2542556, 011-2542557, 011-2542558, 011-2542559, 011-2542560, 011-2542561, 011-2542562, 011-2542563, 011-2542564, 011-2542565, 011-2542566, 011-2542567, 011-2542568, 011-2542569, 011-2542570, 011-2542571, 011-2542572, 011-2542573, 011-2542574, 011-2542575, 011-2542576, 011-2542577, 011-2542578, 011-2542579, 011-2542580, 011-2542581, 011-2542582, 011-2542583, 011-2542584, 011-2542585, 011-2542586, 011-2542587, 011-2542588, 011-2542589, 011-2542590, 011-2542591, 011-2542592, 011-2542593, 011-2542594, 011-2542595, 011-2542596, 011-2542597, 011-2542598, 011-2542599, 011-2542600, 011-2542601, 011-2542602, 011-2542603, 011-2542604, 011-2542605, 011-2542606, 011-2542607, 011-2542608, 011-2542609, 011-2542610, 011-2542611, 011-2542612, 011-2542613, 011-2542614, 011-2542615, 011-2542616, 011-2542617, 011-2542618, 011-2542619, 011-2542620, 011-2542621, 011-2542622, 011-2542623, 011-2542624, 011-2542625, 011-2542626, 011-2542627, 011-2542628, 011-2542629, 011-2542630, 011-2542631, 011-2542632, 011-2542633, 011-2542634, 011-2542635, 011-2542636, 011-2542637, 011-2542638, 011-2542639, 011-2542640, 011-2542641, 011-2542642, 011-2542643, 011-2542644, 011-2542645, 011-2542646, 011-2542647, 011-2542648, 011-2542649, 011-2542650, 011-2542651, 011-2542652, 011-2542653, 011-2542654, 011-2542655, 011-2542656, 011-2542657, 011-2542658, 011-2542659, 011-2542660, 011-2542661, 011-2542662, 011-2542663, 011-2542664, 011-2542665, 011-2542666, 011-2542667, 011-2542668, 011-2542669, 011-2542670, 011-2542671, 011-2542672, 011-2542673, 011-2542674, 011-2542675, 011-2542676, 011-2542677, 011-2542678, 011-2542679, 011-2542680, 011-2542681, 011-2542682, 011-2542683, 011-2542684, 011-2542685, 011-2542686, 011-2542687, 011-2542688, 011-2542689, 011-2542690, 011-2542691, 011-2542692, 011-2542693, 011-2542694, 011-2542695, 011-2542696, 011-2542697, 011-2542698, 011-2542699, 011-2542700, 011-2542701, 011-2542702, 011-2542703, 011-2542704, 011-2542705, 011-2542706, 011-2542707, 011-2542708, 011-2542709, 011-2542710, 011-2542711, 011-2542712, 011-2542713, 011-2542714, 011-2542715, 011-2542716, 011-2542717, 011-2542718, 011-2542719, 011-2542720, 011-2542721, 011-2542722, 011-2542723, 011-2542724, 011-2542725, 011-2542726, 011-2542727, 011-2542728, 011-2542729, 011-2542730, 011-2542731, 011-2542732, 011-2542733, 011-2542734, 011-2542735, 011-2542736, 011-2542737, 011-2542738, 011-2542739, 011-2542740, 011-2542741, 011-2542742, 011-2542743, 011-2542744, 011-2542745, 011-2542746, 011-2542747, 011-2542748, 011-2542749, 011-2542750, 011-2542751, 011-2542752, 011-2542753, 011-2542754, 011-2542755, 011-2542756, 011-2542757, 011-2542758, 011-2542759, 011-2542760, 011-2542761, 011-2542762, 011-2542763, 011-2542764, 011-2542765, 011-2542766, 011-2542767, 011-2542768, 011-2542769, 011-2542770, 011-2542771, 011-2542772, 011-2542773, 011-2542774, 011-2542775, 011-2542776, 011-2542777, 011-2542778, 011-2542779, 011-2542780, 011-2542781, 011-2542782, 011-2542783, 011-2542784, 011-2542785, 011-2542786, 011-2542787, 011-2542788, 011-2542789, 011-2542790, 011-2542791, 011-2542792, 011-2542793, 011-2542794, 011-2542795, 011-2542796, 011-2542797, 011-2542798, 011-2542799, 011-2542800, 011-2542801, 011-2542802, 011-2542803, 011-2542804, 011-2542805, 011-2542806, 011-2542807, 011-2542808, 011-2542809, 011-2542810, 011-2542811, 011-2542812, 011-2542813, 011-2542814, 011-2542815, 011-2542816, 011-2542817, 011-2542818, 011-2542819, 011-2542820, 011-2542821, 011-2542822, 011-2542823, 011-2542824, 011-2542825, 011-2542826, 011-2542827, 011-2542828, 011-2542829, 011-2542830, 011-2542831, 011-2542832, 011-2542833, 011-2542834, 011-2542835, 011-2542836, 011-2542837, 011-2542838, 011-2542839, 011-2542840, 011-2542841, 011-2542842, 011-2542843, 011-2542844, 011-2542845, 011-2542846, 011-2542847, 011-2542848, 011-2542849, 011-2542850, 011-2542851, 011-2542852, 011-2542853, 011-2542854, 011-2542855, 011-2542856, 011-2542857, 011-2542858, 011-2542859, 011-2542860, 011-2542861, 011-2542862, 011-2542863, 011-2542864, 011-2542865, 011-2542866, 011-2542867, 011-2542868, 011-2542869, 011-2542870, 011-2542871, 011-2542872, 011-2542873, 011-2542874, 011-2542875, 011-2542876, 011-2542877, 011-2542878, 011-2542879, 011-2542880, 011-2542881, 011-2542882, 011-2542883, 011-2542884, 011-2542885, 011-2542886, 011-2542887, 011-2542888, 011-2542889, 011-2542890, 011-2542891, 011-2542892, 011-2542893, 011-2542894, 011-2542895, 011-2542896, 011-2542897, 011-2542898, 011-2542899, 011-2542900, 011-2542901, 011-2542902, 011-2542903, 011-2542904, 011-2542905, 011-2542906, 011-2542907, 011-2542908, 011-2542909, 011-2542910, 011-2542911, 011-2542912, 011-2542913, 011-2542914, 011-2542915, 011-2542916, 011-2542917, 011-2542918, 011-2542919, 011-2542920, 011-2542921, 011-2542922, 011-2542923, 011-2542924, 011-2542925, 011-2542926, 011-2542927, 011-2542928, 011-2542929, 011-2542930, 011-2542931, 011-2542932, 011-2542933, 011-2542934, 011-2542935, 011-2542936, 011-2542937, 011-2542938, 011-2542939, 011-2542940, 011-2542941, 011-2542942, 011-2542943, 011-2542944, 011-2542945, 011-2542946, 011-2542947, 011-2542948, 011-2542949, 011-2542950, 011-2542951, 011-2542952, 011-2542953, 011-2542954, 011-2542955, 011-2542956, 011-2542957, 011-2542958, 011-2542959, 011-2542960, 011-2542961, 011-2542962, 011-2542963, 011-2542964, 011-2542965, 011-2542966, 011-2542967, 011-2542968, 011-2542969, 011-2542970, 011-2542971, 011-2542972, 011-2542973, 011-2542974, 011-2542975, 011-2542976, 011-2542977, 011-2542978, 011-2542979, 011-2542980, 011-2542981, 011-2542982, 011-2542983, 011-2542984, 011-2542985, 011-2542986, 011-2542987, 011-2542988, 011-2542989, 011-2542990, 011-2542991, 011-2542992, 011-2542993, 011-2542994, 011-2542995, 011-2542996, 011-2542997, 011-2542998, 011-2542999, 011-2543000, 011-2543001, 011-2543002, 011-2543003, 011-2543004, 011-2543005, 011-2543006, 011-2543007, 011-2543008, 011-2543009, 011-2543010, 011-2543011, 011-2543012, 011-2543013, 011-2543014, 011-2543015, 011-2543016, 011-2543017, 011-2543018, 011-2543019, 011-2543020, 011-2543021, 011-2543022, 011-2543023, 011-2543024, 011-2543025, 011-2543026, 011-2543027, 011-2543028, 011-2543029, 011-2543030, 011-2543031, 011-2543032, 011-2543033, 011-2543034, 011-2543035, 011-2543036, 011-2543037, 011-2543038, 011-2543039, 011-2543040, 011-2543041, 011-2543042, 011-2543043, 011-2