

VOCATIONAL TRAINING ACT
(Cap. 47:04)

VOCATIONAL TRAINING (STRUCTURED TRAINING)
REGULATIONS, 2006
(Published on 13th October, 2006)

ARRANGEMENT OF REGULATIONS

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FIRST SCHEDULE

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IN EXERCISE of the powers conferred on the Minister of Labour and Home Affairs by section 31 of the Vocational Training Act, and after consultation with the Board, the following Regulations are hereby made —

1. These regulations may be cited as the Botswana Training Authority (Structured Training) Regulations, 2006. Citation
2. In these regulations, unless the context otherwise requires — Interpretation
 - “agreement” means a training agreement approved under regulation 3;
 - “approved” means approved by the Authority;
 - “trainer” means a person registered as a trainer under regulation 4 of the Vocational Training (Registration and Accreditation of Trainees and Assessors) Regulations, 2004; S.I No. 32 of 2004
 - “training agreement” means an approved contract between a trainee and trainer which defines the details of the vocational training to be undertaken.
3. (1) A trainer desirous of undertaking the training of a trainee shall enter into an agreement with the trainee in the form set out in the First Schedule which shall be approved by the Authority. Application for approval of training agreement
 - (2) For the purposes of obtaining approval of an agreement entered into in accordance with sub regulation (1), a trainer shall make an application, in writing, to the Authority for the approval of the agreement.
 - (3) An application made under sub regulation (2) shall be accompanied by a duly completed agreement in the form set out in the First Schedule.

- (4) Upon receipt of an application under subregulation (2), the Authority shall —
- (a) inspect or cause to be inspected by a designated officer the facilities and other opportunities the trainer proposes to provide as part of the training; or
 - (b) call for additional information it considers necessary, in relation to the training programme.
- (5) Where the Authority is satisfied that the training programme including facilities and other opportunities are satisfactory, it shall approve the agreement and notify the applicant in writing of the approval.
- (6) Where the Authority is of the opinion that the agreement including facilities and other opportunities to be provided as part of the training programme are unsatisfactory, it shall reject the application and notify the applicant in writing of the rejection and the grounds thereof.

**Duties of
trainer**

- 4. A trainer shall —**
- (a) provide the trainee with appropriate training in an environment conducive to achieve the outcome required by the agreement;
 - (b) provide appropriate tools and facilities for the trainee, in accordance with the agreement;
 - (c) provide the trainee with adequate supervision;
 - (d) release the trainee to attend approved training as per the agreement;
 - (e) pay the trainee the agreed training allowance (if any) during the duration of the training;
 - (f) assess the trainee;
 - (g) maintain records of training and discuss same with the trainee;
 - (h) advise the trainee on policies and procedures of the trainer; and
 - (i) apply the same disciplinary, grievance and dispute resolution procedures to the trainee as to other employees.

**Duties of
trainee**

- 5. The trainee shall —**
- (a) comply with the policies and procedures of the trainer; and
 - (b) complete any time sheets or written assessment tools supplied by the trainer to record training experience.

**Variation of
agreement**

- 6. (1) The trainer and the trainee shall not vary an agreement without the approval of the Authority.**
- (2) Where the trainer and the trainee agree to vary the agreement, they shall make a joint application to the Authority, for the approval of the variation.
- (3) Where the Authority is satisfied that the proposed variation is justified, it shall approve the variation and notify the applicants, in writing, of the approval.
- (4) Where the Authority is of the opinion that the proposed variation is not justified, it shall reject the variation and notify the applicants, in writing, of the rejection and the grounds thereof.

**Alteration by
Authority**

- 7. (1) The Authority may alter the period of the agreement where —**
- (a) a trainee is absent from training other than for the purpose of training recess, for a period of or for periods amounting in the aggregate of not less than 30 days;
 - (b) a trainee has previously undergone other training that justifies an alteration of the period; or
 - (c) the trainee has acquired a degree of proficiency in the vocation that justifies an alteration of the period of agreement.

(2) Where the Authority is satisfied of the conditions set out in sub regulation (1), it shall alter the period of the agreement and the agreement shall thereafter be read and construed accordingly.

8. (1) Where the trainer is of the opinion that a trainee has committed a serious breach of the agreement the trainer shall lodge a written request with the Authority, for a suspension of the agreement.

Suspension of agreement

(2) Where the Authority is satisfied that the breach referred to in sub regulation (1) justifies a suspension of the agreement, it shall approve the suspension and notify the trainer and the trainee in writing, of the suspension.

(3) Where the Authority is of the opinion that there is no breach or the breach does not justify a suspension, it shall reject the request for suspension and notify the trainer and the trainee in writing, of the rejection and the grounds thereof.

9. (1) The rights and obligations of the trainer may, at the request of either the trainer or the trainee and with the consent of the other, be transferred to some other trainer (hereinafter referred to as the "new trainer").

Transfer of rights, etc.

(2) A request made under sub regulation (1) shall be made to the Authority in writing and accompanied by the consent of trainer or trainee and the consent of the new trainer whom it is intended that the rights and obligations be transferred to.

(3) The Authority shall not approve a transfer where —

(a) the request does not comply with sub regulation (2);

(b) the trainee has not fully and freely consented to the proposed transfer; and

(c) the proposed transfer is not in the interests of the trainee.

(4) Where the Authority is satisfied that the proposed transfer is justified, it shall approve the transfer and notify the applicants, in writing, of the approval.

(5) The Authority shall where it rejects a transfer under this section, notify the applicants in writing of the rejection and the grounds thereof.

10. (1) An agreement shall not be terminated by the trainer or trainee without approval by the Authority.

Termination of agreement

(2) Where the trainer and the trainee agree to terminate the agreement, they shall jointly apply to the Authority for approval of the termination.

(3) Where the Authority is satisfied that the proposed termination is justified, it shall approve the termination and notify the applicants, in writing, of the approval.

(4) Where the Authority is of the opinion that the proposed termination is not justified, it shall reject the termination and notify the applicants, in writing, of the rejection and the grounds thereof.

11. The trainer shall on the satisfactory completion of the training programme, lodge with the Authority a written notification to the effect that the trainee has satisfactorily completed the training programme.

Award on completion

12. Where the Authority is satisfied that a trainee has satisfactorily completed a training programme, it shall cause an award of National Foundation Certificate to be issued to the trainee —

Certificate of service

(a) in the form set out in the Second Schedule, where the programme leads to a qualification;

(b) in the form set out in the Third Schedule, where the programme does not lead to a qualification.

Appeals

13. (1) A person aggrieved by a decision of the Authority made under these regulations, may, within 14 days of notification of the decision, appeal in writing, to the Minister.

(2) A person aggrieved by a decision of the Minister may appeal to a court.

Offence and penalty

14. A person who contravenes a provision of these Regulations shall be guilty of an offence and liable to a fine of P500.00 or to a term of imprisonment not exceeding six months.

FIRST SCHEDULE

STRUCTURED TRAINING AGREEMENT

(Reg. 3(2))

1. Details of awards to be gained.

BNVQF awards

ID Code	Title	Unit standard title	Level

Non-BNVQF awards

Title	Level

The above mentioned awards are to be completed in months.

2. Trainee details

(1) Surname: First name:

(2) Nationality:.....

(3) Identity number:

Passport No:

(4) Date of birth:

(5) Sex: Male Female

(6) Do you have a disability? Yes No

Yes (specify):

4. Trainer details

- (1) Name of trainer:
- BOTA Registration numbers:
- (2) Telephone number
- (3) Name of contact person:

- (4) Telephone No:
- (5) Fax No:
- (6) E-mail address:

5. Terms and conditions of training:

- (1) Are the trainee's terms of employment determined by a document of general application.
Yes No

(specify):

- (2) Attach a copy of a document reflecting the trainee's conditions of employment for trainees who were not employed by the trainer when the agreement was concluded.

Trainee's signature: Parent or Guardian's signature
(Only if the Trainee has not reached the age of majority)

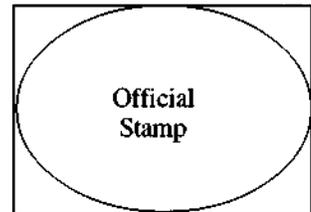
.....
Date: Date:

Witness signature:
Date:
Trainer or Lead Trainer's signature
Date:
Witness signature:
Date:

For official use only

6. Approval

- 6.1 This agreement is hereby approved in terms of the Structured Work-Based Learning Regulations.
- 6.2 Approval number.
- 6.3 Company registration number.
- 6.4 BOTA Trainee identification number.
- 6.5 Signature of approval officer.



NATIONAL FOUNDATION CERTIFICATE

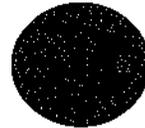


Botswana Training Authority

Botswana Training Authority

This is to certify that

has been awarded the above national qualification in



.....
Director: (Quality Assurance)

.....
Chief Executive Officer

Date Issued:

NATIONAL INTERMEDIATE CERTIFICATE

(Reg. 12(a))

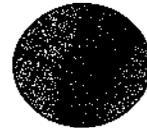


Botswana Training Authority

Botswana Training Authority

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Director: (Quality Assurance)

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Chief Executive Officer

Date Issued:

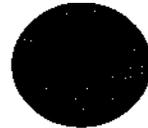


Botswana Training Authority

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.....
Director: (Quality Assurance)

.....
Chief Executive Officer

Date Issued:

THIRD SCHEDULE

(Reg. 12(b))

RECORD OF LEARNING



Botswana Training Authority

Botswana Training Authority

Name:

Learner ID:

Date Issued:

Code	Unit Standard Title	Level Value	Credit Attained	Date
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Qualification Attained

.....
Director: (Quality Assurance)

.....
Chief Executive Officer

Date Issued:

DATED this 3rd day of October, 2006.

M. PHETO,
Minister for Labour and Home Affairs.