

VOCATIONAL TRAINING ACT
(Cap. 47:04)

VOCATIONAL TRAINING (REIMBURSEMENT)
REGULATIONS, 2008
(Published on 15th February, 2008)

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SCHEDULE

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 Vocational Training (Reimbursement) Regulations, 2008. Citation
2. In these Regulations unless the context otherwise requires — Interpretation
 - “emergent industry” means an infant industry identified by the Authority as requiring special training;
 - “levy” means an amount paid under the Training (Levy) Order, 2008; S.I. No. 9 of 2008
 - “reimbursement” means an amount payable from the Fund under these Regulations;
 - “small micro and medium enterprise” means an enterprise with a turnover of less than P250 000 per annum;
 - “special groups” refers to employees who have particular training needs.
3. An employer who has incurred training costs shall be entitled to reimbursement in accordance with section 21 of the Act. Entitlement to reimbursement
4. (1) Every Pula up to a maximum of P1 000 per annum paid into the Fund as levy shall generate reimbursement of P5.00. Reimbursement Formula
 - (2) Notwithstanding the provisions of sub regulation (1) —
 - (a) every Pula above P 1000 but below P5 000 per annum paid into the Fund as levy shall generate an additional reimbursement of P2.50; and
 - (b) every Pula paid as levy into the Fund in excess of P5 000 per annum shall generate an additional reimbursement of P1.25.

Allocation of amounts to special groups and emergent industries

5. (1) At the beginning of each financial year, the Authority shall allocate moneys in the Fund as follows —

- (a) two and a half per cent for special groups;
- (b) one per cent for skills in emergent industries;
- (c) five per cent for small micro and medium enterprises.

(2) The Authority shall by Notice published in the Gazette, specify in accordance with subregulation (1) the total amount in the Fund available for claim as reimbursement.

Application for reimbursement

6. An employer who has incurred training costs may make an application to the Authority for reimbursement in Form 1 set out in the Schedule.

Eligible training

7. (1) An employer under regulation 6 shall be entitled to reimbursement for —

- (a) training provided to citizens of Botswana whether or not training is conducted in Botswana or outside:

Provided that an employer may claim reimbursement for training of non-citizens where the Authority is satisfied that the training is necessary for security reasons and will not delay the localisation plans of the claimant;

- (b) training that falls within the definitions of any one or more of the three levels of the Botswana National Vocational Qualifications Framework as defined in section 20 (2) of the Vocational Training Act;
- (c) training that includes a minimum of a total of 10 learning hours.

(d) training sourced from a training institution accredited under the Vocational Training (Accreditation of Vocational Training Institution and Assessment Centres) Regulations, except that, with the prior approval of the Authority, training courses —

- (i) approved by the Tertiary Education Council under the Tertiary Education Act;
 - (ii) approved by a national quality assurance body of the same standing as the Authority operating in another country; or
 - (iii) where quality assurance criteria and processes comparable to those applied by the Authority have been applied;
- shall be eligible for the claim of reimbursement.

(2) For the purposes of subregulation (1) (c) 10 learning hours is the equivalent of one credit on the Botswana National Vocational Qualifications Framework- the smallest industry - recognised award able to be placed on the Botswana National Vocational Qualifications Framework.

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Maximum claim

8. The Authority shall not reimburse an employer an amount in excess of the training costs approved by the Authority under regulation 10.

Training sourced in Botswana

9. (1) An employer shall not be entitled to reimbursement for training sourced outside Botswana.

(2) Notwithstanding the provisions of subregulation (1), an employer may claim reimbursement for training undertaken outside Botswana where prior to such training being undertaken —

- (a) the employer, in writing, notified the Authority that an equivalent training is not available in Botswana; and
- (b) the Authority authorised, in writing, that the training be undertaken outside Botswana.

(3) The Authority shall consider the Southern African region before authorising training in accordance with subregulation (2).

10. (1) Where an employer sources training from a training institution accredited under the Vocational Training (Accreditation of Vocational Training Institution and Assessment Centres) Regulations, the course fees charged by the training institution and duly receipted by that institution shall be the basis for the calculation of training costs of the employer.

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2004

(2) Notwithstanding the provisions of subregulation (1) where training is delivered on-the-job but assessment is carried out by a training institution accredited under the Vocational Training (Accreditation of Vocational Training Institution and Assessment Centres) Regulations, an employer shall be entitled to training costs calculated as follows —

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2004

- (a) the actual salary of the trainer incurred in the duration of specific training;
- (b) material, stationery, and equipment used for the specific training, with the capital cost of any equipment used being appropriately discounted to account for use in other, prior or future training activities;
- (c) costs of facility hire or operational costs such as electricity, telephone, maintenance, or insurance cover of in-house training facilities appropriately discounted to recognize the duration of the particular training and the use of facilities for other training activities and or other uses;
- (d) any reasonable travel or accommodation costs incurred in undertaking the specific training; and
- (e) the actual basic salary costs of the trainees for the period they were under training.

(3) An employer shall produce receipts and other evidence to substantiate the cost of vocational training.

11. The Authority shall monitor the reimbursement claims made from the Fund and where it has concerns regarding the validity or integrity of any claim made, shall undertake such investigations as are considered necessary.

Monitoring of
reimbursements

12. (1) An employer who —

Offences

- (a) makes a false statement to the Chief Executive Officer;
- (b) fails or omits to give information required under these Regulations, or
- (c) gives any information which is false in any material particular — commits an offence and is liable to a fine not exceeding P5000 and to a term of imprisonment not exceeding six months, or both.

(2) Where an offence is committed under these Regulations by a company or registered person, any person who at the time of the commission of the offence was a director, general manager, secretary, or similar officer of the company, or was acting or purporting to act in such capacity, also commits the offence unless he or she proves that —

- (a) the offence was committed without his or her knowledge, or
- (b) he or she took all reasonable steps to prevent the commission of the offence.

SCHEDULE

Vocational Training Fund

APPLICATION FOR REIMBURSEMENT
(reg. 6)

Form: 1



Botswana Training Authority

Private Bag BO 340
Gaborone
Botswana

Tel: (+ 267) 3657200
Fax: (+ 267) 3952301
Email: info@bota.org.bw

Physical Address:
2nd Floor BIFM House
Main Mall, Gaborone

Botswana Training Authority

1 Employer

Name:

Address..... Tel No:

..... Fax No:

..... Cellular:

E-mail:

2 Particulars of the training

a. Title:

b. Name of Training Institution:

c. BOTA Accreditation Certificate Number for Institution:.....

d. Duration of Course: From: To:

(dd/mm/yyyy) (dd/mm/yyyy)

e. Please give the breakdown of Course duration as per the table below

Session No.	Topics/Modules	Trainer

3 Particulars of Trainees

Please give details of employees trained as per the table below:

No.	Surname	First Name(s)	Omang No.	Sex	Telephone (s)

4 Costs

Tuition Costs per participant: P _____

Total Tuition Costs: P _____

OR

If the courses were run in-house or on-the-job please give the cost breakdown as per the table below

Trainer's Fees	
Training/Learning materials	
Advertisement	
Stationery	
Meals and Refreshments	
Administration Expenses	
Others	
Cost per Participant	
Total Cost	

5 Declaration:

We, the undersigned state that

- (i) The information contained in the application is, to the best of our knowledge, true and accurate.
- (ii) We have not withheld/distorted any material facts.

Name of Operational Manager:
(Surname) (First Name(s))

Signature: Date:
(dd/mm/yyyy)

Name of Chairperson of Governing Body:
(Surname) (First Name(s))

Signature: Date:
(dd/mm/yyyy)

Documents Annexed:

Receipts: Certificates of attendance:

Signed affidavit by trainers and training institution:Others:

6 For Official Use

a. Date application received and checked.....Signature:
(dd/mm/yyyy)

b. Assigned provider number:

c. Name of BOTA Officer processing application:
(Surname) (First name)

d. Date provider data captured on database:Signature:
(dd/mm/yyyy)

MADE this 5th day of February, 2008.

M.C. TIBONE,
*Minister for Labour and Home
Affairs.*

L2/7/342 II