




KCPA CONSTITUTION

KENYA COUNSELLING AND PSYCHOLOGICAL ASSOCIATION CONSTITUTION SURVEY

A REPORT OF THE KCPA CONSTITUTION
SURVEY CARRIED OUT FROM 31/12/2022 TO
11/01/2023 AND PROPOSED INTERVENTIONS



KENYA COUNSELLING AND
PSYCHOLOGICAL ASSOCIATION



**KENYA COUNSELLING AND PSYCHOLOGICAL ASSOCIATION
CONSTITUTION SURVEY**

**A REPORT OF THE KCPA CONSTITUTIONAL SURVEY CARRIED OUT
BETWEEN 31ST DECEMBER, 2022 AND 11TH JANUARY, 2023 AND
PROPOSED INTERVENTIONS**

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KCPA/3081/14

DATE: 16TH JANUARY 2023

INTRODUCTION

This survey had 3 pairs of questions (6 questions) regarding the affairs of Kenya Counselling and Psychological Association and respondents were KCPA members drawn from the National KCPA Telegram group and the KCPA County groups. This Constitutional Survey initially began when 274 out of 310 KCPA members indicated that there was an urgent need for a Constitutional review during a baseline survey that was conducted between the 9th day of December, 2022 and 15th day of December, 2022.

The first part of the survey included questions with proposed answers (the closed part of the survey). Subsequently, the responses were subject to a quantitative analysis.

The second part of the survey was meant to highlight the respondents' thoughts and views, with no limit to the length of the text entered (the open part of the survey).

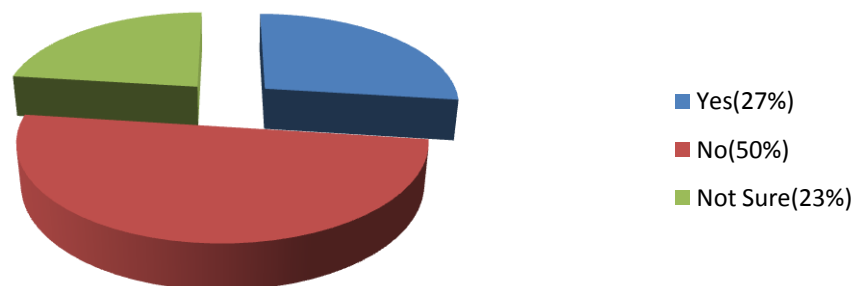
The survey was completed by 74 respondents. The report will state the questions as provided in the Google form, provide the answers given and analyze them.

A] i) Do you feel well served under the current KCPA Constitution?

Description	No. of Responses	Percentage
Yes	20	27%
No	37	50%
Not sure	17	23%
Total	74	100%

Graphical Interpretation of the findings

Responses in terms of Percentages



Concluding Observations and Recommendations

A good constitution empowers an institution and regulates the powers of office holders. The constitution provides a legitimate legal basis for proposing and enacting laws and therefore the KCPA constitution must distribute powers, duties and responsibilities between various office holders as well as the County Chapters and also regulate the relationships between them.

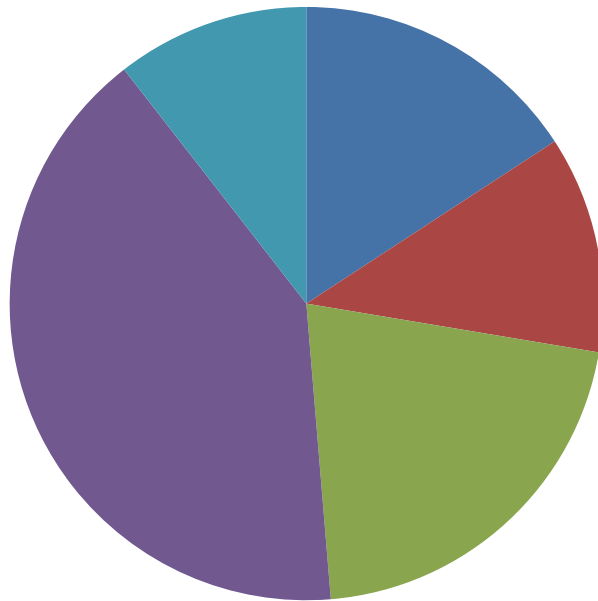
ii) What do you think is working well?

This question required members to describe the extent to which KCPA has achieved/ is trying to achieve its objectives. The responses given touched mainly on 6 objectives which can be summarized as shown in the table below:

Description	No. of Responses	Percentage
Promoting the understanding and awareness of professional Counselling throughout Kenyan Society	9	12%
Representing KCPA at National level and to provide links nationally and internationally	7	9%
Establishing an accreditation scheme for Counsellors	12	16%
Provision of professional support for Counsellors	23	31%
Establishing a national referral directory of accredited Counsellors, and Counselling Agencies	6	8%
Maintaining and improving the standards of Counselling training and practice	17	24%
Total	74	100%

Graphical Interpretation of the findings

Responses in terms of Percentages



- Promoting the understanding and awareness of professional Counselling throughout Kenyan Society(12%)
- Representing KCPA at National level and to provide links nationally and internationally(9%)
- Establishing an accreditation scheme for Counsellors(16%)
- Provision of professional support for Counsellors(31%)
- Establishing a national referral directory of accredited Counsellors, and Counselling Agencies(8%)
- Maintaining and improving the standards of Counselling training and practice(24%)

Concluding Observations and Recommendations

In terms of achieving its objectives, KCPA has done fairly well to achieve the following objectives:

- Promoting the understanding and awareness of professional Counselling throughout Kenyan Society.
- Establishing an accreditation scheme for Counsellors.
- Maintaining and improving the standards of Counselling training and practice.

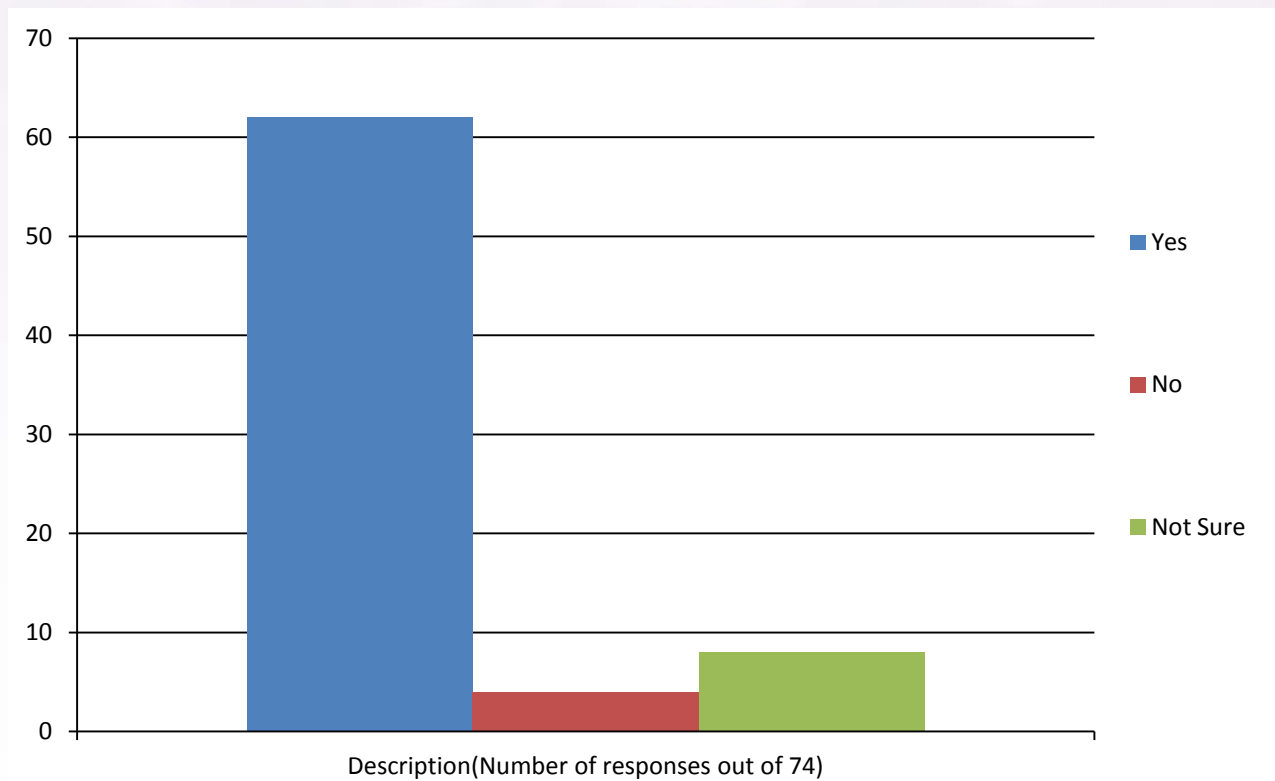
However there's need for the new leadership to look into ALL the Association's objectives and establish an elaborate mechanism of achieving the objectives on priority basis.

B] i) Do you think there is need to review the current KCPA constitution?

This question required members to read the current KCPA Constitution and respond as to whether there is need to review it or not. The responses are summarized as shown in the table below:

Description	No. of Responses	Percentage
Yes	62	84%
No	4	5%
Not sure	8	11%
Total	74	100%

Graphical Interpretation of the findings



Concluding Observations and Recommendations

A meaningful change of the KCPA's current Constitution is inevitable. With demands from left and the right, there's need for large-scale reforms to the current KCPA's current Constitution so that the Association can adopt to modern needs of the members as well as the general public.

(ii) If YES, what improvements would you like to see?

- Entrench the elections' board, the board of directors (including CEO) in the constitution.
- Have a mechanism to ensure implementation of the Association's objectives.
- All office bearers should be elected by members and there should be transparency in ALL elections both at the County and National level.
- Remuneration for office bearers should be made public.
- Online meetings and voting to be enhanced to ensure there's transparency and accountability.
- Establish working committees and have clarity of membership status.
- Positions for employment should be included, chairperson should be a paid up member continuously for 3 years.
- Office holders to include vice chair, a CEO and ensure regional balance in the national office.
- Change the name of the Association to **Kenya Counselors And Psychologists Association.**
- Selection of Office bearers should be made public and should cut across all tribal grounds.
- Clear description about Roles of committee members, fairly inclusivity & Public participation, Devolution, Empowerment activities, support for county activities.
- Clear roles and responsibilities of office bearers, policy documents (e.g finance, procurement, HR, that interface with the constitution, C&P Act).
- The Association should have an organogram that fits the demands of the day, relevant committees like advocacy and community service, disciplinary, liaison and PR office among others.

Concluding Observations and Recommendations

There's need to establish an election's committee and ensure that there is an effective mechanism through which the Association can effectively implement its objectives. ALL KCPA's elective and non-elective positions should be well outlined in the constitution and also the terms of office clearly stated. Their roles and responsibilities e.g finance, procurement, HR should be well outlined in the constitution. KCPA should have a clear organogram that fits the demands of the day so that there's a clear and functional organizational structure.

The the name of the **ASSOCIATION** needs to be changed from **KENYA COUNSELLING AND PSYCHOLOGICAL ASSOCIATION** to **KENYA COUNSELLORS AND PSYCHOLOGISTS ASSOCIATION** and the Acronym to remain the same i.e **KCPA**.

C] i) Which Section(s)/Article(s) in the current Constitution require a review? If not sure write N/A.

- Take for instance, before introducing the organization's objectives, the purpose of the organization is not stated, leaving out a serious gap. Secondly, as in C above, the content in article (r)...." **ensure that all persons who practice counseling and psychology in Kenya or provide counseling and psychological services in Kenya meet standards of learning, professional competence and professional conduct that are appropriate for the counseling and psychological services they provide**" of section 2 should come before article (j)....." **To lay down requirements for membership of the Association, to maintain a directory of members and member institutions with details of their names, addresses, qualifications, appointments and experience, and to regulate the practice of Counseling and Psychology by setting the criteria for practice and by registering qualified practitioners in a Register of Psychologists and Counselors practicing in Kenya...**" - just as an example. Section 3, there is no power for total waiver to defaulting members

” Any member who falls into arrears with his annual subscription for more than six (6) calendar months shall automatically cease to be a member of the Association and his name shall be struck off the register of members. The committee may, however, at its discretion, reinstate such member on payment of **the total amount of subscription outstanding.**”

- , the committee's discretionary power may read, "total amount or part thereof the outstanding subscription. Section 4(a) as read together with section 9(a) provides for the need to create positions for the deputy Chairman, even for the Secretary too. Section 13 (f), there is need to provide clear procedure for dealing with cases of fraudulent nature.
- The constitution requires an overhaul to suffice the current needs of members.
- The whole document needs to be well arranged. At the moment, it looks like a normal agreement.
- There should be a flat rate of annual subscription of Ksh. 2500 regardless of KCPA status.
- Elections, Office bearers, Voting process.
- Name of Association and entire document review.
- Articles on issues of election of posts which are not in the constitution.
- Elections, executive/ board members.
- Though we have **two copies** of the constitution, I suggest a task force that will look at the whole document and follow the legal procedure to do so to avoid future issues.

Concluding Observations and Recommendations

All chapters of the KCPA Constitution should be looked at. The name of the Association also needs a review so that KCPA can be seen as an Association of professionals (Counsellors and Psychologists).

ii) What should be done?

- Counsellors and Psychologists should be designated as per their individual level of training.
- Review chapter after chapter because times have changed and the way things were being done 20 yrs ago should not be the case as of today.
- Re-align the objectives in order to have a meaningful flow.
- *Come up with a committee that will pick areas that need review*
- Availing mandatory annual supervision for members.
- Perhaps, members can meet under their counties to discuss the document. Their recommendations can be compiled into one document which the board with county reps can go through before adoption.
- Review name of the Association.
- Substitute the term Chairman with Chairperson. And refer to 'the secretary' rather than 'he'.
- A committee of competent professionals who are members of KCPA should come together on the basis of experience and qualification.
- Establish a time based sub-committee for constitutional review process and policy review and development. Publish the governance documents and make them available to KCPA members
- Changes of last management may take time but keeping up with faults will keep a tradition that does not uphold the psychologists profession and ethics.

GENERAL CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

A Constitution should be capable of being changed, but not too easily; it should be changed only on the basis of careful deliberation, with Members support and on the basis of broad agreement.

The KCPA constitution should contain unamendable provisions clearly stated. These are provisions that declare an essential aspect of the Association, or an essential element of its image. Additionally, they may be provisions that protect against specific potential problems.

The Processes of major constitutional change:

Reaching agreement

When amendments are being made to the existing constitution, there should be formal legal requirements that must be undertaken in order to bring amendments into effect and these should be prescribed by the constitution.

Constitution-making body

A small group such as a committee or sub-committee, or an expert committee of legal drafters should undertake the drafting of the constitution. The task of writing is to transform the various KCPA members' inputs and aims of the stakeholders into a coherent, viable draft to be examined and debated by the constitution-making committee or sub-committee. Agreement will also need to be reached on the decision-making process within the constitution-making committee or sub-committee.

Basic principles

Before undertaking constitutional drafting or negotiating specific constitutional changes, preliminary agreement should be sought on the basic principles or standards that the new or revised constitution will adhere to. To amend the KCPA Constitution therefore, this preliminary agreement will set out the scope and limits of intended constitutional changes, and thus giving certain guarantees both to those who seek to protect their existing interests and those who wish to achieve reforms.

Members' Participation

Another question to consider is "at what stage in the process should KCPA members be engaged and how will that be done?" Although consideration of members' input and participation (e.g. through surveys) is advisable at early stages, an opportunity for members' comments may also be useful once the draft is on the table before the final work of the constitution-drafting committee.

Formal approval and implementation of changes

When KCPA's existing constitution is being amended, the process should be set out in the amending formula i.e agreement will need to be reached on the process of adopting or ratifying the constitution (bringing the constitution into legal effect). To reflect the need for consensus, a special majority is required by the constitution making committee or sub-committee to adopt the constitution.