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THE SENATE

TWELFTH PARLIAMENT

FIFTH SESSION, 2021

THE STANDING COMMITTEE

ON

EDUCATION

REPORT ON THE CONSIDERATION OF THE PETITION TO THE SENATE BY  
RESIDENTS AND TEACHERS SERVING IN KAJIADO COUNTY ON PROMOTION  
OF TEACHERS IN THE COUNTY TO LEADERSHIP POSITIONS

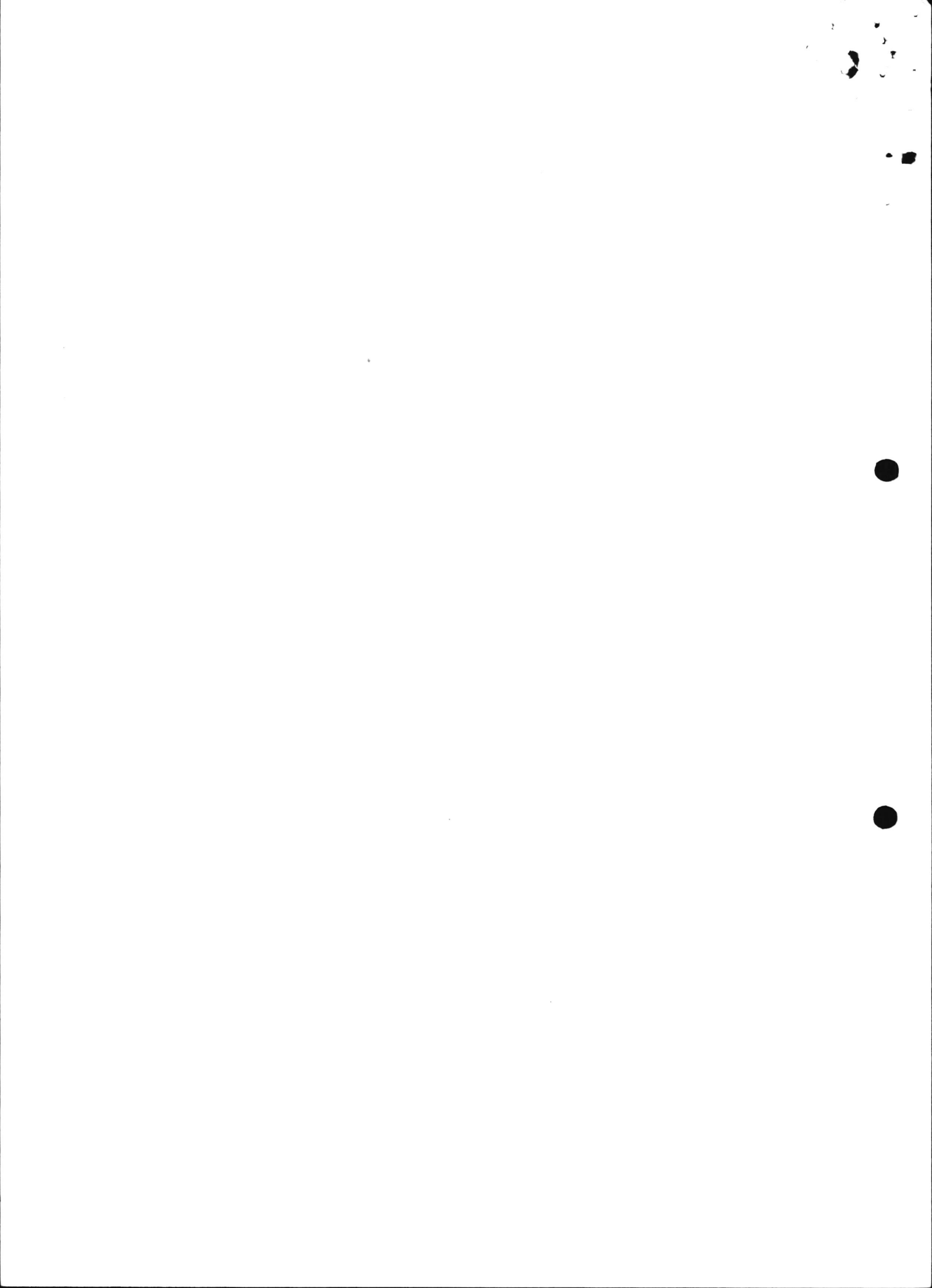
Clerk's Chambers,  
Parliament Buildings,  
P. O. Box 41842-00100,  
NAIROBI.

September, 2021

DATE 23/9/2021  
PAPER  
SUBMITTED BY  
COMMITTEE  
THE TABLET

Chair Education  
Hon. Mr. Mwangi  
Hon. Mr. Mwangi

SN. (Dr.) 201/190





## TABLE OF CONTENTS

ABBREVIATIONS AND ACRONYMS.....	iii
PREFACE.....	iv
Mandate of the Committee.....	iv
Membership of the Committee.....	iv
EXECUTIVE SUMMARY.....	5
1.    PETITION ON THE PROMOTION OF TEACHERS IN KAJIADO COUNTY TO LEADERSHIP POSITIONS .....	11
1.0    Background.....	11
2.    SUBMISSIONS .....	13
2.1    Meeting with the Petitioners.....	13
2.2    Meeting with the Teachers Service Commission (TSC) .....	15
2.3    Meeting with the Kenya National Union of Teachers (KNUT) Kajiado Branch..	25
3.    COMMITTEE ANALYSIS OF THE SUBMISSIONS BASED ON THE PETITIONERS PRAYERS.....	29
3.1    Policy and Legal Framework.....	29
3.2    Status of Teachers promotion in Kajiado County .....	33
3.2    Adherence to the principles of fair administrative action, non-discrimination and ethnic balance, and the TSC regulations.....	33
4.    COMMITTEE OBSERVATIONS AND RECOMMENDATIONS.....	37
4.1    Committee Observations .....	37
4.2    Committee Recommendations .....	39
Annex 1:    The Petition .....	40



## **ABBREVIATIONS AND ACRONYMS**

CBA	Collective Bargaining Agreement
CEO	Chief Executive Officer
CORT	Code of Regulations for Teachers
KNUT	Kenya National Union of Teachers
MoE	Ministry of Education
SRC	Salaries and Remuneration Commission
TPD	Teacher Professional Development
TSC	Teachers Service Commission



## **PREFACE**

The Standing Committee on Education is established under standing order 218(3) of the Senate Standing Orders. The Committee is mandated to consider all matters related to education and training.

### **Mandate of the Committee**

Pursuant to the provisions of the Second Schedule of the Senate Standing Orders, the Standing Committee on Education is mandated to consider all matters relating to education and training.

1. Build capacity of Committee Members to undertake their roles in line with Article 96 of the Constitution;
2. Develop and facilitate the development of legal frameworks, policies and guidelines in the Education Sector (including but not limited to Early Childhood Development Education (ECDE) and Tertiary education (youth polytechnic);
3. Provide oversight of the Education Sector (Including not limited to ECDE and Youth polytechnics);
4. Facilitate budgetary resources toward the Education Sector (ECDE and youth polytechnic); and
5. Any matter that relates to education and training.

### **Membership of the Committee**

- |  |                           |
|--|---------------------------|
| 1. Sen. (Dr.) Alice C. Milgo, MP         | - <b>Chairperson</b>      |
| 2. Sen. (Dr.) Agnes P. Zani, CBS MP      | - <b>Vice-Chairperson</b> |
| 3. Sen. Fred Outa, MP                    | - Member                  |
| 4. Sen. Mwangi Githiomi, MP              | - Member                  |
| 5. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member                  |
| 6. Sen. (Prof.) Imana Malachi Ekal       | - Member                  |
| 7. Sen. Seneta Mary Yiane, MP            | - Member                  |
| 8. Sen. Falhada Dekow, MP                | - Member                  |
| 9. Sen. (Dr.) Gertrude Musuruve, MP      | - Member                  |

## **EXECUTIVE SUMMARY**

**Mr. Speaker Sir,**

The Petition on the promotion of teachers in Kajiado County to leadership positions was reported to the Senate on 17<sup>th</sup> February, 2021 by the Speaker of the Senate. The Petitioners sought to draw the attention of the Senate to selective promotion of teachers in leadership positions.

The salient issues raised in the Petition are that the Teachers Service Commission (TSC) has allegedly introduced a policy on promotion of teachers to the position of Deputy Head teacher, Head teacher, TSC County director and TSC sub-county director to be drawn only from officers who serve in Job Groups L, M and N.

The Petitioners argued that the policy has disadvantaged teachers in Kajiado County who have the requisite experience and skills an opportunity to get promoted. Further, none of the resident teachers in the county have attained the Job Groups L, M and N. They complained that none of the persons holding leadership positions within the teaching profession is from Kajiado County.

The petitioners further complained that the TSC did not take notice of teaching personnel practicing in the interior and remote parts of Kajiado County. They further alleged that the actions of the TSC amounted to discrimination against local residents of Kajiado County especially in light of the fact that they were members of a nationally marginalized community.



**Mr. Speaker Sir,**

The Petitioner requested the Senate intervene with a view to-

- a) have affirmative action by the TSC for appointment to leadership positions of resident teachers; and
- b) have the policy reviewed to give priority for promotion to leadership positions to resident teachers after which other teachers serving in the county could be considered.

**Mr. Speaker Sir.**

Pursuant to the provisions of the standing order 232 (1) of the Senate Standing Orders, the Petition was committed to the Standing Committee on Education for consideration.

In considering the Petition, the Committee took into consideration the submissions and supporting documents by the petitioners and reports from the Teachers Service Commission.

On behalf of the Committee on Education and on my own behalf, I wish to sincerely thank the Petitioners, the political leadership from Kajiado County, the Ministry of Education, the Teachers Service Commission (TSC) and the Kenya National Union of Teachers (KNUT) Kajiado Branch for their submissions during the consideration of this Petition.

**Mr. Speaker Sir.**

During the of this Petition, the Committee observed that the TSC negotiated and signed Collective Bargaining Agreement (CBA) 2017-2021 with the teacher's unions informed by a comprehensive Job Evaluation Report which was conducted jointly by TSC and Salaries and Remuneration Commission (SRC).

Based on the findings of the Job Evaluation and SRC recommendations on a new grading structure for all teachers, all teachers in the employment of the TSC were promoted with effect from 1<sup>st</sup> July, 2017. However, the Committee observes that many teachers in Kajiado County had served inordinately long periods without promotion prior to 1<sup>st</sup> July, 2017.

However, during the consideration of the Petition dialogue was opened between the TSC and residents of Kajiado County represented by the political leadership. Through this dialogue majority of the issues raised in the Petition have been addressed and the Committee was informed that the TSC promoted several teachers from Kajiado County to leadership positions such as Principals and Head teachers, appointed several Curriculum Support Officer and one TSC Sub-County Director.

**Mr. Speaker Sir.**

In Arid and Semi-Arid Lands (ASALs), the TSC is guided by the Principle of Affirmative Action. However, before the principle is invoked, the TSC undertakes a situational analysis to find out the challenges in getting qualified teachers to perform administrative duties. Once deserving areas have been identified, the TSC waves certain requirements and deploys teachers in lower grades to fill such administrative positions, who are thereafter progressively promoted to attain the requisite grades for substantive appointment to administrative positions.



Nonetheless, **Mr. Speaker Sir**, the Principle of Affirmative Action appears not to have been applied in Kajiado County during promotion of teachers to leadership positions despite the late achievement of education by majority of the residents.

**Mr. Speaker Sir**, Although TSC has endeavoured to address teacher's shortage across the country in all public institutions, the Committee observes that there are inadequate teachers due to extremely high enrolment in pre-primary and primary schools and insufficient resources available to the TSC. The Committee singles out the teachers' shortage in Loitoktok Sub County which is exceedingly high compared to other sub-counties in Kajiado. There is a shortage of 140 teachers against a county shortage of 387 in secondary schools which is 36% while there is a shortage of 389 against 1184 in primary school which is 32.85% in Loitoktok Sub County;

**Mr. Speaker Sir,**

Based on these observations, the Committee therefore recommends that-

- i The Teachers Service Commission (TSC) should undertake a situational analysis of all ASALs and develop a holistic Affirmative Action policy covering all dimensions from training and qualifications, career progressions and continuous professional development for teachers serving in these areas;
- ii The TSC should strengthen teacher information management systems in order to collect sufficient and reliable information required during decision-making, scheduling of recruitments, promotions and allocation of teacher resources; and

iii The National Treasury should allocate sufficient resources to the TSC for continuous recruitment and capacity building to teachers, quality assurance and standards officers, and curriculum support officers

**Mr. Speaker Sir.**

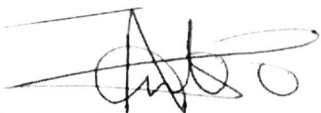
As I conclude, I wish to take this opportunity to thank all the Members of the Committee for their immense contribution during consideration of this Petition that culminated in this report.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the necessary support extended to it in the conduct and execution of its mandate.

**Mr. Speaker, Sir**

It is my pleasant duty, on behalf of the Standing Committee on Education, pursuant to standing order 232(2), to present a Report of the Standing Committee on Education on the consideration of the Petition on the promotion of teachers in Kajiado County to leadership positions

I thank you, Mr. Speaker

Signed.....  .....

Date.....18/09/2021.....

**SEN. (DR.) ALICE C. MILGO, MP**  
**CHAIRPERSON, STANDING COMMITTEE ON EDUCATION**

**ADOPTION OF THE COMMITTEE REPORT ON THE PETITION ON  
THE PROMOTION OF TEACHERS IN KAJIADO COUNTY TO  
LEADERSHIP POSITIONS**

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**We, the undersigned Members of the Senate Standing Committee on Education, do hereby append our signature to adopt the Report on the Petition on the Promotion of Teachers in Kajiado County to Leadership Positions.**

Sen. (Dr.) Alice C Milgo, MP - Chairperson



Sen. (Dr.) Agnes Zani, MP - Vice-Chairperson



Sen. Mwangi Githiomi, MP - Member

Sen. Fred Outa, MP - Member



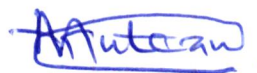
Sen. (Prof.) Kithure Kindiki, EGH, MP - Member

Sen. (Prof.) Imana Malachi Ekal, MP - Member

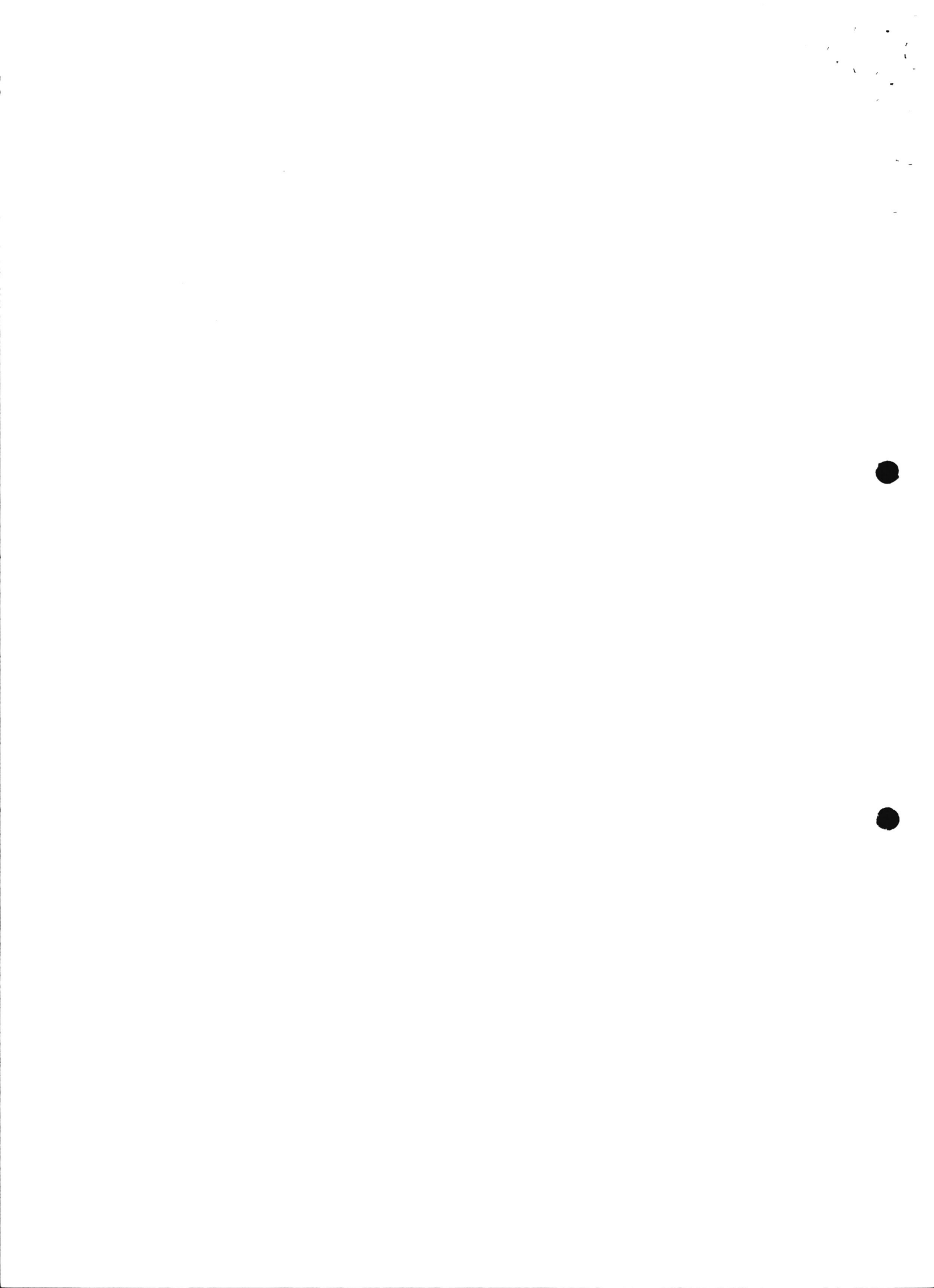
Sen. (Dr.) Gertrude Musuruve, MP - Member



Sen. Seneta Mary Yiane, MP - Member



Sen. Falhada Dekow, MP - Member



## **CHAPTER ONE**

### **1. PETITION ON THE PROMOTION OF TEACHERS IN KAJIADO COUNTY TO LEADERSHIP POSITIONS**

#### **1.0 Background**

1. On 17<sup>th</sup> February, 2021, the Speaker of the Senate reported a Petition to the Senate that had been submitted through the Clerk by residents and teachers of Kajiado County on the promotion of teachers in Kajiado County to leadership positions, (Annex I).
2. The petition sought to draw the attention of the Senate to the following issues of concern-
  - 1) that the Teachers Service Commission (TSC) has allegedly introduced a policy on promotion of teachers to the position of head teacher, county director and sub-county director to be drawn only from officers who serve in Job Groups L, M and N;
  - 2) that through this policy, TSC has been selectively promoting teachers to the said positions and therefore discriminating against deserving cases;
  - 3) that all resident teachers in Kajiado County are being denied promotion opportunities as a result of the policy;
  - 4) that not many resident teachers in Kajiado County have attained the level of Job Groups L, M and N and as a result, none of the teachers who serve in the leadership positions above come from Kajiado County;
  - 5) that the situation has turned to demoralize teachers and affect their performance as a result;

- 6) that the concerns of resident teachers have not been adequately addressed since none of them are in the aforesaid leadership positions;
- 7) that while resident teachers are continually updating their skills and qualifications to merit promotion to leadership positions, they have been bypassed by the TSC for promotion to these positions;
- 8) that efforts by the petitioners to have the matter addressed by the TSC has not borne any satisfactory resolution; and
- 9) that the subject matter of the Petition is not pending before any court of law.

3. The petitioner humbly prayed that the Senate:

- 1) intervenes in the matter with a view to having an affirmative action by the TSC for appointment to leadership positions of resident teachers; and
- 2) directs the TSC to review the policy giving priority for promotion to leadership position to resident teachers after which other teachers serving in the county could be considered.



## CHAPTER TWO

### 2. SUBMISSIONS

#### 2.1 Meeting with the Petitioners

4. The Committee invited the Petitioners to a consultative Committee meeting on 11<sup>th</sup> March, 2021 to deliberate on the matters raised in the Petition.
5. The Committee was informed that very few teachers in marginalized communities are promoted into leadership positions as stipulated into the new policy and the grading system appears to be intentionally locking out majority of them from leadership positions.
6. The Committee was informed that some teachers had been acting as deputy head teachers for between five to eight years only to be later demoted after substantive deputy head teachers are appointed in their stations.
7. The Petitioners singled out examples such as-
  - 1) **Mr. Solomom Kisemei, TSC No. 277292**, who was promoted as an acting principal Ng'atataek Secondary School in January 2016 and after eight (8) months a substantive Deputy Principal was posted to the School.

Mr Kisemei was later on 7<sup>th</sup> September, 2016 transferred to Kitengela Secondary Magereza Secondary School in an acting capacity as Deputy Principal and in August 2017 another deputy principal was posted in this other school and Mr. Kisemei was asked to hand over the office.

This is despite Mr. Kisemei's impressive CV and academic achievements which includes post graduate training at James Madison University in the United States where he learnt, technology in education, classroom and school management and teaching methods and curriculum development.

The Committee was informed that Mr. Kisemei has also previously served as the Kajiado Central sub-county secretary for the Kenya Secondary Schools Sports Association and he a re-known author with at least five (5) books.

- 2) **Mr. Tiriakong Adrian, TSC No. 452615**, a teacher at Mashuuru Secondary School who was promoted to act as a Deputy Principal from 2014 to 2019 and instead of being confirmed after acting for five years another deputy was posted in the school.

In May, 2020, when the Deputy Principal was transferred, Mr. Tiriakong was once more appointed to act as the Deputy Principal and in December, 2020, a substantive Deputy Principal was posted and Mr. Tiriakong relinquished back the position for the second time.

- 3) **Mr. Rhennous Saitabaw, TSC No 375627**, currently a teacher at Olkejuado High School. Saitabaw served as a Deputy Principal for Isinya Boys Secondary School for five years from 2012 to 2017 before he was demoted.



8. The petitioners further informed the Committee that one of the reasons given for lack of promotion is low grades and qualifications. There are petitioners who have been serving in the same group for up to twenty (20) years.
9. The Committee was also informed that schools within the urban areas have a better teacher learner ratio compared to schools located in the hinterland and that majority of the teachers deployed along the major tarmac roads and urban centres are non-locals.

## **2.2 Meeting with the Teachers Service Commission (TSC)**

10. The Committee invited the Chief Executive Officer/Secretary of the Teachers Service Commission to a meeting of the Committee on Friday, 23<sup>rd</sup> April, 2021, to provide information on the following issues-
  - 1) the criteria used to grade and promote head teachers and deputy head teachers in the country and especially in the marginalized areas and the measures put in place to ensure that the process is fair and transparent;
  - 2) the number of teachers who have been promoted to job groups L, M and N in Kajiado County within the last five (5) years and the number of years that they had served in their previous appointments;
  - 3) the distribution of teachers in Kajiado County in terms of job groups and the number of years served in the current appointment and in the previous appointment;
  - 4) the teacher to learner ratio in all public learning institutions in Kajiado County, stating the ward and sub-county where the institutions are located; and

- 5) the details of the TSC County Directors of Education, Deputy Directors of Education, Principals, Deputy Principals, Head Teachers and Deputy Head teachers in Kajiado County in terms of gender, county of origin, number of years served in their current appointment and number of years in their previous appointments

**Responses from the TSC (Annex ii)**

11. **Question one: *the criteria used to grade and promote head teachers and deputy head teachers in the country and especially in the marginalised areas and the measures put in place to ensure that the process is fair and transparent;***

12. In compliance with the provisions of **Article 41** of the Constitution, TSC negotiated and signed a Collective Bargaining Agreement 2017-2021 (CBA) with the teacher's unions. The CBA was informed by a Comprehensive Job Evaluation Report which was conducted jointly by TSC and Salaries and Remuneration Commission (SRC). The CBA took effect on **1<sup>st</sup> July, 2017.**

13. The job evaluation introduced a paradigm shift in the grading and remuneration structure for teachers. The focus shifted to the responsibility assigned to a teacher. Based on the findings of the Job Evaluation, SRC submitted recommendations on a new grading structure for ALL teachers (inclusive of head-teachers and deputy head teachers even those in marginalised areas) as follows-

Level	Former Job Group	Category	New Designation Title	New JE Grades	
Primary	G	Primary Teacher	Primary Teacher II	B5	
	H & J		Primary Teacher I	C1	
	K	Senior Teacher	Senior Teacher II	C2	
	L		Senior Teacher I	C3	
	G-L (DHT)	Deputy Headteacher	Deputy Headteacher II	C4	
	M		Deputy Headteacher I	C5	
	G-L (HT)	Headteacher	Headteacher	C5	
	M&N		Senior Headteacher	D1	
	Secondary	J	Secondary Teacher	Secondary Teacher III	C1
		K		Secondary Teacher II	C2
L			Secondary Teacher I	C3	
NEW		Senior Master	Senior Master IV	C4	
M			Senior Master III	C5	
N			Senior Master II	D1	
NEW			Senior Master I	D2	
M		Deputy Principal	Deputy Principal III	D1	
N			Deputy Principal II	D2	
NEW			Deputy Principal I	D3	
M & N		Principal	Principal	D3	
P			Senior Principal	D4	
Q & R			Chief Principal	D5	
Tertiary		J	Lecturer	Lecturer III	C1
	K	Lecturer II		C2	
	L	Lecturer I		C3	
	NEW	Senior Lecturer	Senior Lecturer IV	C4	
	M		Senior Lecturer III	C5	
	N		Senior Lecturer II	D1	
	NEW		Senior Lecturer I	D2	
	M	Deputy Principal	Deputy Principal III	D1	
	N		Deputy Principal II	D2	
	NEW		Deputy Principal I	D3	
	M & N	Principal	Principal	D3	
	P		Senior Principal	D4	
	Q & R		Chief Principal	D5	



14. As a result of the CBA, **all teachers** in the employment of the Commission **were promoted on 1<sup>st</sup> July, 2017**
15. Under **Article 237 (2) (d)** of the Constitution, the Commission has the mandate to promote teachers under its employment. In discharging its mandate to promote teachers, the Commission is bound by **Article 232** of the Constitution that provides for the values and principles of public service.
16. Promotion of teachers in public service is premised on Regulation 73 of the Code of Regulations for Teachers (CORT). The criteria used in promotion of teachers including those in administrative positions include:
- 1) Availability of budget/funds;
  - 2) Existence of vacancies in the authorized establishment;
  - 3) Merit and ability as reflected in the teacher's work performance
  - 4) Seniority and experience;
  - 5) Annual Performance Results; and
  - 6) Academic and Professional qualification.
17. To this end, all promotions above common cadre grades and to administrative positions are filled competitively as per the provisions of the Code of Regulation for Teachers and the Constitution of Kenya.
18. Once a vacancy is established, the Commission advertises the same through print and electronic media for interested teachers across the country to make applications for the positions.

19. All promotional vacancies are filled competitively and are open to all teachers who qualify.
20. The Career Progression Guidelines-(CPG) and the Schemes of Service outline the skills and competencies necessary for advancement in the profession and provide for minimum requirements for selection and appointment at different grades.
21. The process of selection of Institutional heads and deputies both in Primary and Secondary schools is guided by the constitutional principles of fair competition and merit, integrity, transparency and accountability, equity, fairness and impartiality, inclusiveness, non-discrimination, affirmative action and gender equity.
22. With regard to ASAL areas, the Commission is guided by the principle of Affirmative Action. Before the principle is invoked, the Commission undertakes a situational analysis to find out the challenges in getting qualified teachers to perform administrative duties. This is done to ensure that only deserving areas benefit from the Principle.
23. Once deserving areas have been identified, TSC waives certain requirements and deploys teachers in lower grades to fill such administrative positions. Such teachers are thereafter progressively promoted to attain the requisite grades for substantive appointment to administrative positions.

**Question two: the number of teachers who have been promoted to job groups L, M and N in Kajiado County within the last five (5) years and the number of years that they had served in their previous appointments;**

24. On 1<sup>st</sup> July, 2017, the Commission promoted all teachers serving in Kajiado County to various grades as a result of the introduction of the Collective Agreement signed by the teacher unions. Therefore, none has served for more than 4 years in current appointment.

25. The Table below shows the number of teachers promoted in Kajiado County within the last five (5) years

<b>Promotions to L (2016) and to C3, C4, C5, D1, D2, D4, D5 grades for the last 5 years in Kajiado County</b>									
<b>Year of Promotion</b>	<b>C3</b>	<b>C4</b>	<b>C5</b>	<b>D1</b>	<b>D2</b>	<b>D3</b>	<b>D4</b>	<b>D5</b>	<b>Total</b>
<b>2016</b>	89	--	--	--	--	--	--	--	<b>89</b>
<b>2017</b>	504	339	587	148	16	64	10	--	<b>1,665</b>
<b>2018</b>	53	--	--	--	--	--	--	--	<b>53</b>
<b>2019</b>	17	01	--	--	--	03	--	--	<b>21</b>
<b>2020</b>	47	18	29	01	--	02	--	--	<b>99</b>
<b>2021</b>	3	--	--	--	--	--	4	3	<b>11</b>
<b>Grand Total</b>	<b>713</b>	<b>358</b>	<b>616</b>	<b>149</b>	<b>16</b>	<b>69</b>	<b>14</b>	<b>3</b>	<b>1,938</b>

26. The greatest beneficiaries were Head teachers who were promoted by a maximum of six (6) grades, Deputy Head Teachers who were promoted by a maximum of five (5) grades and Senior Teachers whose promotions were at a maximum of three (3) grades ahead. The Classroom teachers were promoted by one (1) grade ahead.

27. The TSC declared the P1 grade obsolete and promoted all teachers who were serving in P1 grade to B5 grade which is equivalent to Job Group “H”

28. On 1<sup>st</sup> July, 2020, all the teachers in Grade B5 were subsequently upgraded again to Grade C1 which is equivalent to Job Group “J” after serving for 3 years since 1<sup>st</sup> July, 2017.

**Question three: the distribution of teachers in Kajiado County in terms of job groups and the number of years served in the current appointment and in the previous appointment**

29. The TSC presented the following table to indicate the distribution of teachers in Kajiado County in terms of grades and the number of years served in the current appointment-

	<b>Grades</b>	<b>Number</b>	<b>No of years in current Grade</b>
	<b>B5</b>	886	4 and below
	<b>C1</b>	1,292	4 and below
	<b>C2</b>	520	4 and below
	<b>C3</b>	1,050	4 and below
	<b>C4</b>	358	4 and below
	<b>C5</b>	629	4 and below
	<b>D1</b>	149	4 and below
	<b>D2</b>	16	4 and below
	<b>D3</b>	69	4 and below
	<b>D4</b>	14	4 and below
	<b>D5</b>	3	1 month
	<b>Total</b>	<b>4980</b>	

**Question Four: *the teacher to learner ratio in all public learning institutions in Kajiado County, stating the ward and sub-county where the institutions are located***

30. The TSC is not guided by the teacher to student ratio in determining teacher shortage, but rather by its staffing norms which requires that-

- 1) a primary school is staffed on the basis of one teacher per class plus one teacher as per the existing staffing norms; and
- 2) a secondary school is staffed on the basis of Curriculum Based Establishment (CBE). An institution's CBE is arrived at on the basis of a teaching load of 27 lessons per week.

31. As at January, 2021, the national teacher shortage stood at **103,931** teachers comprising **57,822** teachers in post primary institutions and **46, 109** teachers for primary schools.

32. The TSC has endeavoured to address teacher's shortage across the country in all public institutions by taking the following measures:

- 1) requisition for additional budgetary allocation for employment of new teachers to address teacher shortage for both primary and post primary institutions;
- 2) recruitment of intern teachers; and
- 3) immediate replacement of teachers who exit service through natural attrition among others



**Question Five: the details of the TSC County Directors of Education, Deputy Directors of Education, Principals, Deputy Principals, Head Teachers and Deputy Head teachers in Kajiado County in terms of gender, county of origin, number of years served in their current appointment and number of years in their previous appointments.**

33. The TSC presented the information about the details of Principals in Kajiado County as indicated in the table below-

Designation	Grade	Ethnic Group		Total
		Maa	Others	
Chief Principal	D5	1	2	3
Senior Principal	D4	Nil	10	10
Principal	D3	8	68	76
	*C5	1	Nil	1
Deputy Principal II	D2	Nil	1	1
Deputy Principal III	D1	1	1	2
	<b>Total</b>	<b>11</b>	<b>82</b>	<b>93</b>

\*TSC confirmed that Mr. Jackson Siloan, Grade C5, was promoted as a Principal on Affirmative Action.

34. The TSC presented the details of the County Director and sub-county directors of Education as shown in the table below-

	<b>Name</b>	<b>JG</b>	<b>Date of current appointment</b>	<b>Station</b>	<b>Home County</b>	<b>Deployment</b>
1	Jimal A. Ahmed	E1 (Q)	09/07/2012	TSC County Office – Kajiado	Wajir	TSC County Director
2	Ibrahim Soko Mercy	D4 (P)	01/07/2011	TSC County Office – Kajiado Central	Taita Taveta	TSC Deputy County Director
3	Kinyua Karimi Jean	P	02/05/2019	TSC Unit Kajiado West	Meru	Sub – County Director
4	Nyawade Odwa Luke	P	07/02/2019	TSC Unit Mashuuru	Siaya	Sub – County Director
5	Murithi Wanjama William	C5 (N)	01/07/2014	TSC Unit Isinya	Nyeri	Sub – County Director
6	Kamau Ng'ang'a Henry	P	07/05/2019	TSC Unit Kajiado North	Kiambu	Sub – County Director
7	Musyoka M. Joseph	P	01/07/2011	Loitokitok	Kitui	Sub – County Director

### **2.3 Meeting with the Kenya National Union of Teachers (KNUT) Kajiado Branch**

35. The Committee invited the Kenya National Union of Teachers (KNUT) Kajiado Branch to a meeting of the Committee on Friday, 25<sup>th</sup> June, 2021, to provide more information on the issues raised in the Petition. The KNUT was represented in the meeting by-
- a) Mr. Julius Kisai - KNUT, Chairman, Kajiado County
  - b) Mr. Elly Korinko - KNUT, Executive Secretary, Kajiado
  - c) Mr. Daniel Lantei - KNUT, Vice Executive Secretary, Kajiado
36. The KNUT presented to the Committee a report on the numbers and details of teachers who had been promoted within the last five years and the number of years that they have served in the previous appointment, the distribution of teachers in terms of Job groups and the details of principals, Deputy Principals, Head teachers and Deputy head teachers in terms of gender tribes, number of years served in their current appointments, number of years in their previous appointments (Annex iii).
37. The Committee was informed that *Maa* teachers are not given opportunities to ascend to leadership positions beyond Curriculum Support Officers (CSOs). There is only one *Maa* Principal outside Kajiado County and there are no *Maa* TSC Sub-County Directors, Directors or Regional Directors and the few who rise to the positions of CSOs are never promoted thereafter till retirement. This is despite most of them being national trainers in programmes such as Strengthening Primary Education Programme, Primary School Management, School Based Teacher Development and Competence Based Curriculum.

38. KNUT further informed the Committee that although most teachers were promoted during the first phase of the implementation of the CBA 2017-2021, majority were not promoted during the second phase. However, there are a few teachers who did not benefit from the promotions during either of the phases. KNUT presented examples of-

- i. Mr. Joseph Oilepu, TSC No. 267711 who has never been promoted since 2002; and
- ii. Mr. Cyrus Kaparita, TSC No. 237594 who despite being a national trainer in different programmes was last promoted in 2009

39. The Committee was further informed that there are several Deputy head teachers and Head teachers who have been occupying positions in acting capacity for over five years and have not been given formal appointment letters and as such do not benefit from responsibility allowances. In deed such teachers are undertaking both administrative and classroom roles without antecedent benefits and are unable to carry out administrative duties with the requisite confidence.

40. KNUT highlighted schools such as Noompala Primary School and Noonkobon Primary School as some of the institutions where both the Head teacher and the Deputy head teacher were occupying positions in acting capacity. They added that in most cases such teachers are replaced by the TSC.



41. The Committee was further informed that most teachers from Kajiado were unable to *login* the Teachers Service Commission website to make their applications for promotions since the online application system was launched. Further, the few who managed to apply for promotions were neither interviewed nor promoted.

### **Report from the Teachers Service Commission**

42. Following the deliberation of the submissions by the KNUT, the Committee **resolved** to engage the TSC further to interrogate the scenarios and specific situations presented by KNUT and seek further clarification and information on the following listed teachers indicating their current Job Groups, dates of recent promotion and the number of years served in the previous appointment.

	<b>NAME</b>	<b>TSC No</b>
1	Cyrus Kaparita	237594
2	Jackson Nkandayo	209241
3	Loise Metuo	380885
4	Mepukori Purdul	257052
5	Loise Pulei	189055
6	Leornard Kotikash	378849
7	Janet S. Kotikai	395273
8	Jane N. Kishil	378010
9	Patrick Nangunin	256151
10	Elijah Saruni	368572
11	Sapunyu Simpiri	220015
12	Peter T Parmuat	227767
13	Purity Kurrao	275817
14	Salim Kipaiwua	326359
15	Joseph Oilepu	267711
16	Virginia Sapuro Karrao	192336

43. The TSC responded as follows (Annex iv)

	<b>NAME</b>	<b>TSC No</b>	<b>Current Job Group</b>	<b>Date of recent Promotion</b>	<b>No of yrs in the previous appointment</b>
1	Cyrus Kaparita	237594	CSO 1 - Grade D1	01-07-17	8
2	Jackson Nkandayo	209241	CSO 1 - Grade D1	01-07-17	8
3	Loise Metuo	380885	Snr Head Teacher - D1	01-07-17	2 Months
4	Mepukori Purdul	257052	CSO 1 - Grade D1	01-07-17	8
5	Loise Pulei	189055	Snr Principal - Grade D4	01-07-17	5
6	Leonard Kotikash	378849	Head Teacher - Grade C5	01-07-17	6
7	Janet S. Kotikai	395273	CSO II - Grade C5	01-07-17	6
8	Jane N. Kishil	378010	Snr Teacher 1 - Grade C3	01-07-17	6
9	Patrick Nangunin	256151	CSO II -Grade C5	01-07-17	10
10	Elijah Saruni	368572	Snr Teacher I - Grade C3	01-07-17	7
11	Sapunyu Simpiri	220015	Head Teacher - Grade C5	01-07-17	5
12	Peter T Parmuat	227767	CSO II -Grade C5	01-07-17	11
13	*Purity Kurrao	275817	Not on payroll		Not on Payroll
14	Salim Kipaiwua	326359	CSO II -Grade C5	01-07-17	6 months
15	Joseph Oilepu	267711	CSO II -Grade C5	01-07-17	19
16	Virginia S. Karrao	192336	Snr Teacher 1 - Grade C3	01-07-17	7

\*The Committee confirmed later that Ms. Purity Kurrao was on the TSC payroll and that the error was as a result of wrong entry of the TSC number.

## **CHAPTER THREE**

### **3. COMMITTEE ANALYSIS OF THE SUBMISSIONS BASED ON THE PETITIONERS PRAYERS**

44. Taking into consideration the issues raised in the petition, the Committee considered the following issues:

- 1) the legal and policy framework relating to the promotion of teachers in the Country;
- 2) the status of promotion of teachers in Kajiado County and their period of service at their workstations; and
- 3) adherence to the Constitutional principles of fair administrative action, non-discrimination and ethnic balance, and the TSC regulation 52 and 76 of the CORT, 2015 in determining the promotion status of the teaching staff in Kajiado County.

#### **3.1 Policy and Legal Framework**

45. Article 237 of the Constitution establishes the Teachers Service Commission. Article 237(2) sets out its functions as follows

- 1) to register trained teachers;
- 2) to recruit and employ registered teachers;
- 3) to assign teachers employed by the Commission for service in any public school or institution;
- 4) to promote and transfer teachers;
- 5) to exercise disciplinary control over teachers; and
- 6) to terminate the employment of teachers.

46. Section 4 of the Teachers Service Commission Act, 2012 states that in the performance of its functions and the exercise of its powers, the Commission shall-

- 1) be guided by the national values and principles of governance under Article 10 and the values and principles of public service under Article 232 of the Constitution, taking into account the best interests of the child under Article 53 of the Constitution; and
  - 2) subject to Article 249(2) of the Constitution, consult with State and non-State actors in the education sector.
47. Regulation 52 of the Teachers Service Commission Code of Regulations, 2015 states that the Commission shall develop an open performance appraisal system for teachers in its employment to strengthen supervision and to continuously monitor the performance of teachers in curriculum implementation at the institutional level.
48. Regulation 74 of the Teachers Service Commission Code of Regulations for Teachers, 2015, states that the Commission shall promote teachers in accordance with the schemes of service which provide for common cadre establishment promotion and competitive promotion. Regulation 74(3) further states that the Commission shall conduct competitive promotion through interviews and the teacher professional development programmes. Regulation 74(2) further states that the Commission shall in considering the promotion of a teacher under the common cadre establishment take into account-
- 1) period of time served by the teacher in a given grade;
  - 2) validity of his teaching certificate; and
  - 3) teacher's performance of duty.



49. Regulation 75 of the TSC Code of Regulations, 2015 states that a teacher may be promoted under competitive terms by making an application under Form G, of the Twenty First Schedule or Form H, as set out in the Twenty Second Schedule where appropriate and successfully completing the Teacher Proficiency Course or promotional interview administered by the Commission for that purpose.
50. Regulation 76 further states that the Commission shall in promoting a teacher, consider the appraisal reports submitted in accordance with regulation 52.
51. Regulation 77 states that the Commission may refuse to consider a teacher for promotion if the teacher has not completed-
- 1) two years from the date the teacher was found guilty following a disciplinary action; or
  - 2) one year from the date the teacher was issued with an administrative warning
52. The Teachers Service Commission created the 'Career Progression Guidelines for Teachers, 2018' that were developed to guide the career growth of teachers in the employment of the Commission. They are to guide the recruitment, retention, development, training and promotion of teachers to ensure they meet the set standards.
53. The 2018 guidelines provide for-
- 1) minimum requirements for selection, appointment, recruitment, and promotion;
  - 2) a defined career structure that will attract, motivate, and facilitate retention of competent teachers;

- 3) clearly defined job description and specification with clear duties and responsibilities at all levels;
- 4) teacher deployment and assignment of duties;
- 5) incorporation of human resource planning principles to address career progression and succession management;
- 6) alignment of work performance to career progression;
- 7) provision of minimum qualifications for career advancement and progression;
- 8) a mechanism for monitoring and evaluating career progression; and
- 9) professional development of teachers through teacher professional development (TPD).

54. The Guidelines are applicable to teachers serving in primary schools; secondary schools; technical and vocational education and training(TVET) institutions; Teacher training colleges; Kenya Institute of Special Education(KISE); Centre for Mathematics, Science and Technology Education in Africa(CEMASTEA); and Special Needs Institutions.

55. Paragraph 1.5 further sets out the entry grades for any level within the teaching profession. According to paragraph 1.8 of the Guidelines, the promotion of teachers/Lecturers will be subject to the following conditions-

- 1) existence of funded vacancies in the approved establishment;
- 2) minimum qualifications per grade;
- 3) relevant Teacher Professional Development(TPD) modules;
- 4) relevant Experience; and
- 5) satisfactory performance.

### **3.2 Status of Teachers promotion in Kajiado County**

56. TSC negotiated and signed CBA 2017-2021 with the teacher's unions informed by a comprehensive Job Evaluation Report which was conducted jointly by TSC and SRC. Based on the findings of the Job Evaluation and SRC recommendations on a new grading structure for ALL teachers in Kajiado County, in the employment of the TSC were promoted on 1<sup>st</sup> July, 2017. However, it appears many teachers had spent exceedingly long periods without promotions prior to 1<sup>st</sup> July, 2017;
57. Further, the TSC no longer uses the grading system of L, M and N. Following the introduction of the CBA on 1<sup>st</sup> July, 2017, the TSC promoted all teachers. Head teachers were promoted by a maximum of six (6) grades; Deputy head teachers five (5) grades; Senior teachers three (3) grades; and Classroom teachers were promoted by one (1) grade;
58. TSC declared the P1 grade obsolete and promoted all teachers who were serving in P1 to grade B5 (Job Group 'H'). On 1<sup>st</sup> July, 2020, all the teachers in Grade B5 were subsequently upgraded again to Grade C1 (Job Group 'J')

### **3.2 Adherence to the principles of fair administrative action, non-discrimination and ethnic balance, and the TSC regulations.**

59. All promotions above common cadre grades and to administrative positions are filled competitively. Once a vacancy is established, the TSC advertises the same through print and electronic media for interested teachers across the country to make applications for the positions;

60. In ASAL areas, such as Kajiado, the TSC is guided by the Principle of Affirmative Action. However, before the principle is invoked, the TSC undertakes a situational analysis to find out the challenges in getting qualified teachers to perform administrative duties. Once deserving areas have been identified, the TSC waves certain requirements and deploys teachers in lower grades to fill such administrative positions. Such teachers are thereafter progressively promoted to attain the requisite grades for substantive appointment to administrative positions;

61. Whereas the Committee observes that a Mr. Jackson Siloan, Grade C5, was promoted as a Principal on Affirmative Action, it appears the Principle has not been applied in Kajiado County during promotion of teachers to leadership positions despite the late achievement of education by residents of the County;

62. The distribution of principals in Kajiado County by County of origin is as indicated in the table below-

	<b>Home County</b>	<b>No.</b>	<b>% of the total</b>		<b>Home County</b>	<b>No.</b>	<b>% of the total</b>
1	Machakos	9	9.67%	15	Elgeyo Marakwet	2	2.15%
2	Murang'a	6	6.45%	16	Meru	2	2.15%
3	Kiambu	6	6.45%	17	Kisii	2	2.15%
4	Nyamira	5	5.38%	18	Marsabit	1	1.08%
5	Tharaka Nithi	5	5.38%	19	Laikipia	1	1.08%
6	Nyeri	5	5.38%	20	Trans Nzoia	1	1.08%
7	Nakuru	5	5.38%	21	Kakamega	1	1.08%
8	Embu	4	4.30%	22	Bungoma	1	1.08%
9	Nyandarua	4	4.30%	23	Baringo	1	1.08%
10	Makueni	4	4.30%	24	Samburu	1	1.08%
11	Kericho	3	3.23%	25	Uasin Gishu	1	1.08%
12	Kitui	3	3.23%	26	*Narok	3	3.23%
13	Homabay	2	2.15%	27	**Kajiado	13	13.98%
14	Vihiga	2	2.15%		<b>TOTAL</b>	<b>93</b>	<b>100%</b>



**NB:** \*There are three (3) Principals from Narok County, two (2) being Maa and one (1) non Maasai

\*\*There are 13 (thirteen) Principals from Kajiado County, nine (9) being Maa and four (4) non Maasai

63. The distribution of **Deputy Principals** in Kajiado by County of origin is as indicated in the table below-

	Home County	No.	% of the total		Home County	No	% of the total
1	Kiambu	7	8.60%	16	Embu	1	1.27%
2	Nakuru	6	7.59%	17	Nairobi	1	1.27%
3	Nyeri	6	7.59%	18	Homabay	1	1.27%
4	Kirinyaga	4	5.06%	19	Migori	1	1.27%
5	Nyamira	4	5.06%	20	Trans-Nzoia	1	1.27%
6	Tharaka Nithi	4	5.06%	21	Kisumu	1	1.27%
7	Meru	4	5.06%	22	Busia	1	1.27%
8	Vihiga	3	3.80%	23	Baringo	1	1.27%
9	Kisii	3	3.80%	24	Marsabit	1	1.27%
10	Murang'a	3	3.80%	25	Uasin Gishu	1	1.27%
11	Bungoma	2	2.53%	26	Kakamega	1	1.27%
12	Kericho	2	2.53%	27	Elgeyo Marakwet	1	1.27%
13	Siaya	2	2.53%	28	*Narok	1	1.27%
14	Makueni	2	2.53%	29	**Kajiado	13	16.46
15	Migori	2	2.53%		<b>TOTAL</b>	<b>79</b>	<b>100%</b>

**NB:** \*The (1) Deputy Principal from Narok is a *Maa* and two (2) from \*\*Kajiado County are *Maa* while another 11 (eleven) from Kajiado County are non *Maa*.

64. The distribution of **head teachers** in Kajiado County by county of origin is as indicated in the table below-

	<b>Home County</b>	<b>No</b>	<b>% of the total</b>		<b>Home County</b>	<b>No</b>	<b>% of the total</b>
1	Kajiado	211	46.99%	14	Elgeyo Marakwet	3	0.67%
2	Narok	52	11.58%	15	Migori	2	0.45%
3	Machakos	50	11.14%	16	Kirinyaga	2	0.45%
4	Makueni	36	8.02%	17	Nakuru	2	0.45%
5	Kiambu	25	5.57%	18	Vihiga	1	0.22%
6	Taita Taveta	18	4.01%	19	Kwale	1	0.22%
7	Nyeri	8	1.78%	20	Bungoma	1	0.22%
8	Murang'a	7	1.56%	21	Nyandarua	1	0.22%
9	Kakamega	6	1.34%	22	Laikipia	1	0.22%
10	Nyamira	6	1.34%	23	Nandi	1	0.22%
11	Meru	5	1.11%	24	Bomet	1	0.22%
12	Kisii	4	0.89%	25	Unidentified	1	0.22%
13	Siaya	4	0.89%		<b>TOTAL</b>	<b>449</b>	<b>100%</b>

65. The distribution of **deputy head teachers** in Kajiado County by county of origin is as indicated in the table below-

	<b>Home County</b>	<b>No</b>	<b>% of the total</b>		<b>Home County</b>	<b>No</b>	<b>% of the total</b>
1	Makueni	12	3.38%	19	Kakamega	2	0.56%
2	Narok	11	3.1%	20	Embu	2	0.56%
3	Kisii	10	2.82%	21	Laikipia	2	0.56%
4	Nyeri	9	2.54%	22	Nyandarua	2	0.56%
5	Meru	8	2.25%	23	Bungoma	1	0.28%
6	Muranga	8	2.25%	24	Wajir	1	0.28%
7	Kiambu	7	1.97%	25	Kisumu	1	0.28%
8	Machakos	4	1.13%	26	Tana River	1	0.28%
9	Tharaka Nithi	4	1.13%	27	Kericho	1	0.28%
10	Nyamira	4	1.13%	28	Kitui	1	0.28%
11	Narok	3	0.85%	29	Baringo	1	0.28%
12	Nakuru	3	0.85%	30	Kirinyaga	1	0.28%
13	Homabay	3	0.85%	31	Taita Taveta	1	0.28%
14	Elgeyo Marakwet	3	0.85%	32	Kajiado	238	67.04%
15	Siaya	3	0.85%		<b>TOTAL</b>	<b>353</b>	<b>100%</b>
16	Nandi	3	0.85%				
17	Uasin Gishu	2	0.56%				
18	Vihiga	2	0.56%				



## CHAPTER FOUR

### 4. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

#### 4.1 Committee Observations

66. During the consideration of this Petition, dialogue was opened between the TSC and residents of Kajiado County represented by the political leadership. Through this dialogue majority of the issues raised in the Petition have been addressed;

67. The Committee notes that the TSC has promoted several teachers from Kajiado County to leadership positions such as Principals and Head teachers, appointed several Curriculum Support Officer and one TSC Sub-County Director;

68. Based on the foregoing and the analysis of different reports and information submitted, the Committee therefore makes the following **observations**-

- 1) Article 237 of the Constitution establishes the Teachers Service Commission and Article 237(2) sets out its functions which include, assigning teachers for service in any public school or institution and promoting and transferring teachers;
- 2) TSC negotiated and signed CBA 2017-2021 with the teacher's unions informed by a comprehensive Job Evaluation Report which was conducted jointly by TSC and SRC. Based on the findings of the Job Evaluation and SRC recommendations on a new grading structure and all teachers in the employment of the TSC were promoted on 1<sup>st</sup> July, 2017. However, some teachers in Kajiado County had served inordinately long periods without promotions prior to 2017;

- 3) The TSC no longer uses the grading system of L, M and N. Further, TSC declared the P1 grade obsolete and promoted all teachers who were serving in P1 to grade B5 (Job Group 'H'). On 1<sup>st</sup> July, 2020, all the teachers in Grade B5 were subsequently upgraded again to Grade C1 (Job Group 'J');
- 4) All promotions above common cadre grades and to administrative positions are filled competitively. Once a vacancy is established, the TSC advertises the same for interested teachers across the country to make applications. Nonetheless, in Arid and Semi-Arid Lands (ASALs), the TSC is guided by the Principle of Affirmative Action. However, majority of the teachers serving in acting capacity in Kajiado County since 2014 did not have appointment letters, did not participate in validation and accreditation exercises and consequently have not been benefitting from promotions despite their immense experience; and
- 5) TSC has endeavored to address teacher's shortage across the country in all public institutions by requisitioning for additional budgetary allocation for employment of new teachers, recruitment of intern teachers and immediate replacement of teachers who exit service through natural attrition. However, the teachers' shortage is prevalent in Kajiado County. For instance, in **Loitoktok Sub County**, there is a shortage of 140 teachers (36%) against a county shortage of 387 in **secondary schools** and a shortage of 389 (32.85%) against 1184 in **primary school**.

## **4.2 Committee Recommendations**

The Committee therefore recommends-

1. The Teachers Service Commission (TSC) should undertake a situational analysis of all ASALs and develop a holistic Affirmative Action policy covering all dimensions from training and qualifications, career progressions and continuous professional development for teachers serving in these areas;
2. The TSC should strengthen teacher information management systems in order to collect sufficient and reliable information required during decision-making, scheduling of recruitments, promotions and allocation of teacher resources; and
3. The National Treasury should allocate sufficient resources to the TSC for continuous recruitment and capacity building to teachers, quality assurance and standards officers, and curriculum support officers

## **Annexures**

Annex 1: The Petition

Annex 2: Responses from the Teachers Service Commission

Annex 3: Presentation by KNUT, Kajiado Branch

Annex 4: Supplementary Report from the Teachers Service Commission

Annex 5: Standing Committee on Education Minutes

# Annex 1. The Petition

**PETITION TO THE SENATE BY TEACHERS SERVING IN KAJIADO COUNTY  
ON PROMOTION OF TEACHERS IN THE COUNTY TO LEADERSHIP  
POSITIONS**

TO: THE SPEAKER OF THE REPUBLIC OF KEYA,  
C/O, THE CLERK,  
THE SENATE,  
PARLIAMNT BUILDING, PALIAMENT ROAD,  
TEL: (254-2) 2221291 or 2848000,  
E-mail: [cSenate@parliament.go.ke](mailto:cSenate@parliament.go.ke)

**We the undersigned,**

Citizens of the Republic of Kenya, Residents and teachers of Kajiado County wish to draw to the attention of the Senate -

**THAT,**

- 1) The Teachers Service Commission (TSC) introduced a policy on promotion of teachers to the position of Head Teacher, County Director and sub-County Director to be drawn only from officers who serve in Job Group L, M and N only.
- 2) Through this policy, TSC has been selectively promoting teachers to the said positions and therefore discriminating against deserving cases;
- 3) All resident teachers in Kajiado County are being denied promotion opportunities as a result of the policy;
- 4) That not many resident teachers in Kajiado County have attained the level of Job Groups L, M and L, and as a result, none of the teachers who serve in the leadership positions above come from Kajiado County;
- 5) This situation has turned to demoralize teachers and affect their performance as a result;
- 6) The concerns of resident teachers has not been adequately addressed since none of them are in the aforesaid leadership positions;
- 7) While resident teachers are continually updating their skills and qualifications to merit promotion to leadership positions, they have been bypassed by the TSC for promotion to these positions;
- 8) That our efforts to have the matter addressed by the TSC have not borne any satisfactory resolution;
- 9) The subject matter of the Petition is not pending before any court of law;

R. /officer - Education

Kindly Seal

02/03/21

02 MAR 2021



**PETITION TO THE SENATE BY TEACHERS SERVING IN KAJIADO COUNTY  
ON PROMOTION OF TEACHERS IN THE COUNTY TO LEADERSHIP  
POSITIONS**

**The Petitioners Humbly Requests that:**

- 1) The Senate intervenes in the matter with a view to having an affirmative action by the TSC for appointment to leadership positions of resident teachers; and
- 2) The policy be reviewed to give priority for promotion to leadership positions to resident teachers after which other teachers serving in the county could be considered.

**AND Your Humble Petitioners will ever Pray.**

**Name of Petitioner:**

Signature/Thumb

Impression

KAJIADO COUNTY LOCAL TEACHER (AS PER THE SIGNATURES)

{Address of Peititoners}

Tel. No. ....

E-mail:

P105Number: P.105/5572/04

Practice Number: LSK/2018/05956

Counter Signed By:

SPEAKER KENNETH LUSAKA  
THE SPEAKER SENATE OF THE REPUBLIC OF KEYA



**PETITION TO THE SENATE BY TEACHERS SERVING IN KAJIADO COUNTY  
ON PROMOTION OF TEACHERS IN THE COUNTY TO LEADERSHIP  
POSITIONS**


N <sup>o</sup>	PETITIONERS NAMES	ADDRESS	IDENTIFICATION NO	SIGNATURE
	Moses SUIEK	08 KJB	340767	<i>[Signature]</i>

**PETITION TO THE SENATE BY TEACHERS SERVING IN KAJIADO COUNTY  
ON PROMOTION OF TEACHERS IN THE COUNTY TO LEADERSHIP  
POSITIONS**

	ADDRESS	ID No	
Jonathan K Kotemu	P.O. Box 08 - KAJIADO	12655820	
Isaac Ole Tofo	P.O. Box 329 A RIVER	5365202	
Jonathan K Leshgita	P.O. Box 224 KITENGELA	11681004	
Margaret K. Nampata	329 ATHI-RIVER	24619722	
Mary N. Ntiku	329 ATHI-R	20193971	
EMILY S WOPES	329 ATHI-RIVER	5365641	
ANNE SIPATOI	08 KAJIADO	22439205	
EMMA SEIN MOOKE	08 KAJIADO	25406151	
JAMES LAKATI LUMANTI	224 KITENGELA	24381132	
CATHERINE SEITA SAKIMBI	224 KITENGELA	26400143	
Sheila Sasion Rampai	224 Kitengela	22304774	
MARGUERET KURESCINAMATI	224 KITENGELA	24679722	
Agnes RACHIA ISAAC	224 KITENGELA	5365639	
CAROLINE MUTEMBA PAITA	224 KITENGELA	10883515	

No.	PETITIONERS NAMES	ADDRESS	IDENTIFICATION NO.	SIGNATURE
1.	Dr. John N. Purdul	08 Kajiado	11587091	
2	DUNCAN M. SILOMA	280 KITENGELA	7268204	
3	CATHERINE SEMUTAI	280 KITENGELA	28653546	
4	JUSTINE NTINKET	280 KITENGELA	12492446	



**PETITION TO THE SENATE BY TEACHERS SERVING IN KAJIADO COUNTY  
ON PROMOTION OF TEACHERS IN THE COUNTY TO LEADERSHIP  
POSITIONS**

KEILA DUNGAN TETU	PO BOX 280 Kitengela	ID NO 30357442	
CAROLINE N. SONKOL	Box 280 Kitengela	ID 13265797	
JEREMIAH MALOI	282 KAJIADO	20891037	
SOLOMON KISEMEI	231 KITENGELA	9831224	
PAULINE KUPERE	P.O BOX 242 KITENGELA	13610377	
CATHERINE LEAH KORROMPOI	PO BOX 853 KITENGELA	8342111	
ALEXANDER KIMINIA	P.O BOX 8 MASHOORU	31057135	
IRENE NELLIBO	P.O BOX 8 MASHOORU	72056280	
TIMOTHY M PARANO	PO BOX 8 MASHOORU	11127504	
JEMIMAH P. SATABAW	BOX 8 MASHOORU	10883526	

No.	PETITIONERS NAMES	ADDRESS	IDENTIFICATION NO.	SIGNATURE

Small, illegible markings or artifacts in the top right corner.





Annex 2: Report from TSC

## TEACHERS SERVICE COMMISSION

TELEPHONE: 020 2892000  
EMAIL: [info@tsc.go.ke](mailto:info@tsc.go.ke)  
WEBSITE: [www.tsc.go.ke](http://www.tsc.go.ke)



TSC HOUSE, UPPERHILL,  
KILIMANJARO ROAD,  
OFF MARA ROAD,  
PRIVATE BAG - 00100,  
NAIROBI, KENYA.

When Replying Please Quote

Our Ref:CS/TSC/78/VOL.II

Date: 16<sup>TH</sup> APRIL, 2021

Mr. Jeremiah M. Nyegenye, CBS  
Clerk of the Senate  
Parliament Buildings  
Harambee Avenue  
P.O Box 41842-00100  
**NAIROBI.**

Dear Sir,

### **INVITATION TO A MEETING OF THE SENATE STANDING COMMITTEE ON EDUCATION**

The above captioned matter and your letter Ref:SEN/SCE/CORR/2021/07 dated 30<sup>th</sup> March, 2021 refers.

Enclosed hereto, please find a detailed response to the question for further action.

Yours Sincerely,

**DR NANCY NJERI MACHARIA, CBS  
SECRETARY/CHIEF EXECUTIVE**



**TEACHERS SERVICE COMMISSION**



**RESPONSE TO THE SENATE STANDING COMMITTEE ON EDUCATION**  
**REGARDING THE PETITION BY RESIDENTS AND TEACHERS OF**  
**KAJIADO COUNTY**

**Presented by:**

**DR. NANCY NJERI MACHARIA, CBS**  
**SECRETARY/CHIEF EXECUTIVE OFFICER**

## **1. BACKGROUND**

- 1.1 The Teachers Service Commission is established under **Article 237 (1)** of the Constitution with the overall mandate of teacher management. Specifically, **Article 237 (2)** of the Constitution mandates the Commission to: -
- a) Register trained teachers;
  - b) Recruit and employ registered teachers;
  - c) Assign teachers for service in any public school or institution;
  - d) promote and transfer teachers;
  - e) Exercise disciplinary control over teachers;
  - f) Terminate the employment of teachers engaged in public service.
- 1.2 Under **Article 237 (3)** of the Constitution, the Commission is further mandated to: -
- a) Review the standards of education and training of persons entering the teaching service;
  - b) Review the national demand for, and the supply of teachers; and
  - c) Advise the National Government on matters relating to the teaching profession.
- 1.3 In addition, section 11 of the Teachers Service Commission Act requires the Commission to: -
- a) Formulate policies to achieve its mandate;
  - b) Provide strategic leadership and direction;
  - c) Prescribe teaching standards and ensure compliance;
  - d) Manage the Teachers payroll;
  - e) Facilitate career progression & professional development;

f) Monitor the Conduct and Performance of teachers; and do all such other things as may be necessary for the effective discharge of its functions and the exercise of its powers.

1.4 Accordingly, the constitution of Kenya, the Teachers Service Commission Act, the Code of Regulations and Code of Conduct for Teachers, Collective Bargaining Agreement (CBA) 2017-2021 read together with other policies forms the legal framework underpinning the Commission's operations.

## 2. QUESTION ONE

**What is the criteria used to grade and promote head teachers and deputy head-teachers in the country and especially in the marginalized areas and the measures put in place to ensure that the process is fair and transparent?**

2.1 In compliance with the provisions of Article 41 of the Constitution, the Commission negotiated and signed a Collective Bargaining Agreement 2017-2021 (CBA) with the teacher's unions. The CBA was informed by a comprehensive Job Evaluation Report which was conducted jointly by TSC and the Salaries and Remuneration Commission. The CBA took effect on 1<sup>st</sup> July, 2017.

2.2 The job evaluation introduced a paradigm shift in the grading and remuneration structure for teachers. The focus shifted to the responsibility assigned to a teacher. Based on the findings of the Job Evaluation, SRC submitted recommendations on a new grading structure for ALL teachers (inclusive of head-teachers and deputy head-teachers even those in marginalized areas) as follows;

Level	Former Job Group	Category	New Designation Title	New JE Grades
Primary	G	Primary Teacher	Primary Teacher II	B5
	H & J		Primary Teacher I	C1
	K	Senior Teacher	Senior Teacher II	C2
	L		Senior Teacher I	C3
	G-L (DHT)	Deputy Headteacher	Deputy Headteacher II	C4
	M		Deputy Headteacher I	C5
	G-L (HT)	Headteacher	Headteacher	C5
	M&N		Senior Headteacher	D1
Secondary	J	Secondary Teacher	Secondary Teacher III	C1
	K		Secondary Teacher II	C2
	L		Secondary Teacher I	C3
	NEW	Senior Master	Senior Master IV	C4
	M		Senior Master III	C5
	N		Senior Master II	D1
	NEW	Deputy Principal	Senior Master I	D2
	M		Deputy Principal III	D1
	N		Deputy Principal II	D2
	NEW	Principal	Deputy Principal I	D3
	M & N		Principal	D3
	P		Senior Principal	D4
	Q & R		Chief Principal	D5
Tertiary	J	Lecturer	Lecturer III	C1
	K		Lecturer II	C2
	L		Lecturer I	C3
	NEW	Senior Lecturer	Senior Lecturer IV	C4
	M		Senior Lecturer III	C5
	N		Senior Lecturer II	D1
	NEW	Deputy Principal	Senior Lecturer I	D2
	M		Deputy Principal III	D1
	N		Deputy Principal II	D2
	NEW	Principal	Deputy Principal I	D3
	M & N		Principal	D3
	P		Senior Principal	D4
	Q & R		Chief Principal	D5



- 2.3 As a result of the CBA, all teachers in the employment of the Commission were promoted in 1/7/2017.
- 2.4 Under **Article 237 (2) (d)** of the Constitution, the Commission has the mandate to promote teachers under its employment. In discharging its mandate to promote teachers, the Commission is bound by **Article 232** of the Constitution that provides for the values and principles of public service.
- 2.5 Promotion of teachers in public service is premised on **Regulation 73** of the Code of Regulations for Teachers (CORT). The criteria used in promotion of teachers including those in administrative positions include: -
- a) Availability of budget/funds;
  - b) Existence of vacancies in the authorized establishment;
  - c) Merit and ability as reflected in the teacher's work performance
  - d) Seniority and experience;
  - e) Annual Performance Results;
  - f) Academic and Professional qualification.
- 2.6 To this end, all promotions above common cadre grades and to administrative positions are filled competitively as per the provisions of the Code of Regulation for Teachers and the Constitution of Kenya.
- 2.7 Once a vacancy is established, the Commission advertises the same through print and electronic media for interested teachers across the country to make applications for the positions.
- 2.8 All promotional vacancies are filled competitively and are open to all teachers who qualify.



- 2.9 The Career Progression Guidelines (CPG) and the Schemes of Service outline the skills and competencies necessary for advancement in the profession and provide for minimum requirements for selection and appointment at different grades.
- 2.10 The process of selection of Institutional heads and deputies both in Primary and Secondary schools is guided by the constitutional principles of fair competition and merit, integrity, transparency and accountability, equity, fairness and impartiality, inclusiveness, non-discrimination, affirmative action and gender equity.
- 2.11 Further, the teachers must show interest by applying when the vacancies are advertised.
- 2.12 With regard to ASAL areas, the Commission is guided by the principle of Affirmative Action.
- 2.13 Before the principle is invoked, the Commission undertakes a situational analysis to find out the challenges in getting qualified teachers to perform administrative duties. This is done to ensure that only deserving areas benefit from the Principle.
- 2.14 Once deserving areas have been identified, the Commission waives certain requirements and deploys teachers in lower grades to fill such administrative positions. Such teachers are thereafter progressively promoted to attain the requisite grades for substantive appointment to administrative positions.

### 3. QUESTION TWO

**The number of teachers who have been promoted to job groups L, M and N in Kajiado county within the last five (5) years and the number of years that they had served in their previous appointments**

3.1 The table below shows the number of teachers promoted in Kajiado county within the last five (5) years:

Promotions to L (2016) and to C3, C4, C5, D1, D2, D3, D4, D5 grades for the last 5 years in Kajiado County									
Year of promotion	C3	C4	C5	D1	D2	D3	D4	D5	Total
2016	89								89
2017	504	339	587	148	16	64	10		1,665
2018	53								53
2019	17	1				3			21
2020	47	18	29	1		2			99
2021	3						4	3	11
<b>Grand Total</b>	<b>713</b>	<b>358</b>	<b>616</b>	<b>149</b>	<b>16</b>	<b>69</b>	<b>14</b>	<b>3</b>	<b>1,938</b>

3.2 On 1<sup>st</sup> July, 2017, the Commission promoted all teachers serving in Kajiado County to various grades as a result of the introduction of the Collective Agreement signed by the teacher unions. Therefore, none has served for more than 4 years in current appointment.

3.3 The greatest beneficiaries were Head teachers who were promoted by a maximum of six (6) grades, Deputy Head Teachers who were promoted by a maximum of five (5) grades and Senior Teachers whose promotions were at a maximum of three (3) grades ahead. The Classroom teachers were promoted by one (1) grade ahead.

3.4 The Commission declared the P1 grade obsolete and promoted all teachers who were serving in P1 grade to B5 grade which is equivalent to Job Group “H”.

3.5 On 1<sup>st</sup> July, 2020, all the teachers in Grade B5 were subsequently upgraded again to Grade C1 which is equivalent to Job Group “J” after serving for 3 years since 1<sup>st</sup> July, 2017. Attached as **Appendix 1** is a list of teachers in Kajiado County with current grades.

4. **QUESTION THREE**

**The distribution of teachers in Kajiado County in terms of job groups and the number of years served in the current appointment and in the previous appointment**

4.1 The table below shows the distribution of teachers in Kajiado County in terms of grades and the number of years served in the current appointment:-

Distribution of teachers in Kajiado county per grade		Range (yrs)
GRADES	NUMBER	NO. OF YRS SERVED IN CURRENT GRADE(YRS)
B5	886	4 yrs and below
C1	1,292	4 yrs and below
C2	520	4 yrs and below
C3	1,050	4 yrs and below



Distribution of teachers in Kajiado county per grade		Range (yrs)
GRADES	NUMBER	NO. OF YRS SERVED IN CURRENT GRADE(YRS)
C4	358	4 yrs and below
C5	629	4 yrs and below
D1	149	4 yrs and below
D2	16	4 yrs and below
D3	69	4 yrs and below
D4	14	4 yrs and below
D5	3	1 month
<b>TOTAL</b>	<b>4980</b>	

## 5.0 QUESTION FOUR

**The teacher to learner ratio in all public learning institutions in Kajiado County stating the ward and sub-county where the institutions are located**

5.1 The Commission is not guided by the teacher to student ratio in determining teacher shortage, but rather by its Staffing norms which requires that: -

5.1.1 A primary school is staffed on the basis of one teacher per class plus one teacher as per the existing staffing norms.

5.1.2 A secondary school is staffed on the basis of Curriculum Based Establishment (CBE). An institution's CBE is arrived at on the basis of a teaching load of 27 lessons per week.

5.2 As at January, 2021, the national teacher shortage stood at 103,931 teachers comprising 57,822 teachers in post primary institutions and 46,109 teachers for primary schools.

5.3 The Commission on its part, has endeavored to address teacher's shortage across the country in all public institutions by taking the following measures;

5.3.1 Requisition for additional budgetary allocation for employment of new teachers to address teacher shortage for both primary and post primary institutions;

5.3.2 Recruitment of Intern Teachers;

5.3.3 Immediate replacement of teachers who exit service through Natural attrition among others.

***Appendix 2 shows the staffing levels of both primary and secondary schools in Kajiado County and summary per Sub County.***



## 6.0 QUESTION FIVE

**Provide the details of the County Directors of Education, Deputy Directors of Education, Principals, Deputy Principals, Head Teachers and Deputy Head Teachers in Kajiado County in terms of gender, county of origin, number of years served in their current appointment and number of years in their previous appointments**

- 6.1 The Ministry of Education is in-charge of County Directors of Education and the Deputy Directors of Education. Hence, it is only the Ministry which can provide their details.
- 6.2 However, the details of the TSC County Director, TSC Deputy County Director, TSC Sub County Directors, Principals, Deputy Principals, Head-teachers and Deputy Head-teachers currently serving in Kajiado and the number of years served in their current appointment is provided at **Appendix 3 (a), (b), (c) and (d)**

**\*\*\*END\*\*\***

**PETITION BY RESIDENTS AND TEACHERS OF KAJIADO COUNTY REGARDING PROMOTION OF TEACHERS IN THE COUNTY TO LEADERSHIP POSITIONS.**

**ISSUES OF CONCERN TO THE COMMITTEE:**

1. The numbers and details of teachers who have been promoted to job groups L,M and N in Kajiado county within the last five years and the number of years that they have served in the previous appointment.
2. The distribution of teachers in Kajiado County in terms of Job groups and the number of years served in the current appointment and in the previous appointment.
3. The details of principals, Deputy Principals, Head teachers and Deputy head teachers in Kajiado county in terms of gender tribes, number of years served in their current appointments, number of years in their previous appointments.
4. Any other details and information that could enable the committee to consider this matter.

Knut invited to a virtual meeting on Friday 25<sup>th</sup> June 2021 at 9:00am

<u>NO</u>	<u>NAMES</u>	<u>TSC</u>		<u>GRADE</u>	<u>YOP</u>	<u>ZONE</u>
1	CYRUS KAPARITA	237594		M	2009	LOITOKITOK
2	JACKSON NKADAYO	209241		M	2009	ROMBO
3	LOISE METUO	380885		M	2017	ISINYA/KITENGELA
4	MEPUKORI PURDUL	257052		M	2009	KISAMIS
5	LOISE PULEI	189055		P	2014	ILBISSIL
6	LEORNAD KOTIKASH	378849		L	2015	MASHUURU
7	JANET S KOTIKAI	395273		L	2015	SULTAN HAMUD
8	JANE N KISHIL	378010		L	2015	ONGATA RONGAI
9	PATRICK NANGUNIN	256151	SNE	L	2015	KIMANA
10	ELIJAH SARUNI	368572	SNE	L	2014	SULTAN HAMUD
11	SAPUNYU SIMPIRI	220015		L	2016	EWUASO
12	PETER T PARMUAT	227767	SNE	C5	2009	ROMBO
13	PURITY KURRAO	275817	SNE	L	2017	LOITOKITOK
14	SALIM KIPAIWUA	326359		L	2017	ELANGATA WUAS
15	JOSEPH OILEPU	267711		L	2002	NAMANGA
16	VIRGINIA SAPURO KARRAO	192336	SNE	L C3	2014	MASHUURU

Local CSO' of Kajiado County and their current grades and respective years of promotions.

Some of them were national trainers all the way since spred, prism, Sbtd, Tusome, CBC and SBTS-A good example is Cyrus Kaparita Tsc No.237594.

The years of promotion are clear evidence that they were discriminating during that exercise. Those are the top cream of the maa in top position as for as TSC hierarchy is concern.

We don't have a single SCD, Director, Regional Director e.t.c from Kajiado (Maa).

**HEADTEACHERS & PRINCIPALS DATA IN LTK**

**PRIMARY**

<b><u>ZONE</u></b>	<b><u>MALE</u></b>	<b><u>FEMALE</u></b>	<b><u>TOTAL</u></b>
ROMBO	18	8	26
LOITOKITOK	17	3	20
KIMANA AMBOSELI	40	5	45
<b><u>TOTAL</u></b>	<b><u>75</u></b>	<b><u>16</u></b>	<b><u>91</u></b>

**SECONDARY**

<b><u>ZONE</u></b>	<b><u>MALE</u></b>	<b><u>FEMALE</u></b>	<b><u>TOTAL</u></b>
ROMBO	6	0	6
LOITOKITOK	6	1	7
KIMANA AMBOSELI	6	5	9
<b><u>TOTAL</u></b>	<b><u>18</u></b>	<b><u>4</u></b>	<b><u>22</u></b>

**ACTING HEADTEACHER FOR MORE THAN 5 YEARS WITHOUT APPOINTMENT  
LETTERS**

<b><u>NO</u></b>	<b><u>NAMES</u></b>	<b><u>TSC NO</u></b>	<b><u>SCHOOL</u></b>
1	DOMINIC N TAJEU	418989	OLDOINYIO SAMPU
2	DUNCAN SUSAIKA	544340	NARETOI PRIMARY
3	GEOFREY MUSEENTU	381289	NOOMPALA PRIMARY
4	MARGAT S JOSIAH	445228	OLOONKAI PRIMARY
5	DANIEL TURANTA	474469	OLOSIPA PRIMARY
6	SAMUEL L MOINDO	443370	NOONKOBEN PRIMARY
7	JOHN MUTETE	454307	EMUKUTAN PRIMARY

10.1.17

**DEPUTIES NOT CONFIRMED**

<b><u>NO</u></b>	<b><u>NAMES</u></b>	<b><u>TSC NO.</u></b>	<b><u>SCHOOL</u></b>
1	PRISCILA K TONKEI	394477	ENOORETET PRIMARY
2	LAWRENCE SINTILA	443312	SIMBA PRIMARY
3	ELIZABETH KANOKO	416166	ISARA PRIMARY
4	KELVIN S RAITA	632733	ILAIMIRROR PRIMARY
5	FRANCIS SUYIANKA	610135	KUNJU PRIMARY
6	SYLVIA PASHA	662295	NOONG'ABOLO PRIMARY
7	SILVIAH NTISHO	489706	ESARUNOTO PRIMARY
8	ROSEMARY KAREI	565343	NEMASI PRIMARY
9	JOSEPH KANOKO	526476	SAMULI PRIMARY
10	DUNCAN L. NTUNTAI	689433	NOOMPEUTI PRIMARY
11	JACKLINE OGELI	554781	PCEA ILMAMEN PRIMARY
12	EDWARD NTILIYA	503709	NOONKOBEN PRIMARY
13	RUTH S. LARMOI	526480	ENTUMOTO PRIMARY
14	ALFRED TENKES	542555	MCK KIBOKO
15	JANE LEWUANTAI	275825	SUNDE PRIMARY
16	ENOCK MURIANKA	702842	OLDOINYIO SAMPU PRI
17	DORRIS MAIN	341753	MCK ELERAI
18	IRENE ALKITE	542553	OLOSINYA CHYULU

**DETAILED INFORMATION BY KNUT OLKEJUADO BRANCH.**

1. Kajiado is an ASAL area and thus affirmative action should be effected in terms of the following.

**I. EMPLOYMENT**

- a) Primary school teachers should be absorbed as they are few in numbers and acts as role models within the society for they lag behind in Education.
- b) Secondary school teachers (Locals) should always be given first priority.
- c) A review of the recruitment guidelines should be reviewed / revised to favor the locals who are not given job opportunities.  
The guidelines are biased to the locals (Maa people)  
This is because they have just gone to school recently and thus get disqualified when the year of completion is given consideration.
- d) TSC should respond immediately when our teachers apply for TSC Numbers which is applied on hire.  
We see as if there is a deliberate delay in issuing of TSC Numbers.

**II. PROMOTIONS.**

- a) Promotions are applied online.  
Our Teachers missed promotions during the implementation of the CBA



They applied online but the system rejected their applications since they could not log in thereby affecting all Kajiado County Teachers and so none of them was promoted.

We see this as manipulation of the system to promote Teachers discriminatively.

All along our Teachers have missed promotions.

This is because you must be invited for interviews so that you are promoted.

Some did attend the interviews yet they were not promoted.

Most of our Teachers have been serving for more than Five (5) years in acting capacity in administrative positions and later get replaced and demoted.

We view this as misuse of man power/Employees since most of them are not compensated.

They are supposed to be paid responsibility allowances because they are not only doing class work but also administrative works on behalf of the Employer.

Attached is a list of Head Teachers and Deputies to prove this.

For the last Six (6) Years, Sub-Counties of Mashuuru and Loitoktok have been sharing one Sub County Director.

This besides being intentional, it is a design to bestow unfair labor practices meted upon our Teachers in these Sub-Counties.

### **III. DELOCALIZATION.**

This has really impacted negatively the entire community in the following ways.

- a) Widows and Widowers were delocalized thus disorganizing their families / children and economic activities.
- b) Persons with disabilities were delocalized causing severe stress and depression on them
- c) Performance of our institution has dropped drastically due to Principals, Deputy Principals, Head Teachers, Deputy Head Teachers and Teachers transferred to Kajiado could not settle down because of the harsh conditions in many zones here secondly, majority of them were retiring when they were brought here, this created crisis in many institutions.
- d) This we view as a soft way of killing education in our institutions.
- e) In Kajiado West, Kajiado Central and Loitoktok, the language barrier is a great barrier.
- f) We therefore wish to petition your committee to have Maa Teachers from Kajiado be deployed here.
- g) The TSC office in Kajiado does not have the face of Kajiado from the watchman, sweeper, tea girls, upto the director. This is shockingly discriminative as far as employment is concerned.



**IV. HARDSHIP ALLOWANCES.**

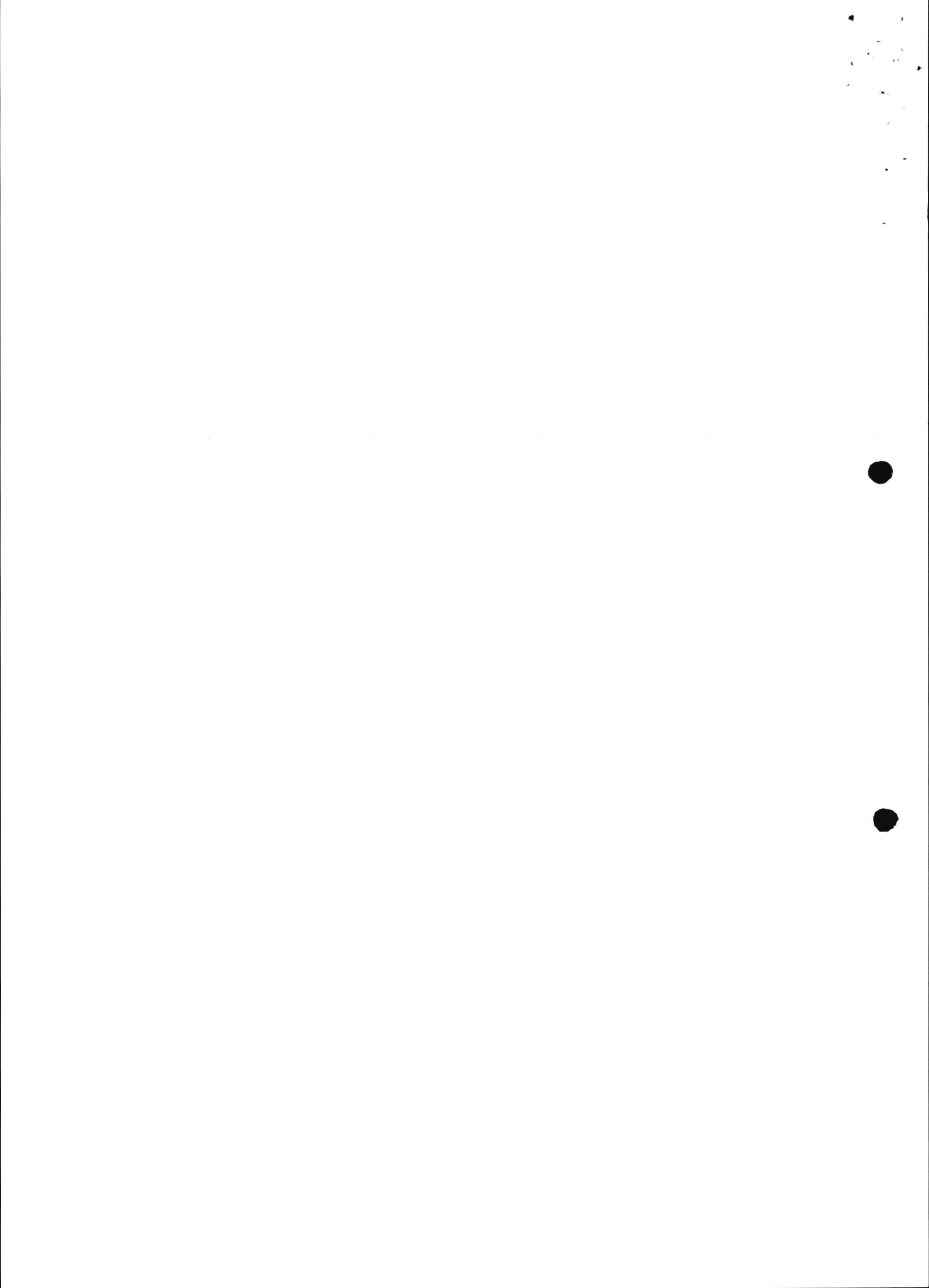
Kajiado County is a hardship area and thus our teachers should deservingly enjoy hardship allowances.

TSC is in the process of reviewing Hardship working areas and hereby request through this committee that Kajiado should top the list of the areas to be taken care off.

Kajiado has urban face and rural face, it is vast and most of rural areas are inaccessible due to poor roads or no road at all.

**SUMMARY.**

1. Most of the Deputy Head Teachers are in C4 (K&L)
2. Most of the D/Principals are in C5 (L)
3. Most of the Head Teachers are in (5) L
4. Most of the Principals are in D1 (1)
5. Only those who had Diploma and Degrees before 2017 were promoted to C3.



Annex 4: Supplementary Report from TSC

12/1  
12.20

# TEACHERS SERVICE COMMISSION

TELEPHONE: NAIROBI  
2892000  
EMAIL: [info@tsc.go.ke](mailto:info@tsc.go.ke)  
WEBSITE: [www.tsc.go.ke](http://www.tsc.go.ke)  
When Replying Please Quote

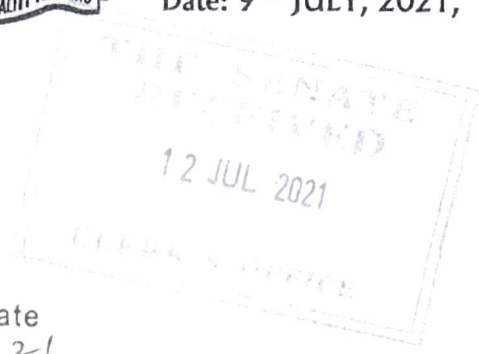


TSC HOUSE, UPPERHILL,  
KILIMANJARO ROAD,  
OFF MARA ROAD,  
PRIVATE BAG - 00100,  
NAIROBI, KENYA.

Ref: TSC/LS/004/PR/S/2021

Date: 9<sup>TH</sup> JULY, 2021,

Clerk of the National Assembly,  
Clerk's Chambers, National Assembly,  
Parliament Buildings  
P.O. Box 41842-00100,  
**NAIROBI.**



① DCOM  
Please deal  
Deputy Clerk, Senate  
Date 12/07/21

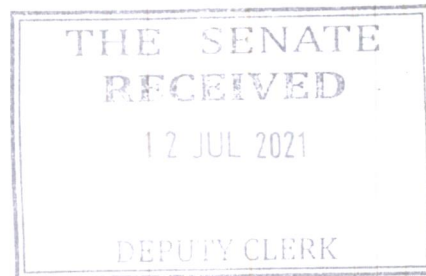
Dear

## **RESPONSE TO QUESTION BY THE SENATE STANDING COMMITTEE ON EDUCATION REGARDING PETITION BY RESIDENTS AND TEACHERS OF KAJIADO COUNTY REGARDING PROMOTION OF TEACHERS IN THE COUNTY TO LEADERSHIP POSITIONS**

Your letter Ref: SEN/SCE/CORR/2021/07 (03) dated 5<sup>th</sup> July, 2021.

Attached hereto is the Commission's response for your further action.

Thank you for your continued support.



  
**C. O. ANYUOR**  
**FOR: SECRETARY/CHIEF EXECUTIVE  
TEACHERS SERVICE COMMISSION**

② Clerk Assistant  
Education Committee  
Kindly deal  
13/7/2021



**TEACHERS SERVICE COMMISSION**



**RESPONSE TO QUESTION BY THE SENATE STANDING COMMITTEE ON  
EDUCATION REGARDING PETITION BY RESIDENTS AND TEACHERS OF  
KAJIADO COUNTY REGARDING PROMOTION OF TEACHERS IN THE  
COUNTY TO LEADERSHIP POSITIONS.**

Presented by

**DR. NANCY NJERI MACHARIA, CBS,  
SECRETARY/CHIEF EXECUTIVE OFFICER**



## 1. **BACKGROUND**

1.1 The Teachers Service Commission is established under **Article 237 (1)** of the Constitution with the overall mandate of teacher management. Specifically, Article **237 (2)** of the Constitution mandates the Commission to: -

- a) Register trained teachers;
- b) Recruit and employ registered teachers;
- c) Assign teachers for service in any public school or institution;
- d) promote and transfer teachers;
- e) Exercise disciplinary control over teachers; and
- f) Terminate the employment of teachers engaged in public service.

1.2 In further response to the above-mentioned question and in a bid to provide further clarification and information of the listed teachers' current Job Groups, dates of recent promotion and the number of years served in the previous appointment, we have tabulated the information as per the table below.

**Table No. 1**

S/NO.	NAME	TSC NO.	CURRENT JOB GROUP	DATE OF RECENT PROMOTION	NO. OF YEARS SERVED IN PREVIOUS APPOINTMENT
1.	Cyrus Kaparita	237594	CSO 1 -Grade D1	1.7.17	8
2.	Jackson Nkandayo	209241	CSO 1 -Grade D1	1.7.17	8
3.	Loise Metuo	380885	Senior Head Teacher- Grade D1	1.7.17	2 MONTHS
4.	Mepukori Purdul	257052	CSO 1 Grade D1	1.7.17	8
5.	Loise Pulei	189055	Senior Principal - CSO- Grade D4	1.7.17	5



6.	Leonard Kotikash	378849	Head Teacher- Grade C5	1.7.17	6
7.	Janet S. Kotikai	395273	CSO II- Grade C5	1.7.17	6
8.	Jane N. Kishil	378010	Senior Teacher I - Grade C3	1.7.17	6
9.	Patrick Nangunin	256151	CSO II- Grade C5	1.7.17	10
10.	Elijah Saruni	368572	Senior Teacher I - Grade C3	1.7.17	7
11.	Sapunyu Simpiri	220015	Head Teacher- Grade C5	1.7.17	5
12.	Peter T. Parmuat	227767	CSO II - Grade C5	1.7.17	11
13.	Purity Kurrao	275817	Not on payroll		Not on payroll
14.	Salim Kipaiwua	326359	CSO II- Grade C5	1.7.17	6 months
15.	Joseph Oilepu	267711	CSO II- Grade C5	1.7.17	19
16.	Virginia S. Karrao	192336	Senior Teacher I - Grade C3	1.7.17	7

\*\*\*END\*\*\*

# Annex 5: Committee Minutes.

(060)

## **MINUTES OF THE 60<sup>th</sup> SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON SATURDAY, 18<sup>th</sup> SEPTEMBER, 2021 AT THE SERENA BEACH RESORT & SPA, MASHUA CONFERENCE ROOM AT 1100HRS.**

### **PRESENT**

- |  |                           |
|--|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP       | - <b>Chairperson</b>      |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP   | - <b>Vice Chairperson</b> |
| 3. Hon. Sen. Fred Outa, MP               | - Member                  |
| 4. Hon. Sen. Mary Y. Seneta, MP          | - Member                  |
| 5. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member                  |

### **ABSENT WITH APOLOGIES**

- |   |          |
|---|----------|
| 6. Hon. Sen. Mwangi Githiomi, MP              | - Member |
| 7. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 8. Hon. Sen. (Prof.) Imana Malachy Ekal, MP   | - Member |
| 9. Hon. Sen. Iman Falhada Dekow, MP           | - Member |

### **SENATE SECRETARIAT**

- |                     |                           |
|---------------------|---------------------------|
| 1. Mwanate Shaban   | - Clerk Assistant         |
| 2. Humphrey Ringera | - Research Officer/Clerk  |
| 3. Malcom Ngugi     | - Legal Counsel           |
| 4. Njeri Manga      | - Media Relations Officer |
| 5. Sakina Halako    | - Personal Secretary      |
| 6. Fatuma Abdi      | - Audio Officer           |
| 7. Abdalla Mbore    | - Sergeant-at-Arms        |

### **MIN. NO./SEN/EDU/364/2021**

### **PRELIMINARIES**

The meeting was called to order at 11:00 AM and the proceedings were opened with a word of prayer said by Sen (Dr.) Agnes Zani, CBS, MP.

### **MIN. NO./SEN/EDU/365/2021**

### **ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Agnes Zani, CBS, MP and seconded by Sen. (Dr. Fred Outa, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Consideration and adoption of Committee reports on-
  - a. Petition by the residents and teachers of Kajiado County on promotion to leadership positions; and
  - b. Petition by suppliers and exhibitors of public secondary schools in the year 2020
4. Any other business
5. Adjournment/Date of the next meeting.

**MIN. NO./SEN/EDU/366/2021**

**CONSIDERATION AND  
ADOPTION OF COMMITTEE  
REPORTS**

**a) Petition by residents and teachers from Kajiado County on the promotion of teachers in Kajiado County to leadership positions**

1. The Secretariat presented a draft report on the Petition by residents and teachers from Kajiado County on the promotion of teachers in Kajiado County to leadership positions for the Committee consideration and adoption;
2. The Committee considered the draft report and it was unanimously adopted; and
3. The report was proposed by Sen. (Dr.) Agnes Zani, MP and seconded by Sen. Fred Outa, MP

**b) Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020**

4. The Secretariat presented a draft report on the Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020 for the Committee consideration and adoption;
5. The Committee considered the draft report and it was unanimously adopted; and
6. The report was proposed by Sen. (Dr.) Agnes Zani, MP and seconded by Sen. Fred Outa, MP

**MIN. NO./SEN/EDU/367/2021**

**ANY OTHER BUSINESS**

There was no other business.

**MIN.NO./SEN/EDU/368/2021**

**ADJOURNMENT AND DATE  
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1200 hrs.

**SIGNED.....**



**.....DATE....20/09/2021.....**

**(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)**

(040)

**MINUTES OF THE 40<sup>th</sup> SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON FRIDAY, 25<sup>th</sup> JUNE, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.**

**PRESENT**

- |  |                           |
|--|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP       | - <b>Chairperson</b>      |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP   | - <b>Vice Chairperson</b> |
| 3. Hon. Sen. Mwangi Githiomi, MP         | - Member                  |
| 4. Hon. Sen. Mary Y. Seneta, MP          | - Member                  |
| 5. Hon. Sen. Iman Falhada Dekow, MP      | - Member                  |
| 6. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member                  |

**ABSENT WITH APOLOGIES**

- |   |          |
|---|----------|
| 7. Hon. Sen. Fred Outa, MP                    | - Member |
| 8. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 9. Hon. Sen. (Prof.) Imana Malachy Ekal, MP   | - Member |

**IN ATTENDANCE**

- |                      |   |
|----------------------|---|
| 1. Mr. Julius Kisai  | - KNUT, Chairman, Kajiado County          |
| 2. Mr. Elly Korinko  | - KNUT, Executive Secretary, Kajiado      |
| 3. Mr. Daniel Lantei | - KNUT, Vice Executive Secretary, Kajiado |

**SENATE SECRETARIAT**

- |                     |                          |
|---------------------|--------------------------|
| 1. Humphrey Ringera | - Research Officer/Clerk |
| 2. Malcom Ngugi     | - Legal Counsel          |
| 3. Winnie Atieno    | - Audio Officer          |

**MIN. NO./SEN/EDU/241/2021**

**PRELIMINARIES**

The meeting was called to order at 0907hrs. and the proceedings were opened with a word of prayer said by Sen. (Dr.) Gertrude Musuruve, MP.

**MIN. NO./SEN/EDU/242/2021**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Gertrude Musuruve, MP and seconded by Sen. Mary Seneta, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. **Meeting with the Kenya National Union of Teachers (KNUT) Kajiado County Branch**
4. **Consideration of the Committee Report on the Petition by residents and teachers from Kajiado County**
5. Any other business
6. Adjournment/Date of the next meeting



1. The KNUT presented to the Committee a report on the numbers and details of teachers who had been promoted within the last five years and the number of years that they have served in the previous appointment, the distribution of teachers in terms of Job groups and the details of principals, Deputy Principals, Head teachers and Deputy head teachers in terms of gender tribes, number of years served in their current appointments, number of years in their previous appointments;
2. The Committee was informed that *Maa* teachers are not given opportunities to ascend to leadership positions beyond Curriculum Support Officers (CSOs). There is only one *Maa* Principal outside Kajiado County and there are no *Maa* TSC Sub-County Directors, Directors or Regional Directors and the few who rise to the positions of CSOs are never promoted thereafter till retirement. This is despite most of them being national trainers in programmes such as Strengthening Primary Education Programme, Primary School Management, School Based Teacher Development and Competence Based Curriculum.
3. The Committee was informed that although most teachers were promoted during the first phase of the implementation of the CBA 2017-2021, majority were not promoted during the second phase. However, there are a few teachers who did not benefit from the promotions during either of the phases. KNUT presented examples of-
  - a. Mr. Joseph Oilepu, TSC No. 267711 who has never been promoted since 2002; and
  - b. Mr. Cyrus Kaparita, TSC No. 237594 who despite being a national trainer in different programmes was promoted in 2009
4. The Committee was further informed that there are several Deputy head teachers and Head teachers who have been occupying positions in acting capacity for over five years and have not been given formal appointment letters and as such do not benefit from responsibility allowances. In deed such teachers are undertaking both administrative and classroom roles without antecedent benefits and are unable to carry out administrative duties with the requisite confidence;
5. Schools such as Noompala Primary School and Noonkoben Primary School were cited as some of the institutions where both the Head teacher and the Deputy head teacher are occupying positions in acting capacity. In most cases such teachers are replaced by the TSC.

6. The Committee was further informed that most teachers from Kajiado were unable to *login* the Teachers Service Commission website to make their applications for promotions since the online application system was launched. Further, the few who managed to apply for promotions were neither interviewed nor promoted; and
7. The Committee **resolved** to engage the TSC further to interrogate the scenarios and specific situations presented by the KNUT.

**MIN. NO./SEN/EDU/244/2021**  
There was no other business

**ANY OTHER BUSINESS**

**MIN.NO./SEN/EDU/245/2021**

**ADJOURNMENT AND DATE  
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1035 hrs.

**SIGNED.....**



**.DATE....July, 09 2021.....**

**(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)**



(022)

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**MINUTES OF THE 22<sup>nd</sup> SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON FRIDAY, 23<sup>rd</sup> APRIL, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.**

**PRESENT**

- |   |                           |
|---|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP          | - <b>Chairperson</b>      |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP      | - <b>Vice Chairperson</b> |
| 3. Hon. Sen. Fred Outa, MP                  | - Member                  |
| 4. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member                  |
| 5. Hon. Sen. Iman Falhada Dekow, MP         | - Member                  |
| 6. Hon. Sen. Mary Y. Seneta, MP             | - Member                  |
| 7. Hon. Sen. (Dr.) Gertrude Musuruve, MP    | - Member                  |

**ABSENT WITH APOLOGIES**

- |   |          |
|---|----------|
| 8. Hon. Sen. Mwangi Githiomi, MP              | - Member |
| 9. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |

**INATTENDANCE**

- |                                      |   |
|--------------------------------------|---|
| 1. Hon. Sen. (Dr.) Abdullahi Ali, MP |   |
| 2. Hon. Sen. Ledama Olekina, MP      |   |
| 3. Hon. Sen. Judith Pareno, MP       |   |
| 4. Dr. Nancy N. Macharia, CBS        |   |
|                                      | -Secretary/Chief Executive Officer, Teachers Service Commission |
| 5. Dr. Reuben Nthamburi              | -Director, Quality Assurance and Standards                      |
| 6. Mr. Timon Ayucho                  | - Director, Legal Services                                      |
| 7. Ms. Antonina Lentoijoni           | - Deputy Director, Staffing                                     |
| 8. Cavin Anyuor                      | - Legal Counsel   |
| 9. Paul Njuguna                      | - Office of the CEO   |
| 10. Gabriel Mathenge                 | - Office of the CEO   |

**SENATE SECRETARIAT**

- |                     |                           |
|---------------------|---------------------------|
| 1. Humphrey Ringera | - Research Officer/Clerk  |
| 2. Malcom Ngugi     | - Legal Counsel           |
| 3. Winnie Atieno    | - Audio Officer           |
| 4. Njeri Manga      | - Media Relations Officer |

**MIN. NO./SEN/EDU/135/2021**

**PRELIMINARIES**

The meeting was called to order at 0905hrs and the proceedings were opened with a word of prayer said by Sen (Dr.) Gertrude Musuruve, MP.

**MIN. NO./SEN/EDU/136/2021**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Gertrude Musuruve, MP and seconded by Sen. Fred Outa, MP as follows:

1. Preliminaries



2. Adoption of agenda
3. Confirmation of the Minutes of the previous meeting
4. Matters arising from the minutes of the previous meeting
5. Meeting with the Secretary/Chief Executive Officer of the Teachers Service Commission (TSC) to deliberate on the petition by residents and teachers from Kajiado County
6. Any other business
7. Adjournment/Date of the next meeting

**MIN. NO./SEN/EDU/137/2021**

**CONFIRMATION OF MINUTES  
OF THE PREVIOUS MEETING**

The confirmation of Minutes of the previous Committee meeting were pended to a later date following the reorganization of the Agenda.

**MIN. NO./SEN/EDU/138/2021**

**MATTERS ARISING FROM  
THE MINUTES OF THE  
PREVIOUS MEETING**

There were no matters arising from the minutes of the previous meeting since the confirmation of the Minutes was pended to a later date.

**MIN. NO./SEN/EDU/139/2021**

**MEETING WITH THE  
SECRETARY/  
EXECUTIVE OFFICER OF  
THE TSC.**

1. The Committee was informed that an invitation had been sent to the Secretary/Chief Executive Officer of the Teachers Service Commission (TSC) inviting the CEO to a meeting of the Committee to deliberate on the petition by residents and teachers from Kajiado county. Consequently, the CEO had sent written submission and was already present at the waiting room, ready to appear before the Committee together with technical officers from the TSC;
2. The Committee was informed that the TSC negotiated and signed a Collective Bargaining Agreement 2017-2021 (CBA) with the teacher's unions informed by a comprehensive Job Evaluation Report which was conducted jointly by TSC and Salaries and Remuneration Commission. It took effect on 1<sup>st</sup> July, 2017;
3. Based on the findings of the Job Evaluation, SRC submitted recommendations on a new grading structure for **ALL** teachers (inclusive of head-teachers and deputy head-teachers). Consequently, all teachers in the employment of the TSC were promoted on **1<sup>st</sup> July, 2017**;
4. Promotion of teachers in public service is premised on **Regulation 73** of the Code of Regulations for Teachers (CORT) based on a criterion which include-
  - a. availability of budget/funds;
  - b. existence of vacancies in the authorised establishment;

- c. merit and ability as reflected in the teacher's work performance;
  - d. seniority and experience;
  - e. annual performance results
  - f. academic and professional qualification
5. To this end, all promotions above common cadre grades and to administrative positions are filled competitively. Once a vacancy is established, the TSC advertises the same through print and electronic media for interested teachers across the country to make applications for the positions;
  6. With regard to ASAL areas, the TSC is guided by the **Principle of Affirmative Action**. However, before the principle is invoked, the TSC undertakes a situational analysis to find out the challenges in getting qualified teachers to perform administrative duties. Once deserving areas have been identified, the TSC waves certain requirements and deploys teachers in lower grades to fill such administrative positions. Such teachers are thereafter progressively promoted to attain the requisite grades for substantive appointment to administrative positions;
  7. The Committee was also informed that grading system for teachers has changed and the TSC no longer uses L, M and N. The TSC promoted all teachers serving in Kajiado County to various grades as a result of the introduction of the CBA and therefore none has served more than 4 years in the current appointment, gave them pay change advise and were all paid in arrears;
  8. The greatest beneficiaries were Head Teachers who were promoted by a maximum of six (6) grades, Deputy Head Teachers who were promoted by a maximum of five (5) grades and Senior Teachers whose promotions were at a maximum of three (3) grades ahead. The Classroom teachers were promoted by one (1) grade ahead.
  9. The TSC declared the P1 and P2 grades obsolete and promoted all teachers who were serving in P1 and P2 grades to B5 grade, (equivalent to Job Group 'H'). On 1<sup>st</sup> July, 2020, all teachers in Grade B5 were subsequently upgraded again to Grade C1 which is equivalent to Job Group 'J' after serving for 3 years since 1<sup>st</sup> July, 2017. However, to be moved in subsequent grades apart from common cadres, teachers are required to apply for promotion;
  10. The Committee was informed that teachers who are in-post are certificate holders and are not affected by the policy changes on academic qualifications. Those who are also unemployed but undertook training during the old system (P1) which had no clusters shall be employed and promoted without asking for clusters.

11. The Committee was further informed that-

<b>Position</b>	<b>Establishment in Kajiado County</b>	<b>Maa in Kajiado County</b>	<b>Maa Outside Kajiado County</b>
Principals	93	11	54
Deputy Principals	79 (there are many vacancies)	3	4
Head Teachers	449	201	471
Deputy Head Teachers	355	202 (All substantive)	242
Curriculum Support Officers	18 zones in Kajiado County	15 (3 headed by locals from Kajiado County)	

12. The Committee was informed that TSC is not guided by the teacher to student ratio in determining shortage, but rather by its staffing norms. As at January, 2021, the national teacher shortage stood at 103,931 teachers comprising 57,822 teachers in post primary institutions and 46,109 teachers for primary schools. In Kajiado County, there is a shortage of 1,184 teachers in primary school and 387 teachers in secondary schools;

13. The Committee was informed that the MoE is in charge of County Directors of Education and the Deputy Directors of Education.

14. The Committee observed that the TSC is allocated resources enough to employ only 5,000 teachers annually;

15. The Committee **resolved** to-

- a. analyse and disaggregate the information and data provided by the TSC and work out proper percentages in order to determine if there is a case for discrimination;
- b. seek more information and clarification on the details of teachers who were promoted to act as Head-teachers and Deputy head-teachers and later demoted after substantive head-teachers and deputy head-teachers had been posted in their stations;
- c. seek the details of *Maa* TSC Directors, Deputy Directors, secondary school Principals and Deputy Principals in Kajiado County and other counties

- d. seek specific details of Maa Female Head teachers and Deputy Head teachers in Kajiado County and other counties;
- e. seek data and information from the petitioners about all the teachers who are qualified and due for promotion to be shared with the TSC; and
- f. engage the TSC and the MoE to come up with a proper affirmative action for ASAL areas.

**MIN. NO./SEN/EDU/140/2021**

**ANY OTHER BUSINESS**

There was no other business.

**MIN.NO./SEN/EDU/141/2021**

**ADJOURNMENT AND DATE  
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1135hrs.

**SIGNED.....**



**.....DATE....13th May, 2021....**

**(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)**





(012)

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**MINUTES OF THE 12<sup>th</sup> SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 11<sup>th</sup> MARCH, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.**

**PRESENT**

- |  |                           |
|--|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP       | - <b>Chairperson</b>      |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP   | - <b>Vice Chairperson</b> |
| 3. Hon. Sen. Mwangi Githiomi, MP         | - Member                  |
| 4. Hon. Sen. Mary Y. Seneta, MP          | - Member                  |
| 5. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member                  |

**ABSENT WITH APOLOGIES**

- |   |          |
|---|----------|
| 6. Hon. Sen. Fred Outa, MP                    | - Member |
| 7. Hon. Sen. Iman Falhada Dekow, MP           | - Member |
| 8. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 9. Hon. Sen. (Prof.) Imana Malachy Ekal, MP   | - Member |

**IN ATTENDANCE**

- |  |  |
|--|--|
| 10. Hon. Sen. (Dr.) Ali Abdulahi, MP     |  |
| 11. Hon. Sen. Judith Pareno, MP          |  |
| 12. Hon. Sen. (Dr) Ltumbesi Lelengwe, MP |  |

**SENATE SECRETARIAT**

- |                     |                           |
|---------------------|---------------------------|
| 1. Humphrey Ringera | - Research Officer/Clerk  |
| 2. Malcom Ngugi     | - Legal Counsel           |
| 3. Njeri Manga      | - Media Relations Officer |
| 4. Winnie Atieno    | - Audio Officer           |

**PETITIONERS**

1. Solomon Kisimei – Magereza Secondary School (Job Group M)
2. Pauline Kupere – Job Group L (13 years)
3. Jonathan Kotemu
4. John Ntitika – Job Group L (13 years)
5. Rhenous Saitabu
6. Cyrus Kosencha
7. Catherine Korrompoi
8. Wilson Kotere
9. Alice Mokinyo
10. Amos Shukuru

**MIN. NO./SEN/EDU/067/2021**

**PRELIMINARIES**

The meeting was called to order at 0900hrs and the proceedings were opened with a word of prayer said by the Chairperson.

**MIN. NO./SEN/EDU/068/2021**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Agnes Zani, MP and seconded by Sen. Mary Senate, MP as follows:

1. Preliminaries

2. Adoption of agenda
3. Meeting with the Petitioners on the Petition on promotion of teachers in Kajiado County
4. Any other business
5. Adjournment/Date of the next meeting

**MIN. NO./SEN/EDU/069/2021**

**CONSIDERATION OF THE  
PETITION BY TEACHERS  
SERVING IN KAJIADO  
COUNTY ON PROMOTION TO  
LEADERSHIP POSITIONS**

1. The Committee was informed that on 17<sup>th</sup> February, 2021, the Speaker of the Senate reported to the Senate that a Petition had been submitted through the Clerk by the residents and teachers of Kajiado County.
2. The salient issues raised in the said Petition are-
  - a. That, the Teachers Service Commission (TSC) has allegedly introduced a policy on promotion of teachers to the position of head teacher, county director and sub-county director to be drawn only from officers who serve in Job Groups L, M and N;
  - b. The policy has disadvantaged teachers in Kajiado County who have the requisite experience and skills an opportunity to get promoted;
  - c. None of the resident teachers in the county have attained the Job Groups L, M and N
3. The petitioners, therefore, pray that the Senate intervenes with a view to-
  - i. have affirmative action by the TSC for appointment to leadership positions of resident teachers; and,
  - ii. the policy be reviewed to give priority for promotion to leadership positions to resident teachers after which other teachers serving in the county could be considered.

**Meeting with the Petitioners**

4. The Petitioners further informed the Committee that very few teachers in marginalised communities are promoted into leadership positions as stipulated into the new policy and the grading system appears to be intentionally locking pout majority of them from leadership positions. Some alleged to have been acting as deputy head teachers for between five to eight years only to be later demoted after substantive deputy head teachers are appointed in their stations.

5. The Petitioners singled out examples such as-
  - a. **Mr Solomom Kisemei, TSC No. 277292**, who was promoted as an acting principal Ng'ataek Secondary School in January 2016 and after eight (8) months a substantive Deputy Principal was posted to the School. Mr Kisemei was later on 7<sup>th</sup> September, 2016 transferred to Kitengela Secondary Magereza Secondary School in an acting capacity as Deputy Principal and in August 2017 another deputy principal was again posted in this other school. This is despite Mr. Kisemei's impressive CV and academic achievements.
  - b. **Mr. Tiriakong Adrian, TSC No. 452615**, a teacher at Mashuuru Secondary School who was promoted to act as a Deputy Principal from 2014 to 2019 and instead of being conformed after acting for five years another deputy was posted in the school. In May, 2020, when the Deputy Principal was transferred, Mr. Tiriakong was once more appointed to act as the Deputy Principal and in December, 2020, a substantive Deputy Principal was posted and Mr. Tiriakong relinquished back the position for the second time.
  - c. **Mr. Rhennous Saitabaw, TSC No 375627**, currently a teacher at Olkejuado High School. Saitabaw served as a Deputy Principal for Isinya Boys Secondary School for five years from 2012 to 2017 before he was demoted.
6. Petitioners informed the Committee that schools within the urban areas have a better teacher learner ratio compared to schools located in the hinterland and that majority of the teachers deployed along the major tarmac roads and urban centres are non-locals;
7. The Committee **resolved** to invite the Teachers Service Commission to a meeting to provide information and data on the following:
  - a. The grading system and job promotion criteria especially in the marginalised areas;
  - b. The teacher: learner ratio in all the learning institutions in Kajiado County stating their names and location in terms of sub county and Wards;
  - c. Distribution of teachers in Kajiado County in terms of job groups and number of years served in the current and previous appointment;
  - d. The number of teachers promoted in job groups L, M and N in Kajiado County within the last five (5) years;
    - i. From Kajiado county in other counties



- e. The details of the County Directors of Education, Deputy Directors of Education, Principals, Deputy Principals, Head Teachers and Deputy Head teachers in Kajiado County in terms of Gender, Tribes, Number of years in the current appointment and number of years in the previous appointment.

**MIN. NO./SEN/EDU/070/2021**

**ANY OTHER BUSINESS**

There was no other business

**MIN.NO./SEN/EDU/071/2021**

**ADJOURNMENT AND DATE  
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1100hrs.

**SIGNED..**



**..DATE..***18th March 2021.....*

**(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)**