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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION


DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT ON THE PETITION ON IMPLEMENTATION OF
DELOCALIZATION POLICY BY TEACHERS SERVICE COMMISSION
BY HON. PATRICK MARIRU, MP ON BEHALF OF TEACHERS FROM
LAIKIPIA WEST CONSISTUENCY

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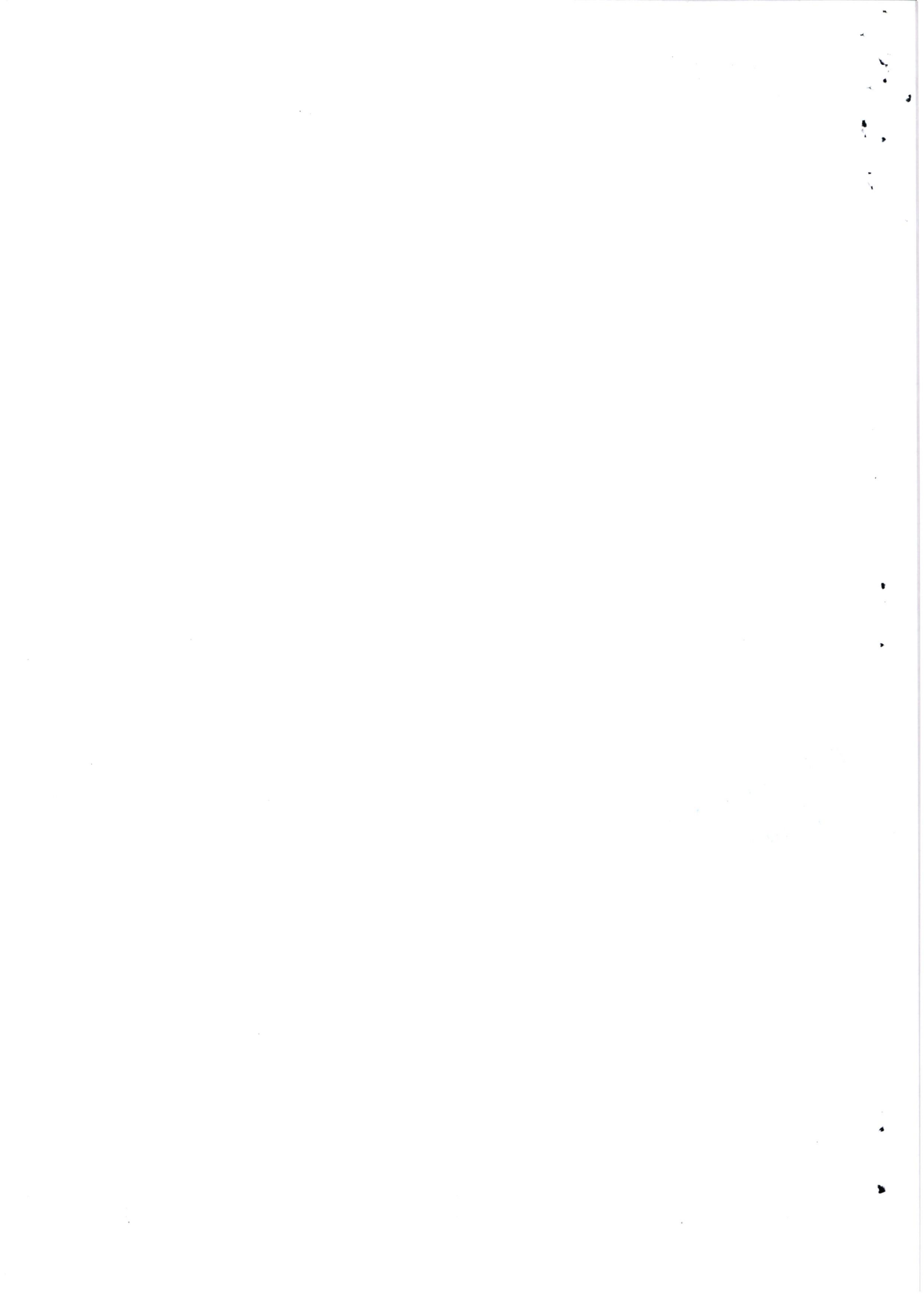


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Abbreviations and Acronyms – Political Parties

ANC	-	Amani National Congress
Ford-K	-	Ford Kenya
IND	-	Independent
JP	-	Jubilee Party
KANU	-	Kenya National African Union
ODM	-	Orange Democratic Party
PDP	-	Peoples Democratic Party
WDMK	-	Wiper Democratic Party of Kenya

1.0 PREFACE

Hon. Speaker,

The Departmental Committee on Education and Research is established under the National Assembly Standing Order 216.

1.1 Mandate of the Committee

The Committee is mandated, among others, to: -

- i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- ii) study the programmes and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iii) study and review all legislation referred to it;
- iv) study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- vi) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- vii) examine treaties, agreements and conventions;
- viii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- ix) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- x) examine any questions raised by Members on a matter within its mandate.

1.2 Committee Membership

The Committee comprises of the following Members: -

Name	Party	Constituency/County
1. Hon. Julius Melly, MP - Chairperson	JP	Tinderet
2. Hon. Amos Kimunya, EGH, MP - Vice-Chairperson	JP	Kipipiri
3. Hon. Moses Malulu Injendi, MP	JP	Malava
4. Hon. Geoffrey Makokha Odanga, MP	ODM	Matayos
5. Hon. (Dr.) Pamela Ochieng, MP	ODM	Migori
6. Hon. (Eng.) Nzambia Thuddeus Kithua, MP	WDM-K	Kilome

7.	Hon. (Prof.) Zadoc Abel Ogutu, MP	IND	Bomachonge Borabu
8.	Hon. Catherine Wambilyanga, MP	Ford-K	Bungoma
9.	Hon. Eric Muchangi Njiru, MP	JP	Runyenjes
10.	Hon. Eve Obara, MBS, MP	ODM	Kabondo Kasipul
11.	Hon. Jackson Lekumontare, MP	KANU	Samburu East
12.	Hon. Jerusha Mongina Momanyi, MP	JP	Nyamira
13.	Hon. John Oroo Oyioka, MP	PDP	Bonchari
14.	Hon. Joseph Kipkosgei Tonui, MP	JP	Kuresoi South
15.	Hon. Lilian Cheptoo Tomitom, MP	JP	West Pokot
16.	Hon. Omboko Milemba, MP	ANC	Emuhaya
17.	Hon. Peter Lochakapong, MP	JP	West Pokot
18.	Hon. Wilson Sossion, MP	ODM	Nominated
19.	Hon. Wilson Kipngetch Kogo, MP	JP	Chesumei

Committee Secretariat

The Committee secretariat comprises the following officers: -

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Christine Odhiambo - Legal Counsel I
4. Mr. Eric Kanyi - Fiscal Analyst III
5. Ms. Annceta Gacheri - Research Officer III
6. Ms. Winnie Kiziah - Media Relations Officer III
7. Mr. Mutai Kibet - Audio Officer
8. Ms. Catherine Mukunyi - Serjeant At Arms

1.3 Committal of Petition

Pursuant to Standing Order 220 and Section 4(1b) of the Petition to Parliament (Procedure) Act CAP 7C, the Hon. Patrick Mariru, MP on 24th February, 2019 presented a public Petition to the National Assembly regarding implementation of Delocalization Policy by the Teachers' Service Commission on behalf of teachers from Laikipia West Constituency (**ANNEX 1**).

The Petition was referred to the Departmental Committee on Education and Research pursuant to Standing Order 227 for consideration.

The Petitioner drew the attention of the National Assembly to the following:

1. That Article 53 (1) of the Constitution of Kenya, Section 7 of the Children's Act and the United Nations Convention on Rights of the Child provides for the right to free and compulsory basic education for every child;
2. That Article 13 on the International Convention on Economic, Social and Cultural Rights recognizes the right to education and provides that education shall be directed towards the full

development of every human being and shall strengthen the respect for human rights and fundamental freedoms;

3. That towards the realization of provisions of Article 53 (1) of the Constitution the Government has mandated the Teachers Service Commission with the responsibility of recruitment and deployment of teachers in the country.
4. That in November 2017, the Teachers Service Commission arbitrary introduced a policy on delocalization of teachers in public schools whereby teachers are transferred to institutions away from their home counties;
5. That in several instances the delocalization exercise has had major negative effects in welfare of teachers including separation and disintegration of their families.
6. That the implementation of the policy has led to among other issues demoralization of the teachers hence affecting their service delivery;
7. That the Teachers Service Commission implemented the policy without engagement of the stakeholders;
8. Concerned that the efforts to resolve the matter with the relevant government agencies have been futile.

The Petitioner prayed that the National Assembly through the Departmental Committee on Education and Research:-

1. **Considers the mechanisms for the immediate resolution of the stalemate between the teachers and the Teachers Service Commission with regard to Delocalization Policy;**
2. **Ensures that the Petitioners' plights are addressed;**
3. **Makes any other order or direction that it deem fit in the circumstances of the Petition.**

1.4 Committee Proceedings

In considering the Petition the Committee held a total of eight (8) Sittings. During the Sittings the Committee received oral and written submissions from the Petitioner, Kenya Primary Schools Heads Association, Kenya Secondary Heads Association, National Parents Association, Kenya National Union of Teachers, Kenya Union of Post Primary Education Teachers, and the Teachers Service Commission.

The Committee thereafter considered and deliberated on the prayers by the Petitioner.

The records of evidence adduced, documents and notes received by the Committee form the basis of the Committee's observations/findings and recommendations as outlined in the Report and can be obtained in the Parliament Library and Web page.

1.5 Acknowledgement

The Committee wishes to record its appreciation to the Office of the Speaker and the Clerk of the National Assembly for facilitating it to fulfil its mandate. The Committee is also grateful to all stakeholders who appeared before it to present their views on the Petition and finally the staff of the National Assembly for the services they rendered. It is their commitment and dedication to duty that made the work of the Committee and production of this Report possible.

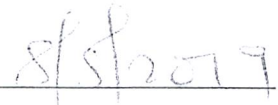
Hon. Speaker,

On behalf of the Members of the Departmental Committee on Education and Research, it is my pleasant duty to table the **Report on the Petition on Implementation of Delocalization Policy by the Teachers' Service Commission** pursuant to Standing Order 227.

Sign _____



Date _____



HON. JULIUS MELLY, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION AND
RESEARCH

2.0 CONSIDERATION OF THE PETITION

The Committee invited the Petitioner to present his Petition and thereafter various stakeholders to present their views which informed the Committee findings and recommendations contained in this Report.

2.1 MEETING WITH THE PETITIONER HON. PATRICK MARIRU, MP

The Petitioner Hon. Patrick Mariru, MP appeared before the Committee on 7th March, 2019 and presented his prayers to the Committee to deliberate upon. He submitted as follows:

That Article 53 (1) of the Constitution of Kenya, Section 7 of the Children's Act and the United Nations Convention on Rights of the Child provides for the right to free and compulsory basic education for every child;

That Article 13 on the International Convention on Economic, Social and Cultural Rights recognizes the right to education and provides that education shall be directed towards the full development of every human being and shall strengthen the respect for human rights and fundamental freedoms;

That towards the realization of provisions of Article 53 (1) of the Constitution the Government has mandated the Teachers Service Commission with the responsibility of recruitment and deployment of teachers in the country.

That in November 2017, the Teachers Service Commission arbitrary introduced a policy on delocalization of teachers in public schools whereby teachers are transferred to institutions away from their home counties;

That in several instances the delocalization exercise has had major negative effects in welfare of teachers including separation and disintegration of their families.

That the implementation of the policy has led to among other issues demoralization of the teachers hence affecting their service delivery;

That the Teachers Service Commission implemented the policy without engagement of the stakeholders;

Concerned that the efforts to resolve the matter with the relevant government agencies have been futile; and,

That the matter presented in the Petition was not pending before any tribunal or court of law;

The Petitioner prayed that the National Assembly through the Departmental Committee on Education and Research:-

- (i) Considers the mechanisms for the immediate resolution of the stalemate between the teachers and the Teachers Service Commission with regard to delocalization policy;**
- (ii) Ensures that the Petitioners' plights are addressed;**
- (iii) Makes any other order or direction that it deem fit in the circumstances of the Petition**

2.2 SUBMISSION BY KENYA PRIMARY SCHOOLS HEADS ASSOCIATION (KEPSHA) PETITION ON IMPLEMENTATION OF DELOCALIZATION POLICY BY TEACHERS SERVICE COMMISSION

Kenya Primary Schools Head teachers Association officials informed the Committee as follows:-

KEPSHA is a professional body with a membership of over 23,000 public primary schools drawn from across the country.

KEPSHA derives its mandate from its registration by registrar of companies and societies vide certificate number 23210/ 2003. It also draws its mandate from the various circulars and guidelines issued from time to time by the ministry of education all other agencies regulating education and other sectors where KEPSHA is involved.

Delocalization is a transfer from institution to another. It has the following negative effects to the teacher:

- (i) Separating families
- (ii) Affecting the sick
- (iii) Affecting the elderly
- (i) Demotivating

Delocalization should be replaced with the term transfer and should be done in a manner with humane face.

Teachers above 55 years of age and others with special needs, the sick and couples should be exempted.

2.3 SUBMISSION BY THE KENYA SECONDARY SCHOOLS HEADS ASSOCIATION (KESSHA) ON IMPLEMENTATION OF DELOCALIZATION OF TEACHERS BY TEACHERS SERVICE COMMISSION

Kenya Secondary Schools Heads Association officials informed the Committee as follows:

KESSHA is a non-partisan and non-political professional organization established in 1962 to represent and advance the interests of its members in national education policy formulation and implementation. It is registered with the office of registrar of societies in Kenya and its national secretariat office is based in Nairobi. The Association draws members from public and private secondary schools.

The Association formulates and publicizes agreed policies concerning administrative and educational problems with which heads of schools may from time to time be concern. It participates in making education policies in liaison with the Ministry of Education and Teachers Service Commission.

The Collective Bargaining Agreement between Teachers Service Commission separately with the Kenya National Union of Teachers and Kenya Union of Post Primary Education under Article 4, recognizes the Code of Regulations and Code of conduct and ethics of Teachers as an integral part of the CBA.

Article 70(8) of the Code of regulations for teachers (2015) notes that in undertaking deployment the Commission shall endeavor to delocalize the administration of public educational institution. In view of the above KESSHA wishes to make the following proposals;

- (i) Every decision and action taken should ensure there is cohesion and harmony and it promotes professionalism in the teaching service.
- (ii) The term delocalization should be expunged and replaced by transfers in all TSC documents.

In undertaking this process TSC should put into consideration the following;

- (i) Medical condition of the teacher or the spouse,
- (ii) The age of the teacher. Those in advanced ages should work closer home as they reintegrate with the local community,
- (iii) Care should be taken not to completely separate a couple living together in their matrimonial home leaving their children alone,
- (iv) Teachers Service Commission to set a desk to receive appeals on transfer cases and act on them promptly,
- (v) Teachers Service Commission to consider elected officials as much as possible to avoid constant by-elections which are expensive and usually divert attention from the normal teaching duties of a teacher,
- (vi) Should teachers be required to enhance national integration, it is important it is done at the time of first appointment when they are young and fresh graduates eager to learn and gain experience,
- (vii) Government should ensure that security and housing for teachers is guaranteed in cases of transfers to regions away from their homes. Unlike other civil servants, teachers take care of children. Therefore when they are disoriented and made uncomfortable, they may not be in the proper state of mind to mentor and take care of the young ones no wonder the adage "Teaching is a noble profession"

KESSHA proposed that TSC expunges the word delocalization and replace it with transfer as delocalization seems to be derogatory.

2.4 SUBMISSION BY THE NATIONAL PARENTS ASSOCIATION ON MERITS AND DEMERITS OF IMPLEMENTATION OF DELOCALIZATION POLICY BY TSC

The Chair National Parents Association informed the Committee as follows:

Merits of delocalization of teachers

1. Delocalization creates an atmosphere of serious in learning institutions
2. Encourages national wide distribution of skills and talents
3. Promotion of social integration and better inter-ethnic relations;

4. Promotes competitiveness/meritocracy in teaching profession
5. Fostering national Unity and patriotism
6. Conforming with the public service values, principles and standards as provided for in Article 232 of the Constitution of Kenya;

Demerits of Delocalization Policy and Consequences of Implementation

1. Difficulty in in socio-cultural integration among many staff;
2. Undermining the authority of the new teaching staff where they are not welcomed;
3. Non-attendance to the medical backgrounds for the transferred teachers. The Ministry does not proper accommodation for all teachers in all schools. They find it hard to settle down once they are transferred to new schools,
4. Disruption of ongoing programs in schools where the transferred teacher was the only technical resource in the particular school,
5. Mismatch of skills. Teachers hold different skills in schools and delocalization may land a teacher in a school where there is abundance of his or her skills yet there would be shortage elsewhere,
6. Separation of families and other accompanying problems. The transferred teachers leave behind their families to go and work in different areas and this constrains the family set-up as one of the parent is not present at home. Children suffer the most as they grow up without the constant care of both parents.
7. School unrest: some affected teachers are not received well in their new working stations by students and other staff in the schools which may lead to unrest in the schools.

Suggestions on the Best Approach to Implement Delocalization

1. Involving parents and the community at large through the national parents association. Empower the NPA to sensitize parents and learners on the need and benefits of delocalization; and that it is actually meant to benefit them.
2. TSC should ensure that affected teachers are given special allowance for easy settlement into their new stations;
3. TSC should offer transition training for the affected teachers. Such teachers are unfamiliar with the area/schools they are transferred to hence training will prepare them psychologically for the new environment
4. The security of the affected teachers should be enhanced in arid and semi-arid areas where they may be prone to threats and attacks
5. TSC should ensure that teachers do not work in one school for inordinately long time;
6. The Ministry of Education should provide proper and sufficient housing in the vicinity of the schools for teachers.
7. TSC should take family considerations into account

2.5 SUBMISSION BY KENYA NATIONAL UNION OF TEACHERS (KNUT) ON THE PETITION ON IMPLEMENTATION OF DELOCALIZATION POLICY BY TEACHERS SERVICE COMMISSION

KNUT officials informed the Committee as follows:

The Teachers Service Commission (TSC) developed **Teacher Delocalization Policy** in 2017 and rolled-out in January 2018 where Principals and Head teachers were posted outside their home counties.

Delocalization programme was to cascade to deputy head teachers, deputy principals, senior teachers and classroom teachers. The policy was purportedly developed to address cases of conflict of interest that may arise as a result of working in a particular station (school) for long, foster cohesion among Kenyan tribes and enhance national unity and integration.

Since the implementation of the policy in January 2018 thousands of teachers, head teachers and deputy heads have been moved out of their stations to far away counties, even without any considerations, disrupting education programmes, and disastrously affecting teachers hence undignifying the teaching profession.

The programme has negatively affected families against the dictates of **Article 45 of the Constitution** that recognizes family as a natural and fundamental unit of society and the necessary basis of social order. The Constitution obligates the State and its organs to recognize and protect this unit.

How Delocalization Policy was developed

Delocalization Policy was developed by TSC without the consultation of KNUT which is contrary to principles of constitutional principles of public participation and Fair Administration Action Act. While developing the Policy, the Commission contravened Section 2.1 of the Collective Bargaining Agreement (CBA) signed between the Commission and KNUT on October 25th, 2016, where the primary objective of the CBA is to ensure that both parties (TSC and KNUT) work harmoniously in setting in place the terms and conditions of service for teachers for the purpose of improving teaching standards and performance in the teaching service. Acting in violation of the law makes the Policy illegal in nature and therefore offensive to teachers.

There is no convincing argument that KNUT can offer on the merits of the programme. The key proponents of learning process are teachers, as such their freedoms and levels of interaction, safety and respect should be equally guaranteed within the physical and emotive environment they find themselves in. A teacher who feels disrespected, mistreated OR bullied through punitive policies like delocalization easily get frustrated and are likely to deliver dimly. Teachers are entitled to their rights and privileges as enshrined in the UNESCO and ILO conventions. Teachers should therefore feel respected, trusted, accepted, treated humanely and more importantly feel safe in the teaching/learning environment.

Demerits of Delocalization Policy

- (i) **Delocalization Intimidates Teachers:** Teachers should not be intimidated, despised or even forced to work in an environment (locality) they are not prepared to. Instead, teachers should be respected, accommodated, treated with dignity, more so, as professionals by the employer (TSC) so that they can also reciprocate in their line of duty by allowing learners to warm up to them.
- (ii) **Health and Other Concerns:** Some sick teachers, and the disabled ones prefer working (teaching) where they are monitored closely, and supported by their families (relatives).

Health and HIV/Aids concerns also contribute to teachers' unwillingness to work far from their spouses (separation).

Age factor could also make some teachers unwilling to work far away from their rural homes or areas they have established as homes.

For married couples, posting a teacher to a different locality may amount to separation from his/her family. The husband/wife may be unwilling or unable to move for cultural or economic reason(s).

- (iii) **Deprivation of Parent care to Children:** Children bear the biggest impact when their parents are separated through transfers as they grow up without the constant nature and care of both parents. This definitely makes teachers not support Delocalization Policy. All round consultations should be done before transfers are effected. The Commission transfers disabled, sick, widow, widower, aged or a teacher under university study programme without no regard of the status of the teacher.
- (iv) **Teachers' Commitment and Punctuality:** Rural teachers posted in counties far away from their families or their home areas tend to take extended weekend breaks to visit their homes. This in effect, results to teacher absenteeism which in turn contributes to poor syllabus coverage, culminating to learners' dismal performance in national examinations.
- (v) **Socio-cultural Integration:** Majority of teachers who have not gone through orientation find difficulty in socio-cultural integration in their new community. Non-availability of accommodation, lack of adequate security, regular food and water supply, transport challenges, and the teacher being isolated by the local communities aggravate the situation, leading to poor service delivery.
- (vi) **Mismatch of Skills in Schools:** Teachers hold different skills in school, and delocalization may land a teacher in a school where there is abundance of his/her skills, yet there would be shortage elsewhere.
- (vii) **Destabilising Teachers' Organizations:** Delocalization of teachers who are members of the teachers unions, Kenya Primary School Heads Association, Kenya Secondary School Heads Association, Burial Benevolent Fund, Sacco and Community Based Organization officials amounts to financially destabilizing and crippling these entities, as they cannot afford to be holding elections

every the other month to replace office bearers who have been transferred outside areas of their jurisdiction.

Article 41 of the Constitution of Kenya protects the rights of members of a Union. Part II; Sections 4(1), (b), (2) (a), (b), (c) and (d), 5(1) (2) (a), (c), 8(a) (ii) and Section 9 protect the Union and its members to exercise their labour rights.

- (viii) Diversified Languages and Ethnicities:** Diversified languages and ethnicities can also create barriers for teachers' acceptance and assimilation in some communities – hence, in such an atmosphere, delocalization doesn't work. More so, delocalization is further complicated by the presence of multiple ethnic groups in the country. Teachers may be reluctant to relocate to an area where the first language is different from their own. For example, transfer of a teacher from Kwale or Kilifi counties in Coast Region to some out-posts schools in Turkana or West Pokot in Rift Valley with different first language and culture all-together, will definitely pose strain on the teacher.
- (ix) Competence Based Curriculum:** The proposed new curriculum which has already been implemented in Pre-Primary One, Pre-Primary Two, Grade One, Grade Two and Grade Three has indigenous languages (mother tongue) to be taught, all-through to higher levels of Basic Education. Teaching of the indigenous languages will be a major challenge if teachers from the school locality are delocalized as teachers from other regions may not be fluent in the local language.
- (x) Socio-economic Challenges:** According to World Bank findings, socio-economic background may also make teachers reluctant to be deployed to less-developed parts of the country. In some cases, posting single woman to unfamiliar territories may cause cultural difficulties and even unsafe. For an unmarried woman to be, posted to an isolated rural area may also be seen to limit her marriage prospects. In some countries single women are not posted to isolated rural areas as a matter of policy.

KNUT proposals on delocalization

- (i)** Since teachers feel disrespected, mistreated and frustrated to the level that their morale is low because of uncertainty, anxiety and tension created by Delocalization Policy whereby teaching and learning outcome is at its lowest ebb – TSC should stop forthwith implementing the policy. It should be noted that when teacher productivity is low curriculum coverage would be poor.
- (ii)** A survey conducted by ILO/UNESCO that led to the publication of Status of Teachers (1997) reveals that if the employer, in this particular case, TSC becomes unfriendly, intolerant, and treats teachers with disdain and in total disregard of consultation of teachers of teachers' organizations, then service delivery of the teachers would be compromised and seriously affected. Hence, it will be insensitive for TSC to continue implementing Teacher Delocalization Programme.

- (iii) Workplace bullying comes in many forms, and not limited in classroom or staffroom for that matter. Arbitral transfer of teachers is also classified under workplace bullying. This is the reason why TSC should continuously engage teachers' organizations in policy-making and review.
- (iv) Teachers' employer should put in place measures to permit teachers with family responsibilities to obtain teaching posts in the locality of their homes, and enable married couples, both of whom are teachers to teach in the same general neighbourhood or in the same school. KNUT implores TSC to observe and respect UNESCO and ILO conventions, treaties, protocols and recommendations (Status of Teachers 1997 by UNESCO & ILO).
- (v) Teachers should be adequately protected against arbitrary action that could affect their professional standing or career advancement like pursuing enhanced training at universities. Arbitrary teacher transfer could easily affect professional standing of a teacher, or even interfere with the on-going career advancement of a tutor. In the same vein, TSC should observe and respect (Status of Teachers 1997 by UNESCO & ILO).
- (vi) The implementation of Performance Contracting (PC) for head teachers and Teacher Performance Appraisal and Development (TPAD) for classroom teachers has contributed heavily to the arbitral transfer of school heads, their deputies and classroom teachers which is in total violation of UNESCO/ILO recommendations.
- (vii) KNUT is not opposed to teacher transfer/deployment by TSC, but calls for wide consultations before effecting the transfers as in some cases the employer is unknowingly dealing with the aged, sick and the disabled cases which need special care/handling/attention.

Delocalization has far-reaching implications and devastating effects in the long run, if implemented without full consultation with parents/guardians, school sponsors, teachers' unions, Boards of Management, Parents associations, KEPSHA, KESSHA, and Quality Assurance and Standards officers.

To implement the programme with a view of achieving the correct results, all these stakeholders, including the local school community have to be informed. It is important to note that **Delocalization Policy** does not guarantee fostering cohesion and national unity if not well implemented.

Further clarifications sought by the Committee from the Union

1. If elected officials of KNUT had been affected by delocalization: Since the onset of delocalization TSC has transferred 165 elected officials of KNUT in various parts of the country outside their areas of jurisdiction contrary to understanding between TSC and KNUT.
2. Whether consultations were done: KNUT maintained that there was no consultation undertaken before the introduction and during of the Implementation of the Delocalization

Policy by TSC which was in breach of Article 27 Right to public participation that gives powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them.

3. Transfer of the aged, sick and teachers living with disability:- TSC does not consult its staffing officers at the counties or sub-counties to provide background information of the teachers before effecting delocalisation. This makes the practise inhuman, unsympathetic and up hazard as it is done allegedly without prior knowledge of the teacher.

Committee Observations

The Committee observed that:

1. The Constitution under Article 237 gives the TSC the mandate inter alia to recruit and employ registered teachers and assign them to provide service in any public school or institution, Thus the Commission can deploy any teacher to teach in any part of the country.
2. The Teachers Service Commission Act section Act 67 gives the Commission the discretion to transfer a teacher to any educational institution to provide services any time whether or not the teacher has applied for transfer.
3. The term delocalization is not recognized in the Constitution, Teachers Service Commission Act or any other subsidiary legislation that concerns teachers. The term is open to abuse by the Commission due to the absence of clear guidelines/criteria of implementing the policy.
4. That according to KNUT the Commission did not conduct public participation during development of the policy contrary to principles enshrined in the Constitution.
5. That KNUT is not against transfer of teachers as provided for in the mandate of the Commission.

2.7 SUBMISSION KENYA UNION OF POST PRIMARY EDUCATION TEACHERS ON THE PETITION ON IMPLEMENTATION OF DELOCALIZATION POLICY BY TEACHERS SERVICE COMMISSION BY KENYA

KUPPET VIEWS ON THE TSC'S DELOCALIZATION POLICY

KUPPET officials informed the Committee as follows:

The Union holds the view that the so-called 'Delocalization Policy' not exist. The term 'delocalization' does not exist in official documents including the TSC Act and the Code of Regulations.

The Union presupposes that delocalization refers to the transfer of teachers outside of the localities where they were brought up or they have worked for long in the course of their employment with the TSC. In effect, the teachers so transferred are being 'delocalised'. There

have been mass transfers of teachers in this manner over the past year, transfers which have sparked uncertainty within the teaching profession and beyond.

The word 'transfer' is fully catered for in the TSC policy documents and Code of Regulations. When teachers take employment with the Commission, they sign a commitment of readiness to work anywhere within the Republic of Kenya. As such, the Commission has full authority to transfer and redeploy teachers anywhere within the Republic of Kenya. And 'anywhere' includes the areas where the affected teachers were raised up, went to school or have worked for many years under TSC employment.

Looked at this way, it is indicative that 'delocalization' has been employed repeatedly as a tactic to intimidate teachers pending their redeployment far from the areas where they currently serve.

Merits of delocalization

If well implemented, the policy has some theoretical advantages whose impacts will be felt over time. These include:

(i) Inclusivity and national unity

Delocalized teaching force encourages national integration and unity. As the Commission argues, it is not very healthy for teachers to stay in a station for too long, and it is good for them and the students they teach for teachers to have broad cross-cultural exchanges that come with working out of their home areas.

(ii) Career progression

Teachers moving to administrative positions in the wake of the many schools being established and 100% transition have a high chance of getting promotions. This is because the leadership opportunities could be available outside the areas where the teachers are currently serving.

Demerits of delocalization

Notwithstanding the Commission's power to hire, deploy and transfer teachers, the policy has had the following shortcomings:

(i) Slowing service delivery

The newly-transferred administrators take long to familiarize themselves with the institutions' systems, thereby slowing service delivery. The deployment and transfers done during first term this year had negative impacts in two dimensions. First, Form One admissions were planned by the previous administrators but expected to be implemented by other administrators not conversant with the institutions. Second, expectations from the parents brought mixed reactions, due to the new system of releasing exams results before the first term.

In some areas, parents wanted administrators to be retained while others rejected their newly deployed administrators. A classic example is Oololaiser High School principal who was transferred to Friends School, Kamusinga only to be ejected by parents. Situations like those demoralize teachers a great deal and affect their performance.

(ii) Teacher attrition

Delocalisation is a contributing factor in teacher attrition adding to the current shortage of teachers in Kenya. In some cases handled by the unions, delocalised teachers preferred to seek greener pastures rather than move from the areas they had settled in. This will not only affect the quality of education but will also deepen the struggle for teacher retention by the employer.

(iii) Damaging family values

Delocalisation has affected many families as teachers have been left with no option but to abandon their families and report to new stations, some cases hundreds of kilometres away. Newly-married couples and families with young children have been most affected. This puts parenting and marriages under the mercy of the employer, who has resorted to disciplinary action in enforcing its will.

(iv) Increased political interference in schools

The deployment and transfers of teachers at times is done under political influence.

(v) Infringement of freedom of worship

Administrators transferred to institutions sponsored by faith-based organisations have been not been spared harm. Because the entire Delocalization Policy has been politicised, some management boards of institutions sponsored by religious groups have taken advantage to push for their own members to head the institutions.

(vi) Increased litigation

The Commission has faced a set-back as many cases have been filed in the court of law as a means to revoke the deployments and transfers. This dragging of the TSC to court by its own employees is uncalled for and setting dangerous precedent.

(vii) Nepotism, corruption and favouritism

Deployments and transfers have been cited as grounds for corruption as administrators are forced to be corrupt so as to be retained in their institutions. Also, the deployments have been used to reward certain teachers to be administrators while demoralizing others.

Consequences of delocalization on Teacher's Welfare, Service Delivery and Family Values

The full effect of this policy will be seen over time. But the risks associated with its hasty implementation have so far outweighed any benefits accrued from it. These have included:

(i) Financial implications

Teachers who have been transferred are facing a myriad of challenges related to finances. Their budgets have been severely affected due to costs associated with relocating to a completely new

area. Also, for instance, a teacher who is transferred from hardship area to non-hardship area will have a salary reduction the same with a teacher moved from urban or major town to rural areas.

(ii) Teacher attrition

Teachers prefer to seek alternative employment deepening the problem of teacher shortage in Kenya currently. County governments are becoming a major employer of trained teachers.

(iii) Fear of the unknown

Many teachers are avoiding taking administrative positions for fear of deployment and transfers and this affects sustainable leadership in institutions. Administrators currently in position can concentrate and be productive as they await possible deployment.

(vi) Productivity

As the teacher settles in the new stations, the movement between the school and family station has affected productivity and the keeping the balance is a task.

(v) Family disintegration

Cases of family disintegration have been reported especially when teachers are moved from one county to another county. The process is hurriedly done and the family aspect is neither considered nor respected by the employer.

(viii) Strategic plans and school projects

Schools have strategic plans and projects that will be implemented within a period of time, say 5 years. With the current deployment and transfers, there is uncertainty in the workplace and administrators may not be keen to propose and implement development projects spanning over long period of time.

(viii) Teacher welfare

The deployment and transfers have little consideration of the teachers' welfare in the new station. Principals residing in schools when transferred to a new station outside the school have suffered both psychologically and financially while adapting to the new station.

(ix) Form of punishment

The deployment and transfers are taken as a form of punishment to some principals either by the employer or the Board of Management.

Suggestions on Best Approach to Implement Delocalization

While it is the mandate of the employer to hire, deploy and transfer the employees, various factors have to be considered before the exercise is undertaken. The current shortage of teachers in primary and secondary school stands at 40,972 and 63,849 respectively and the haphazard deployment and transfers deepens the already ailing teacher shortage in schools.

The Union is proposing the following approaches to be considered in the delocalisation process:

(i) Consultative approach

The deployment and transfer have targeted labour representatives and the Union proposes consultation with the employer. The success of the Collective bargaining agreement (CBA) in force is as a result of negotiations and consultations between the employer and the Union, which was done in good faith and the same, should be considered in delocalisation.

(ii) Collaborative approach

This negotiation approach results in both parties feeling that they are achieving what they wanted. The Union and the employer will get satisfaction that both parties have achieved their intended objectives rather than one party winning at the detriment of the other party. The Union respects the mandate of the Commission but for harmonious industrial relations, it is imperative that both parties should consider this approach.

(iii) Review of Legislations governing faith-based institutions

The role of the sponsor in faith-based institutions should be reviewed as the administrators are facing challenges due to lack of autonomy. The sponsor dictates the management approaches of their institutions and the administrator is unable to exercise authority and power.

(vi) Protection from the employer

The Commission should protect principals and deputies against the onslaught by Board of Management who demand transfers, deployment and hiring and threaten the productivity of the administrators.

Exemptions that can be made in implementation of delocalization

The employment contracts and Code of Regulations give the TSC the right to transfer its employees as it wishes. However, the exercise of power should be tempered with sensitivity as to the impact of the decisions.

KUPPET proposed that delocalization be limited in the following circumstances:

(i) Teachers approaching retirement

This country lacks a social welfare programme for retirees. Workers spend the last ten years of their active life planning for their retirement. The Commission should help its employees retire in peace rather than inconvenience their planning. Teachers above 50 years of age be left to work within the sub-county where they have spent the better part of their lives.

(ii) Teachers living with disability

These should get preference in redeployment and transfers. Many disabled teachers have suffered under the delocalization programme. An example is a teacher in Bomet County who was involved in an accident and the TSC was well aware of his injuries and condition, only for him to get transferred from Bomet to Trans Nzoia County.

(iii) Family considerations

Notwithstanding the Commission's discretion to transfer teachers, family values need to be considered. When married teachers are transferred to different localities, the Commission subject's families to circumstances that will affect teacher productivity.

(vi) Union leaders should be exempted

Union officials are elected one every five years, and they represent the teachers in their counties. If such officials are transferred, unions may be forced to do replacement elections. This is unfair to the victims who might have invested considerable effort in unionism in his/her area.

(v) High performing administrators

Teachers who have set high performance standards in the schools should be spared the deployments as the incoming administrators are finding it hard to fit in these institutions.

In conclusion, TSC should strive to apply the best principles of human resource management. The Commission knows its employees. It should make decisions on transfers in a fair and well-understood manner to avoid the destabilizing the lives of teachers. Despite the outcry by teachers, the Commission has continued with this controversial policy, citing the Code of Regulations for Teachers (2015) and the TSC Act that authorize it to transfer teachers at will.

However, no less a person than President himself halted the process in August 2018 and directed the Commission to review the delocalization policy after receiving concerns that many families were being affected and even experiencing break-ups. TSC should be humane.

Further clarifications sought by the Committee

1. KUPPET informed the Committee that TSC did not consult the Union during development and Implementation of delocalization policy. TSC ought to consult the unions and make the process consultative and collaborative.
2. KUPPET was not against transfer of teachers as provided for the mandate of TSC in the Constitution, TSC Act 2015 and TSC Code of Regulations.
3. That during delocalization of teachers TSC does not give adequate notice to the concerned teacher to prepare and relocate and further it does not give teachers audience or hear appeals from teachers with otherwise special considerations.
4. On the allegations that some school communities are happy over delocalization KUPPET submitted that this happens in cases where non- performing teachers are delocalised. Some teachers delocalised as a result of promotion feel happy.
5. KUPPET averred that delocalization is a derogatory term and can be used to selectively target certain teachers, hence open to manipulation, favourism and corruption.
6. Teachers excelling in some fields such as teaching subjects, co-curricular activities among other things should be allowed to continue providing their expertise in the particular stations if they so wished.

2.6 SUBMISSION BY TEACHERS SERVICE COMMISSION ON IMPLEMENTATION OF DELOCALIZATION POLICY

The TSC Chief Executive Secretary informed the Committee as follows:-

Legal Framework Underpinning TSC Operations

The Constitution of Kenya

The Teachers Service Commission is established under Article 237(1) of the Constitution with its primary functions set out in Article 237(2) 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.

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.

Teachers Service Commission Act, Cap 212

Further, the Commission draws powers necessary for the execution of its constitutional functions from the TSC Act. Section 11 of the Act mandates 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.

Sections 47 and 48 of the Act empower the Commission to publish a Code of Regulations for Teachers to regulate the Teaching Service.

In this regard, the Commission published the Code of Regulations for Teachers which came into effect on 1st July 2016.

The Code of Regulations for Teachers (CORT)

In developing the Code of Regulations for Teachers (CORT), the Commission strictly adhered to the provisions of the Constitution that underscore the principle of public participation; and the provisions of Statutory Instruments Act, 2013, which govern the process of developing subsidiary legislations.

Every clause in the CORT was discussed, negotiated and agreed upon by all stakeholders in the entire Education sector and beyond.

As required by law the CORT being a delegated legislation had its provisions extensively interrogated by the Committee on Education and Research and the Committee on Delegated Legislation of the 11th Parliament.

The respective Committees' valuable contributions were incorporated in the final document before gazettelement.

Collective Bargaining Agreement 2017-2021

During the negotiations on the Collective Bargaining Agreement (2017-2021CBA) between the Commission and the Teachers' Unions, parties mutually agreed that the CORT forms an integral part of the CBA.

The Teachers' Unions, the KNUT and the KUPPET, signed the CBA and wholesomely adopted the provisions of the CORT.

Accordingly, the CORT is at the center of the employment contract existing between the Commission and teachers in its employment.

Is Delocalization a Policy or a Regulatory Function?

Regulations 55(3) and 70(8) of the CORT provide for delocalization as regulatory function of the Commission.

- (a) Regulation 55(3) of the CORT regulates the posting of newly recruited teachers to counties other than their home counties. It provides:

"A teacher who is recruited by the Commission may be deployed to serve in any part of the country based on the teaching service requirements"

- (b) Regulation 70(8) of the CORT regulates the deployment of institutional administrators. It provides:

"In undertaking deployment, the Commission shall endeavour to de-localise the administration of public educational institutions."

From the foregoing, delocalization is **not a policy** but a **regulatory function** of the commission for assigning newly employed teachers and in deploying newly identified institutional administrators to all parts of the country without discrimination.

Delocalization was subjected to stakeholder participation.

In undertaking **delocalization**, the Commission has put in place various **implementation policies** to ensure accountability; transparency; and effective and efficient utilization of teachers as human resource. Accordingly:

- (a) By regulation **55(3)** of the CORT, the Commission ensures:
 - (i) Equitable recruitment of new teachers in ALL Counties without exception;
 - (ii) Newly recruited teachers are posted to counties neighbouring their home counties to mitigate drastic change of environment.
 - (iii) That in the best interest of the child, every school has at least one teacher to facilitate learning.
- (b) By regulation **70(8)** of the CORT, the Commission ensures:
 - (i) It provides schools throughout the country with qualified, competent and professionally upright administrators.
 - (ii) That, issues of age, sickness, alternative ability and family (teacher-teacher) are considered when deploying institutional administrators.

Merits of Delocalization as Regulatory Function of the Commission

The merits of delocalization are as follows:-

Safeguarding the Constitutional and Statutory mandate of TSC

The Commission derives the power to transfer teachers directly from the Constitution and its parent Act, the Teachers Service Commission. **Article 237, (2) (c)** of the Constitution grants the Commission the sole mandate to assign teachers under its employment to various public schools in the Country.

Article 237 (3) (b) of the Constitution grants the Commission the mandate to review the supply and demand of teachers and ensure that public schools are allocated proportionate number of teachers.

Section 47 of the TSC Act grants the Commission power to develop, in accordance with the law, the Code of Regulations for Teachers to regulate the teaching service. Thus, as per the provisions of the Statutory Instruments Act, 2013, the regulatory requirement to delocalize newly recruited teachers and newly appointed institutional administrators was, negotiated with stakeholders and codified in the CORT.

Accordingly, delocalization of newly recruited teachers and newly appointed institutional administrators is but routine duty of the Commission granted by Constitution and the law has been the case since the Commission's establishment in 1967.

Substantive Appointment of Institutional Administrators as per the Job Evaluation Report for the Teaching Service

The Teachers Service Commission and Salaries and Remuneration Commission (SRC) undertook a Job Evaluation exercise for the teaching service in November 2015/2016.

The Job Evaluation recommended the substantive appointment of Institutional Administrators and placing them in institutions commensurate with their grades.

The CBA and the Job Evaluation have introduced a new appointment and/or placement criteria informed by the grade of a teacher and the category of the school.

Institutional administrators are placed/delocalized depending on their grades and the category of institutions.

The placements which amount to transfers are accompanied by substantive appointments informed by the individual grades of each teacher.

By placing institutional administrators correctly through such transfers, the Commission has demonstrated its constitutional mandate to ensure prudent utilization of public finances in paying teachers' salaries.

Institutional administrators having been substantively appointed remain so, unless promoted to existing higher grades and cannot be demoted and be deployed back as classroom teachers.

From the foregoing, it is clear that placements and/or delocalization of institutional administrators have been made in public interest as well as in the best interest of the individual teachers.

National Cohesion and Integration.

The current constitutional design proclaims TSC as an independent state organ with its mandate spread all over the Country. **Article 10** of the Constitution as read together with the provisions of the National Cohesion and Integration Act requires state agencies, specifically constitutional Commissions, to establish policies and practices that enhance national cohesion and integration.

The overall objective of delocalization as a regulatory requirement in the teaching service is to deter localization of the teaching profession so as to promote co-existence and cohesion among different communities.

Performance and good governance of public Institutions

In its assessment of performance in public schools, the Commission noted that a teacher stationed to serve in a school within the neighborhood he/she hails from often demonstrates laxity and leniency in enforcing Government policies and standards.

Placement and/or delocalization of administrators outside their home counties is intended to enable them enforce the teaching standards and government policies without fear or favour. It is

also meant to improve service delivery in public schools with a view to ensuring quality education and curriculum implementation.

Deterrence of conflict of interest

Serving in the local neighborhoods has been the root cause of the recurrent menace of poor management of institutional resources leading to conversion of public resources and institutional property into private use.

Thus, delocalization of institutional administrators is intended to deter this negative practice and allow teachers to focus on their administrative duties and not private business.

Borrowing from best practices

Teaching profession is part and parcel of the Kenya's public service. However, for the longest time in the past, teaching service has been managed as in isolation.

Borrowing best practices from sister Commissions like the Judicial Service Commission where judicial officers work outside their home counties for a period of at least 3 years and considering the intricacies of the teaching service, the Commission has capped the length of stay at an institution at a maximum of nine (9) years for the heads of institutions and a maximum of six (6) years for their deputies to facilitate succession management.

Enforcing contractual obligations

Teachers are bound by the individual contracts of employment they sign while entering the teaching service. Individual letters of appointment duly signed by teachers bind them to serve anywhere in Kenya where their services are required.

Consequences of Implementation of Delocalization on Teachers' Welfare, Service Delivery and Family Values.

The following are the consequences of delocalization policy:-

Equal opportunities for professional growth

As a regulator and an employer of the teaching service, the Commission is concerned about the overall welfare teachers to ensure that service delivery is not compromised.

To this end, the Commission is more interested in the professional welfare of the teachers as the same is within its mandate.

Since appointment and deployment of institutional administrators is based on category of schools for instance National, Extra County, County or Sub-County, the Commission's implementation of delocalization has enabled teachers' access opportunities for administrative posts outside their home counties.

Job satisfaction and Economic returns

According to the provisions of the CBA, appointment to administrative positions in the teaching service attracts monetary compensation that is built in the basic salary.

Thus, delocalization has, in a nut shell, occasioned improvement of economic welfare of teachers.

Further, feedback from teachers who have previously been delocalized from their home counties confirms that the change in environment has rejuvenated their service delivery leading to overall individual job satisfaction.

Professional independence, personal integrity and effective service delivery

Under the Code of Regulations for Teachers, institutional administrators are part and parcel of the administrative structure in the teaching service.

Institutional administration demands undertaking critical assignments aimed at enhancing professionalism and general service delivery. As pillars of curriculum implementation, institutional administrators are in charge of quality assurance at the school level, appraisal of staff and discipline of teachers among other critical functions.

The nature of the above assignments requires institutional administrators to act independently, exhibit personal integrity and be the lead educators in service delivery. Accordingly, appointment to administrative position outside home county has had positive impact on the service.

Teachers working outside their home counties have demonstrated professional independence in decision making as they are cushioned from the shackles of home politics.

Acquisition of new knowledge

Delocalization of teachers as provided under the Code of Regulations for Teachers has led acquisition of new ideas based on environmental factors hence change in teaching and/or management styles.

Environmental changes coupled with diverse culture and traditions in schools have made teachers become better managers leading to improved service delivery and performance.

Separation of families

In undertaking delocalization, the Commission has put in place a policy to consider a teacher's family. According to the Commission's policy, family refers to teacher-teacher marriage.

Thus, for optimal delivery of service, the Commission ensures that teachers married to each other are not posted or deployed to different counties even when undertaking delocalization.

Therefore, it is evident that the Commission takes teachers' family values very seriously to ensure effective service delivery.

Suggestions on the Best Approach on Implementation of Delocalization

Competitive filling of administrative positions

On 1/7/2017 when the Commission commenced the implementation of the 2017-2021 Collective Bargaining Agreement (CBA), it made a policy decision to convert all teachers in Job **Groups M** and above as institutional administrators regardless of whether or not they were actually serving as such. Those teachers who were not performing duties of institutional administrators as at 30th June, 2017 have since been substantively appointed as such in a deliberate mop up exercise to forestall overpayments.

Once the mop up of the teachers is completed, appointment to institution administration shall be competitive.

Accordingly, only interested teachers shall be considered for the appointment and deployment.

However, it must be noted that as an employer, the Commission reserves the right to transfer a teacher even when they have not applied for the same.

Reviews and Appeals

Section 46 of the Teachers Service Commission Act requires a teacher who is dissatisfied with the decision of the Commission to appeal against the decision. The Commission has an obligation to hear, consider and determine all the appeals and make appropriate decisions.

Teachers who are dissatisfied with the transfers have a responsibility to channel their grievances as provided in the contractual agreements.

Posting outside the County

Since **2015**, the Commission has been posting newly employed teachers outside their home County as a measure of rejuvenating the profession.

This is a long term strategy to ensure that issues of conflict of interest that have bedeviled the profession are addressed.

In future, administration of public schools will be exclusively by non-locals.

Vetting before transfers

The Commission has adopted a new method of evaluating the transfer cases before they are executed. The Commission is vetting each teacher's case to ascertain their employment status before effecting transfers.

This is intended to ensure that all relevant factors are considered before any transfer is effected.

Exemptions on Implementation of Delocalization

Teachers Aged 56 years and above

In the implementation of **delocalization**, the Commission has made a decision to exempt all teachers who are aged 56 years and above.

Health status

Teachers who have proven cases of health or medical conditions already reported to the Commission have been exempted from the transfers. However, the Commission takes each case on its own merit taking into consideration availability and accessibility of medical facilities amongst other factors.

Alternative ability

Teachers with alternative abilities have also been exempted from the transfers though personal requests have been granted subject to availability of vacancies.

The Commission wishes to reiterate that **delocalization** is part of its regulatory functions related to transfer teachers. Transfer of teachers is not only a constitutional mandate of the Commission but also its statutory duty. Thus, **delocalization** is founded in the Constitution, the TSC Act and the CORT.

Teachers have a contractual duty to seek review of any **delocalization** (transfer) decision and channel their grievances to the Commission through the established channels of communication so that the Commission can take appropriate remedial action.

The Commission has always accorded teachers' grievances special attention and responded to all appeals. At all times, the Commission considers a lot of factors before transferring a teacher from one station to another.

In **December, 2018**, the Commission transferred **3,094** teachers but only **360** appealed against the transfers. The appeals were considered and appropriate determinations made expeditiously based on the terms and conditions of service

3.0 COMMITTEE OBSERVATIONS AND FINDINGS

The Committee made the following observations:

1. Article 237(1) and (2) of the Constitution mandates the Teachers Service Commission, among other functions to recruit and employ registered teachers and assign them to provide service in any public school or institution. Further, the Commission draws powers necessary for the execution of its constitutional functions from the TSC Act. Section 11 of the Act mandates the Commission to formulate policies to achieve its mandate.
2. Regulation number 64 of the Teachers' Service Commission Code of Regulations gives powers to the Commission to transfer a teacher from one institution to another based on the need for equitable distribution and optimal utilization of teachers; availability of vacancy in the proposed station; the need for replacement; existing staffing norms which may be reviewed from time to time; medical grounds as certified by a registered medical practitioner; and such other grounds as the Commission may consider necessary.
3. Regulations 55(3) and 70(8) of the Code of Regulation for Teachers (CORT) provide for delocalization as regulatory function of the Teachers Service Commission. Regulation 55(3)

of the CORT regulates the posting of newly recruited teachers to counties other than their home counties. It provides that a teacher who is recruited by the Commission may be deployed to serve in any part of the country based on the teaching service requirements.

4. The overall objective of delocalization as a regulatory requirement in the teaching service is to deter localization of the teaching profession so as to promote co-existence and cohesion among different communities. Placement and/or delocalization of administrators outside their home counties is intended to enable them enforce the teaching standards and government policies without fear or favour. It is also meant to improve service delivery in public schools with a view to ensuring quality education and curriculum implementation.
5. Delocalization/transfers of teachers with little consideration of the teachers' welfare leads to low morale of the teachers and demotivates them. This affects their productivity, demeans family values leading to constraints in family set-ups/separation of families. Transfers also have financial implications.

4.0 COMMITTEE RECOMMENDATIONS

The Committee made the following recommendations in response to the prayers of the Petitioner:

1. While it is the mandate of the Teachers Service Commission to hire, deploy and transfer teachers, the Commission should ensure that deployment and transfer of teachers is undertaken in a manner that promotes professionalism, efficiency and effective service delivery in the teaching service and without demeaning the status of teachers.
2. The Teachers Service Commission should consider the following factors in effecting the transfer of teachers to other counties:-
 - (i) Teachers approaching retirement
Teachers above 55 years of age be left to work within their home sub-county or the sub-county where they have spent the better part of their lives as they plan for retirement.
 - (ii) Teachers with alternative abilities
Teachers living with exceptional disabilities should be exempted from transfers away from their families or residence where they can receive assistance and care from their family members. Likewise a teacher taking care of their spouse, child or a dependent with exceptional disability or medical condition be exempted from delocalization.
 - (iii) Family considerations
Notwithstanding the Commission's discretion to transfer teachers, family values need to be considered. When married teachers are transferred to different localities, the Commission subjects families to circumstances that will affect family. The Commission should therefore uphold and protect family values and ensure that teachers married to each other are not posted or deployed to different counties while undertaking delocalization for effective service delivery. Further the Commission should formulate supportive policies to protect separation of teachers married to non-teachers.
 - (vi) Elected teachers' officials be exempted
Elected officials of the Teachers' Unions, Teachers' financial institutions (SACCOs), Teachers' Heads Associations officials should be exempted from delocalization outside their areas of jurisdiction during their tenure in office as they represent teachers in the respective organisations. If such officials are transferred it destabilizes the teachers' union and organizations in the delivery of their mandates.
3. The Teachers Service Commission should assess deployment/transfer of teachers on case by case basis. In effecting transfers/deployment, the Commission should consider individual teacher's circumstances for example, hostile environment arising from factors such as insecurity, gender insensitivity and other forms of harassment.

4. Delocalization as a regulatory function of the Teachers Service Commission should aim at ensuring cohesion, national integration and harmony in the teaching service and be undertaken in a manner that does not demean the teachers.
5. The Government should ensure that security and housing for teachers are guaranteed in cases of transfers to regions away from their homes to enable them perform their duties effectively.
6. Transfer of teachers should be undertaken through a national consultative approach by involving the relevant stakeholders.
7. The Teachers Service Commission should strengthen the Commission's Reviews and Appeals Tribunal as provided for in Section 46 of the Teachers Service Commission Act to expeditiously hear and determine cases of teachers dissatisfied with the decision of the Commission to transfer them.

MINUTES OF THE 11TH SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH HELD ON THURSDAY 28TH FEBRUARY, 2019 IN CONTINENTAL HOUSE 5TH FLOOR, MAIN PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. Hon. Amos Kimunya EGH, MP - Vice Chairperson
2. Hon. Moses Injendi, MP
3. Hon. Geoffrey Odanga, MP
4. Hon. (Prof.) Zadoc Ogutu, MP
5. Hon. (Eng.) Nzambia Kithua, MP
6. Hon. Jackson Lekumontare, MP
7. Hon. Jerusha Momanyi, MP
8. Hon. Eric Muchangi, MP
9. Hon. Eve Obara MBS, MP
10. Hon. Lilian Tomitom, MP
11. Hon. Joseph Tonui, MP
12. Hon. Peter Lochakapong, MP
13. Hon. Oroo Oyioka, MP
14. Hon. Wilson Sossion, MP
15. Hon. Wilson Kogo, MP

ABSENT WITH APOLOGY

1. Hon. Julius Melly, MP - Chairperson
2. Hon. (Dr) Pamela Ochieng, MP
3. Hon. Catherine Wambilianga, MP
4. Hon. Omboko Milemba, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Mr. Eric Kanyi - Fiscal Analyst Officer III
4. Mr. Kibet Mutai - Audio Officer
5. Ms. Catherine Mukunyi - Serjeant at Arms

MIN.NO./EDUC/2019/049: PRELIMINARIES

The Chair called the meeting to order at 10:10 am thereafter followed by prayers.

The agenda of the meeting was adopted having been proposed and seconded by Hon. Jackson Lekumontare, MP and Hon. (Eng.) Nzambia Kithua, MP respectively.

MIN.NO. /EDUC/2019/050: CONFIRMATION OF MINUTES

Minutes of the 1st Sitting were confirmed as a true record of the proceedings having been proposed Hon. Moses Injendi, MP and seconded by Hon. Eric Muchangi, MP.

Minutes of the 2nd Sitting were confirmed as a true record of the proceedings having been proposed Hon. (Prof.) Zadoc Ogutu, MP and seconds by Hon. (Eng.) Nzambia Kithua, MP.

Minutes of the 3rd Sitting were confirmed as a true record of the proceedings having been proposed Hon. Jerusha Momanyi, MP and seconded by Hon. Eric Muchangi, MP.

Minutes of the 4th Sitting were confirmed as a true record of the proceedings having been proposed Hon. Peter Lochakapong, MP and seconded by Hon. Oroo Oyioka, MP.

Minutes of the 5th Sitting were confirmed as a true record of the proceedings having been proposed Hon. (Prof.) Zadoc Ogutu, MP and seconded by Hon. Peter Lochakapong, MP.

Minutes of the 6th Sitting were confirmed as a true record of the proceedings having been proposed Hon. Jerusha Momanyi, MP and seconded by Hon. Eric Muchangi, MP.

Minutes of the 7th Sitting were confirmed as a true record of the proceedings having been proposed Hon. (Eng.) Nzambia Kithua, MP and seconded by Hon. Jackson Lekumontare, MP.

Minutes of the 8th Sitting were confirmed as a true record of the proceedings having been proposed Hon. (Eng.) Nzambia Kithua, MP and seconded by Hon. Eric Muchangi, MP.

Minutes of the 9th Sitting were confirmed as a true record of the proceedings having been proposed Hon. Geoffrey Odanga, MP and seconded by Hon. Oroo Oyioka, MP.

Minutes of the 10th Sitting were confirmed as a true record of the proceedings having been proposed Hon. Eve Obara MBS, MP and seconded by Hon. Jerusha Momanyi, MP.

**MIN.NO./EDUC/2019/051:PETITION ON IMPLEMENTATION OF
DELOCALIZATION POLICY BY THE TEACHERS
SERVICE COMMISSION PRESENTED BY HON.
PATRICK MARIRU, MP LAIKIPIA WEST
CONSTITUENCY.**

The Committee was briefed of a Petition submitted to the Committee by on Implementation of Delocalization Policy by the Teachers Service Commission presented By Hon. Patrick Mariru, Member of Parliament for Laikipia West Constituency on behalf of teachers of Laikipia West Constituency.

The Committee observed that a similar petition presented by Mr. Julius K. Bore of Nandi County was considered by the Committee there before and report was tabled in the House.

The Members deliberated on the merits of the Petition by the Honourable Member and resolved to consider it pursuant to Articles 37 and 119 of the Constitution which mandates the Parliament to consider any matter within its authority and the National Assembly Standing Orders 219 and 220.

The Committee further resolved to expedite the consideration of the petition and invite the Petitioner on Thursday 7th March 2019 to prosecute his petition before the Committee. The Committee will thereafter invite the Teachers Service Commission, the Teachers Unions (KNUT and KUPPET), the Kenya Secondary Schools Heads Association and Kenya Primary Schools Heads Association.

MIN.NO./EDUC/2019/052: ANY OTHER BUSINESS

No other business arose.

MIN. NO./EDUC/2019/053: ADJOURNMENT

There being no other business the meeting was adjourned at 11.55 am. The next meeting will be held on Thursday 5th March, 2019.

Signed



Hon. Julius Melly, MP
(Chairman)

Date

28/4/2019

MINUTES OF THE 13TH SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH HELD ON THURSDAY 7TH MARCH, 2019 IN PROTECTION HOUSE 4TH FLOOR BOARDROOM PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
3. Hon. Geoffrey Odanga, MP
4. Hon. (Prof.) Zadoc Ogutu, MP
5. Hon. (Eng.) Nzambia Kithua, MP
6. Hon. Jerusha Momanyi, MP
7. Hon. Catherine Wambilianga, MP
8. Hon. Eve Obara MBS, MP
9. Hon. Jackson Lekumontare, MP
10. Hon. Eric Muchangi, MP
11. Hon. Joseph Tonui, MP
12. Hon. Peter Lochakapong, MP
13. Hon. Oroo Oyioka, MP
14. Hon. Wilson Sossion, MP
15. Hon. Wilson Kogo, MP

ABSENT WITH APOLOGY

1. Hon. Moses Injendi, MP
2. Hon. (Dr) Pamela Ochieng, MP
3. Hon. Lilian Tomitom, MP
4. Hon. Omboko Milemba, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Mr. Kibet Mutai - Audio Officer
4. Ms. Catherine Mukunyi - Serjeant at Arms

PETITIONER

Hon. Patrick Mariru, MP - Petitioner

MIN.NO. /EDUC/2019/060: PRELIMINARIES

The Chair called the meeting to order at 10:14 am thereafter followed by prayers.

The agenda of the meeting was adopted having been proposed and seconded by Hon. Geoffrey Odanga, MP and Hon. Jackson Lekumontare, MP respectively.

MIN.NO. /EDUC/2019/061: CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was deferred to the next sitting

MIN.NO./EDUC/2019/062: SUBMISSION BY THE PETITIONER HON. PATRICK MARIRU, MP

Hon. Patrick Mariru, MP presented the following petition to the Committee on behalf of teachers from Laikipia West Constituency:-

That Article 53 (1) of the Constitution of Kenya, Section 7 of the Children's Act and the United Nations Convention on Rights of the Child provides for the right to free and compulsory basic education for every child;

That Article 13 on the International Convention on Economic, Social and Cultural Rights recognizes the right to education and provides that education shall be directed towards the full development of every human being and shall strengthen the respect for human rights and fundamental freedoms;

That towards the realization of provisions of Article 53 (1) of the Constitution the Government has mandated the Teachers Service Commission with the responsibility of recruitment and deployment of teachers in the country.

That in November 2017, the Teachers Service Commission arbitrary introduced a policy on delocalization of teachers in public schools whereby teachers are transferred to institutions away from their home counties;

That in several instances the delocalization exercise has had major negative effects in welfare of teachers including separation and disintegration of their families.

That the implementation of the policy has led to among other demoralization of the teachers hence affecting their service delivery;

That the Teachers Service Commission implemented the policy without engagement of the stakeholders;

Concerned that the efforts to resolve the matter with the relevant government agencies have been futile; and

That the matter presented in this petition is not pending before any tribunal or court of law;

The petitioner prayed that the National Assembly through the Departmental Committee on Education and Research:-

- (i) Considers the mechanisms for the immediate resolution of the stalemate between the teachers and the Teachers Service Commission with regard to delocalization policy;**
- (ii) Ensures that the petitioners' plights are addressed;**
- (iii) Makes any other order or direction that it deem fit in the circumstances of the petition**

COMMITTEE OSERVATIONS

The Committee observed that:

1. Delocalization of teachers to and counties or regions outside their home counties would encourage cross cultural exchanges and national integration for national unity and while teaching staff combined with a support staff from the locality gives the institution a fairly tribal image.
2. Implementation of the delocalization policy by the Teachers Service Commission, ignored considerations that informed previous deployment and transfers by the employer such as issues of spousal proximity, age and health of some of the affected teachers.
3. Productivity and performance of teachers is motivated by the good spirit and intentions of their employer.

COMMITTEE RESOLUTIONS

On the petition, the Committee resolved as follows:

1. To expedite the consideration of the petition as it's a matter of concern to teachers
2. To invite the following stakeholders to give their views in regard to the petition:
 - a) Kenya Secondary Schools Heads Association
 - b) Kenya Primary Schools Heads Association
 - c) Teachers Unions (KNUT and KUPPET)
 - d) Teachers Service Commission

MIN.NO. /EDUC/2019/063: ANY OTHER BUSINESS

Sessional Paper No. 1 of 2019

The Committee was informed that Sessional Paper No. 1 of 2019 on a policy framework for Reforming Education and Training for Sustainable Development in Kenya was tabled in the House on 5th March, 2019 and will soon be slotted for debate in the House.

Members were asked to apprise themselves with the Sessional Paper and put forward suggestions for inclusion by the Ministry.

The Secretariat was tasked to analyze the paper and provide a feedback to the Members on Thursday 14th March, 2019.

Retreat to Draft Work Plan

Members were reminded that the Committee will undertake a retreat in Mombasa starting 7th March -10th March 2019 to consider draft work plan of its activities for the period January – June 2019. Further the Committee will be briefed on the Sessional Paper No. 1 of 2019 on a policy framework for Reforming Education and Training for Sustainable Development in Kenya.

Standing Apology

Hon. Eve Obara, MBS, MP gave a standing apology for the next 3 weeks as she will be attending an international conference on KEWOPA.

No other business arose.

MIN. NO./EDUC/2019/064: ADJOURNMENT

There being no other business the meeting was adjourned at 12.10 pm. The next meeting will be held on Friday 8th March, 2019.

Signed



Hon. Julius Melly, MP

(Chairman)

Date 29/4/2019

MINUTES OF THE 21ST SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH HELD ON THURSDAY 21ST MARCH, 2019 IN COMMITTEE BOARDROOM ON 2ND FLOOR PROTECTION HOUSE AT 10.00 AM

PRESENT

1. Hon. Moses Injendi, MP - **Session Chair**
2. Hon. (Prof.) Zadoc Ogutu, MP
3. Hon. Eric Muchangi, MP
4. Hon. (Eng.) Nzambia Kithua, MP
5. Hon. Catherine Wambilianga, MP
6. Hon. Jackson Lekumontare, MP
7. Hon. Jerusha Momanyi, MP
8. Hon. Joseph Tonui, MP
9. Hon. Peter Lochakapong, MP
10. Hon. Oroo Oyioka, MP
11. Hon. Omboko Milemba, MP
12. Hon. Wilson Sossion, MP
13. Hon. Wilson Kogo, MP

ABSENT WITH APOLOGY

1. Hon. Julius Melly, MP - **Chairperson**
2. Hon. Amos Kimunya EGH, MP - **Vice Chairperson**
3. Hon. (Dr) Pamela Ochieng, MP
4. Hon. Geoffrey Odanga, MP
5. Hon. Eve Obara MBS, MP
6. Hon. Lilian Tomitom, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Mr. Kibet Mutai - Audio Officer

KEPSHA

1. Mr. Nicholas Gathemia - National Chairperson
2. Mr. Johnson Nzioka - National Deputy Chairperson
3. Mr. Mavuta Davis - National Secretary
4. Mr. Otiende Josphat - National Treasurer
5. Mr. Philip Mitei - Deputy National Secretary
6. Mr/. Kennedy Kyeve - National Deputy Treasurer
7. Ms. Winfred Sola - National Women Representative
8. Ms. Phoebe A. Kittoi - Steering Member

KESSHA

1. Mr. Kahi Indimuli - National Chairperson
2. W. M. Kuria - National Secretary
3. Ms. Mary Agovwe - Marketing Officer

NATIONAL PARENTS ASSOCIATION

1. Mr. Nicholas Maiyo - National Chairperson
2. Ms. Sarah Kithinji - Vice Chair
3. Mr. Samuel Wanjema - NPA Chairperson Kiambu County
4. Pst. Patrick Lumumba - NPA Member
5. Mr. Kevin Neriko - Secretariat NPA

MIN.NO. /EDUC/2019/099: PRELIMINARIES

The Session Chair called the meeting to order at 10:12 am thereafter followed by prayers.

The agenda of the meeting was adopted having been proposed by Hon. (Prof.) Zadoc Ogutu, MP and seconded by Hon. MP and Hon. Joseph Tonui, MP respectively.

MIN.NO. /EDUC/2019/100: CONFIRMATION OF MINUTES

Confirmation of Minutes of the previous sitting was deferred to the next sitting.

MEETING WITH KEPSHA

MIN.NO. /EDUC/2019/101: SUBMISSION BY KENYA PRIMARY SCHOOLS HEADS ASSOCIATION (KEPSHA) ON COMPUTENCY BASED CURRICULUM, DIGITAL LITERACY PROGRAMME, GOVERNMENT CAPITATION TO PRIMARY SCHOOLS, TEXTBOOKS SUPPLY POLICY AND PETITION ON DELOCALIZATION

Kenya Primary Schools Headteachers Association (KEPSHA) is a professional body with a membership of over 23,000 public primary schools drawn from across the country.

KEPSHA derives its mandate from its registration by registrar of companies and societies vide certificate number 23210/ 2003. It also draws its mandate from the various circulars and guidelines issued from time to time by the ministry of education all other agencies regulating education and other sectors where KEPSHA is involved.

Kepsha's vision is to be the leading professional Association in empowering its members to nurture and promote education standards in primary schools in East and Central Africa by ensuring individual learners exploit their God given talents.

Its mission is to promote professionalism among head teachers, leading to good management practices and effective implementation of curriculum for success in primary school education in East and Central Africa.

Kepsha's motto is Effective Management for Conducive Learning

1. KEPSHA VIEWS ON IMPLEMENTATION OF COMPETENCY BASED CURRICULUM,

Teachers Preparedness

Current Status - Teachers were trained

Gaps/Challenges- Only two teachers were trained per school and the training was inadequate. As only two sessions were conducted.

Proposals - All teachers should be effectively trained.

Competency Based Curriculum

Current Status -Teachers were trained

The gaps/challenges are:

- (i) Training only targeted lower primary school teachers.
- (i) Most of those who were trained are existing through natural attrition
- (ii) All teachers should be effectively trained.
- (iii) Training should be continuous. Teachers were trained only for 2 days. Most of the teachers trained were elderly female teachers who have been traditionally assigned to teach lower classes due their motherly nature to take care of the young learners in lower classes. A number of the trained elderly teachers have since exited the service through natural attrition (death and retirement).
- (iv) Enhance trainings in Teachers Training Colleges to incorporate Competency Based Curriculum in their programme as the teachers currently graduating from the Teacher Training Colleges are not trained to teach CBC, and
- (v) Establish sub county CBC Resource Centres for continuous training

Monitoring and Assessment

(i) Currently there is low level of monitoring and assessment going on.

Challenges: Continuous assessment of individual pupils is difficult

Might encourage remote assessment in cases of classes with large enrolment e.g. 60 -100.

Proposals:

- (i) Build capacity of teachers.
- (ii) Improve teacher/pupil ratio.

- (iii) Put up enough classrooms
- (iv) The maximum number of pupils per class should be 30-35.

Piloting - Success said to be at 56% quality rate according to KICD which is 6 points above the global standards.

Committee observed that:

- (i) Kepsha has not done its own research on the success rate of Implementation of CBC.
- (ii) The pilot schools were favorably selected and comprised of schools with best infrastructural facilities in each category; rural, urban, Special Needs Education.
- (iii) Schools with challenges were overlooked.
- (iv) Piloting was not spread to include schools with challenges in every county

Proposal

Government of Kenya to put up the required infrastructure to facilitate effective implementation of CBC.

Implementation of the CBC is faced with the following challenges

- (i) Large enrolment with few classrooms
- (ii) Lack of electricity
- (iii) Inadequate resources

Recommendations

1. That Government of Kenya to put up infrastructure in schools, recruits more teachers and supply electricity those schools with no electricity connectivity for successful implementation of CBC.
2. The Ministry of Education should conduct comprehensive training of teachers to implement CBC.

2. DIGITAL LITERACY PROGRAMMES

Phase I of the Digital Literacy Programmes (One Laptop per Child Project)

a) **Training-** was conducted

Gaps/Challenges

- (i) Training was done once, the training was therefore inadequate
- (ii) Only two teachers were trained per school in class one and two.
- (iii) Training on the tablets is minimal in Teachers Training Colleges and it is NOT compulsory.

Proposals

- (i) Establish zonal training resource centres for refresher courses.
- (ii) DLP to be part of training in Teachers Training Colleges.

b) Content Gaps/Challenges

- (i) Competency Based Curriculum for grade 1,2 and 3 are missing.
- (ii) No devices/programmes for upper primary classes.
- (iii) Content is shallow
- (iv) Classes 4,5,6,7,8 were left out of the programme
- (v) Sync content with CBC

Proposal - KICD to produce e-books and online content that can be accessed by all schools.

Phase II of the Digital Literacy Programmes (Laboratory –based)

a) Content-

- (i) Content available in the devices is for is for 8-4-4 system Competency Based Curriculum for grade 1,2 and 3 are missing.
- (ii) No devices/programmes for upper primary classes.
- (iii) Content is shallow
- (iv) Classes 4,5,6,7,8 were left out of the programme

Challenges:

- (i) Training was done once.
- (iv) Lack of infrastructure
- (v) Only two teachers were trained per school in class one and two.
- (vi) Training on the tablets is minimal in Teachers Training Colleges and it is NOT compulsory.
- (vii) Consider computer labs
- (viii) Employ ICT experts in all school

Proposal:-

- (i) Establish zonal training resource centres for refresher courses.
- (ii) DLP to be part of training in Teachers Training Colleges.
- (iii) Consider computer labs
- (iv) Employ ICT experts in all school.

Committee Observations:

The Committee observed that:

1. **Lack of qualified teachers to teach ICT in schools:** The teachers have not been adequately trained through in service training to teach ICT in schools. Further teachers graduating from

Teacher Training Colleges are not trained on digital literacy programs hence teachers are not fully competent to handle DLP lessons in class whose aim was to entrench ICT in the teaching and learning process and management of education in primary schools.

2. **Lack of Electricity:** Electricity in a number of schools has been disconnected due to outstanding electricity bills which has hampered the use DLP devices as they can only be operated with power.
3. **Lack of internet or slow connectivity;** most schools do not have Internet access, due to the high costs involved in the connectivity.
4. **Inadequate devices:** Tablets for DLP Phase I were supplied to schools from the onset of the program in 2017 to class I pupils and not to the other classes. When the pupils transited to class II, they left the devices for use by the succeeding class.
5. **Broken down computers;** while most schools have benefited from the tablets, they have not been adequately equipped with the same on maintenance and repair.

3. TEXTBOOKS SUPPLY POLICY

On the textbooks supplied by the Government, the Associations presented as follows:

Current status: Eng/Kisw/Mathematics for classes 1,2,3 has been supplied.

Mathematics, English, Kiswahili and Science for STD 7 & 8 have been also been supplied.

Gaps and Challenges:

- (i) KEPSHA was never involved in the whole process
- (ii) RE/Environmental/Hygiene books are not yet supplied for grade 1-3.
- (iii) Class 4,5,6 no books supplied to date.
- (iv) Class 7 & 8 social studies and RE books not yet supplied.
- (v) SNE only TUSOME version were supplied.
- (vi) There are cases of over and under supply.

Proposal by Kepsha: Revert to the former text book policy where SMSC purchased the books.

Committee Observations

1. **The Ministry distributes textbooks for schools upto to the Sub-county level where headteachers are required to collect for their respective schools, however no provision of expenditure has been provided for the collection of the books at the sub-county level to schools.**
2. **Classes 4, 5 and 7 textbooks for all subjects were yet to be supplied to schools as at March 2019.**

3. The Ministry relied on 2018 class enrolment data to supply textbooks to schools which created disparities of oversupply and undersupply in some cases as the current enrolments are different.
4. In 2017/18 financial year Schools had not received textbooks despite the Ministry retaining capitation vote head on textbooks.

Committee Recommendations

The Committee resolved to inquire from the Ministry of Education why textbooks were not supplied to Schools in 2017/18 financial year whereas it retained the money meant for purchase of textbooks by schools.

5. PETITION ON IMPLEMENTATION OF DELOCALIZATION OF TEACHERS BY TEACHERS SERVICE COMMISSION

Delocalisation is a transfer from institution to another. It has the following negative effects to the teacher:

- (i) Separating families
- (ii) Affecting the sick
- (iii) Affecting the elderly
- (i) Demotivating

Delocalisation should be replaced with the term transfer and should be done in a manner with humane face.

Teachers above 55 years of age, special needs, the sick and couples should be exempted

Kepsha also put forward the following proposals to the Committee

- (i) All new schools in zones where school feeding programmes are provided should automatically benefit from the same programme.
- (ii) All new schools in zones which are gazetted as hardship areas should automatically benefit from the same.
- (iii) Junior secondary, under the CBC, should be under Primary School.

CONCLUSION

The Country has continued to make great strides in the education of Kenyans.

- (i) KEPSHA prayed that policies that are introduced from time to time be used to help move forward and build on the gains made instead of renegeing on the same.
- (ii) The implementation of the CBC and other interventions be progressive for the benefit of all.

4. GOVERNMENT CAPITATION TO PRIMARY SCHOOLS FREE PRIMARY EDUCATION OPERATIONAL COSTS

S/N	Vote Head	Allocation (Kshs)	Total yearly (Kshs) per 400 pupils	Actual Expenditure by a School with 400 Pupils	Additional Required (KSHs)
1.	Support staff wages (SSW)	180	72 000	Each school has at least on average 2 guards, 1 caretaker, 1 secretary and 1 toilet leaner each earning an average of Kshs. 15,000/- by the basic minimum wage requirements. Total: Kshs. 900 000/- per year	828 000
2.	RMI	100	40 000	Average expenditure on electricity repairs, broken taps and plumbing, unblocking of toilets, replacement of broken panes & repair of furniture is Kshs. 200, 000/- per term. Total Kshs. 600 000/- per year.	560 000
3.	LT&T	42	16 800	Termly curriculum coordination meetings: Senior teacher 5 @ Kshs. 1,000/-; Subject teachers at an average of 1 termly @ Kshs 500 each; Head teachers; 5 meetings termly @ Kshs. 1500/- Total: Kshs. 46 500/-	29 700
4.	Electricity, Water and Conservancy	60	24 000	Average cost of electricity is Kshs. 20, 000/- per month totaling to Kshs. 240 000/- per year	216 000
5.	Activity	74	29 600	Co- curricular activities (Drama, music, athletics, ball games, children government, debates, public speaking): An activity (eg drama) is costed thus: costumes and props- Kshs. 80,000/-; transport- Kshs. 40,000/- ; meals- Kshs. 20 000/- Total Kshs. 140 000/- at one level only (Total No. of pupils involved 120). Total cost Kshs. 600 000/-	570 400
6.	Telephone/ Box Rental/ Postage	10	4 000	Rental box Kshs. 6900/- per year. Telephone monthly Kshs. 4 000/-. Others 4 000 per year. Total: Kshs. 58 900/-	54 900
7.	Environment and Sanitation	50	2000	Environmental maintenance activities for schools I urban settings entail the following termly: Clearing the fields- Kshs. 30 000/-; Detergents & disinfectants: Kshs. 56,000/-; Disposal bins: Kshs. 5,700/-; Beautification: Kshs. 5 000/-. Total: Kshs. 440 100/-	420 100
8.	Capacity	90	36 000	School- based capacity development activities	1 000

	Building & meetings (BoM)			generate the following charges termly: Teas & meals Kshs. 4,000/- per sitting; Transport for the members @ Kshs. 500/- per member; Seminars @ Kshs. 10 000/- per year; Total: Kshs. 37 000/-	
9.	Contingencies e.g. sanitary towels	15	6 000	Emergencies: Kshs. 10 000/- termly 3= Kshs. 30 000/-; First Aid Box: Kshs. 7 800/- termly x 3= Kshs. 23 400/- ;Sanitary towels @ Kshs. 45/- x 150 x 3= Kshs. 20 250/-; Total: 73 650	67 650
10.	Science & applied technology	20	8 000	Science exhibitions @ Kshs. 20 000/-; General educational visits @ Kshs. 100000/- Total: Kshs. 120,000/-	102 000
11.	ICT infrastructure materials	14	5 600	Switches 48 pots @ Kshs. 38 000/- Cabling UTP (cat 6) @ Kshs. 9 000/- x 2 = Kshs. 18 000/-; Router @ Kshs. 7,000/-; RJ 45 @ Kshs. 1,500/- per carton; Internet services @ Kshs. 5 000/- per month = Kshs. 60, 000/-; Antivirus: Total: Kshs. 124 500/-	118 900
	TOTAL	655	262000		2,968 650

This translates to Kshs. 2 968 650/400 (+655) with each child in our schools requiring **Kshs. 8 077/-** to manage effectively.

The Committee observed that:

1. Primary schools receive a capitation of Kshs. 625 only per child instead of the Kshs. 1,420 allocated to every child. The balance of the money is retained by the Ministry to cater for expenses such as textbooks, health insurance etc
2. Headteachers are required by the Ministry to acknowledge receipt of the total capitation of Kshs. 1,470 by issuing official receipts to the learners.

Committee Recommendations

- (i) Headteachers should only acknowledge and account for the monies deposited in the school account and not the full amount of capitation
- (ii) The capitation of Kshs. 625 disbursed to primary schools is too low to run schools optimally and should be enhanced.

MEETING WITH KESSHA

MIN.NO. /EDUC/2019/102: SUBMISSION BY KESSHA ON 100% TRANSITION POLICY, SCHOOL INFRASTRUCTURAL GAPS, GOVERNMENT CAPITATION TO SECONDARY SCHOOLS, TEXTBOOKS SUPPLY POLICY AND PETITION ON DELOCALIZATION

Kenya Secondary Schools Heads Association (KESSHA) is a non-partisan and non-political professional organization established in 1962 to represent and advance the interests of its members in national education policy formulation and implementation. It is registered with the office of registrar of societies in Kenya and its national secretariat office is based in Nairobi. The Association draws members from public and private secondary schools.

KESSHA is represented in several boards and committees of National institutions for example Kenya Education Management Institute, Kenya Institute of Curriculum Development, National Authority for the Campaign against Alcohol and Drug Abuse among others.

Globally, KESSHA is a member of Africa Convention of Principals (ACP) as well as the International Confederation of Principals (ICP). Currently KESSHA National Chairman is the President of ACP whose Secretariat is in Kenya.

Objectives of KESSHA

1. Promote the rights and responsibilities of Principals, their professional organizations and the material and ethical interests of the education profession.
2. Foster school curricula, which encourage international understanding, goodwill, respect for human rights and dignity across all races and cultures.
3. Promote and encourage equal opportunities for all young persons to develop to their fullest potential in achieving a respectable and productive quality of life.
4. Establish sound, co-operative liaison with the Ministry of Education, Teachers Service Commission (TSC), Kenya National Union of Teachers (KNUT), Kenya Union of Post Primary Education Teachers (KUPPET), including other professional bodies within and without the country, as well as with employers interested in recruiting the services of the students leaving schools.
5. Formulate and publicize agreed policies concerning administrative and educational problems with which heads of schools may from time to time be concern.
6. Participate in making education policies in liaison with the Ministry of Education and Teachers Service Commission.

On the issues raised by the Committee KESSHA submitted as follows:-

1. 100% TRANSITION POLICY

In the year 2019 the government moved to achieve a 100% transition from primary to secondary schools. This is in line with the government policy of free and compulsory basic education for all the children in the country.

Education being a major investment for personal development, the growth of a country and equitable society demands that every citizen be accorded a fair opportunity to acquire the same. It is therefore understandable that the government has moved strongly to put measures that would ensure that every Kenyan child goes to school.

The doors for secondary schools have been opened for all learners in primary schools regardless of their performance at that level since secondary education is now considered as basic to every individual and indeed almost all forms of gainful employment have little consideration if any for primary school leavers.

This noble cause has been faced with numerous challenges which have threatened its effective implementation. It requires the government to marshal support from the citizenry through effective public participation to address the shortcomings which include;

(a) Congestion in schools

The Ministry of education has reported that the national transition to secondary schools heads at 91.5% this year. This is commendable compared with the other year where transition stood between 60-70%.

This has created congestion in classrooms, dormitories, halls, laboratories, school fields, washrooms etc. This threatens to lower the quality of learning as the environment is not conducive enough. Makeshift houses made of tents have been converted into classrooms, staffrooms, dining halls etc. sanitation facilities are inadequate and these among others have created a major health risk.

(b) Inadequate teachers

The staff shortage in secondary schools is an issue that has been with there for quite some time now. The Teachers Service Commission has reported a shortage of over 80,000 teachers. This situation has now been worsened by the 100% transition. All schools in this county have teachers deployed by the Boards of Management and in most cases not less than five and sometimes not less than ten in big schools.

Majority of these teachers are very poorly paid bringing the morale in the schools to its lowest as they usually win the sympathy and support of their colleagues under the TSC. This dissatisfaction among the staff can be a factor in the student discontent as dissatisfied staff may project to the learners.

(c) High Operational costs

The high number of students streaming into school has made the operation costs in school to shoot up. Water bills have gone up remarkably and this has inadvertently increased the sewerage charges and exhauster services. Electricity costs have equally gone up especially for schools which use electricity to pump water. Lighting points have also increased in the various makeshift rooms further escalating the electricity costs

KESSHA proposed:

1. **That government considers putting schools on a special electricity and water tariffs in order to cut costs.**

2. **More teachers be recruited and deployed by TSC to alleviate the shortage as a result of the 100% transition.**

2. SCHOOL INFRASTRUCTURAL GAPS

The 100% transition policy has led to influx of students in secondary schools across the country. The school facilities which are already congested are now over-congested. A majority of schools have now improvised makeshift classrooms in tents or under the trees. Dining halls have also been converted into dormitories and students take their meals in tents or in the open air. Triple decker beds have also been introduced in dormitories to cater for the big numbers which is basically dangerous for students in top most beds.

Asbestos roofing is a health hazard but schools have been unable to remove them due to financial constraints. This has left the students and the entire school community greatly exposed.

With all these challenges, the government stopped parents from contributing to infrastructural development. The Ministry's effort to fund infrastructure in schools has not borne much fruits as only a few schools benefitted leaving out the majority.

It is very disheartening that in some sub-county schools students are completely lacking in basic facilities for learning like classrooms, laboratories, toilets etc. The basic amenities in schools such as toilets and bathrooms are extremely overstretched such that students are relieving themselves in the bushes. Currently majority of schools are operating illegally as they are not within their registration capacity.

Committee Observations

- (i) The 100% transition has overstretched physical facilities in secondary schools such as classrooms, dormitories, halls, laboratories, school fields, washrooms and teachers an eventuality schools were not prepared for.
- (ii) A number of learners transiting to secondary schools as a result of the 100% transition are slow learners and may not cope up with learning in secondary schools. Such learners would rather be admitted to vocational institutions/village polytechnics to pursue vocational training and education.
- (iii) A number of students forced to transit to secondary schools may drop out of school due to lack of interest or through indiscipline on the part of the disinterested students.
- (iv) The policy on 100% transition should have been well afore planned to by putting up adequate facilities in secondary schools and avoid pushing all the learners including those with no interest or ability to pursue secondary education to secondary schools. Alternative educational pathways should have also been provided for such learners.

- (v) Intern teachers be engaged to address the acute teacher shortage occasioned by the policy of 100% transition with a view of engaging them on permanent and pensionable terms as prolonged internship may bring discontentment among the interns and discrimination by other teachers.

Committee Recommendation

The Committee resolved to engage the Ministry further on the best strategies of implementing the 100% transition so as not to compromise quality education, learners' safety in schools and schools' infrastructure standards.

3. GOVERNMENT CAPITATION TO SECONDARY SCHOOLS

The government allocates each student a capitation of Kshs.22, 224 per year. This allocation is inadequate to cater for the tuition of the student in a secondary school per year and the Kenya Secondary Schools Heads Association had made proposals to the Ministry of education detailing what each votehead caters for and the proposed charges. The proposal contained a number of recommendations and intervention measures that can be taken to ease the financial challenges in schools.

One of the most pressing financial challenge in schools is the creation of maintenance and improvement votehead that was allocated Kshs. 6, 000 per student for infrastructural development. This is a votehead that was created without funding as money was reduced from operational voteheads such as personal emolument, administration, electricity, water and conservancy and local transport and travel while at the same time removing the repair component. This has completely crippled schools as they cannot be able to operate without defiance.

KESSHA proposed the following:-

- (i) That Kshs. 6,000 meant for infrastructure be allocated to schools over and above the Kshs. 22, 224 capitation.
- (ii) The circular compelling schools to use Kshs.6, 000 from operational account for infrastructure development to be revoked so that schools are not seen to be defiant.
- (iii) MOE stops the deduction and recoveries it is making from FDSE capitation.
- (iv) The Kshs.22, 224 per student per year as already indicated elsewhere is not sufficient to keep the student in school and making recoveries from the same is only making worse of a bad situation. The entire amount of Kshs. 22,224 should be deposited to the school account for the Board of Management to manage and MOE to audit.

Committee Observations

- (i) In the year 2018 schools received capitation of only Kshs. 16, 676 of the Kshs. 22,224 per child after recoveries were made by the Ministry of Education for textbooks, co-curricular activities and other expenses. In the year 2019 schools were directed to set aside a further Kshs. 6, 000 from Kshs. 16, 676 for Repair, Maintenance and Improvement.
- (ii) The Ministry of Education requires headteachers to account for the full amount of capitation of Kshs. 22, 224 despite receiving only Kshs. 16, 676.
- (iii) Illegal levies:- ue to inadequate funding from the Ministry schools are charging illegal levies to parents to support running of schools to cater for expenses lunch program, salaries for BOM teachers etc. The amount of the levies charged vary from school to school.
- (iv) Disbursement of Infrastructural funds:- the Ministry of Education lacks clear policy on allocation of the funds and has been erratic in allocation. Some schools receive upwards of Kshs. 50 million whereas the needy ones receive nothing.
- (v) Day schools:- There is no clear policy/guidelines on establishment of day schools. Some schools originally established as day schools are being converted to boarding schools defeating the reason why they were established.
- (vi) Some schools had not received capitation for Term I 2019 as at 21st March, 2019 less than two weeks before the end of Term I.

Committee Recommendations

The Committee recommended as follows:

- (i) That the Kshs. 6,000 per student meant for Repairs and Maintenance to be disbursed to secondary schools should be provided over and above the Kshs. 22,224 capitation to support expansion of infrastructure in schools as a result of the 100% transition.
- (ii) The Ministry of Education should develop a clear policy on allocation of infrastructure funds to schools to address the very needy schools with the view of promoting equity and equality.
- (iii) The Ministry of Education formulate a policy for the establishment of day schools and conversion of the same to boarding schools.
- (iv) Principals and Headteachers to only acknowledge and accounts for the amount of money credited in the schools accounts.
- (v) The Ministry of Education should all the time disburse capitation to schools timeously at the beginning of every school term.

4. TEXT BOOK POLICY

The government policy on the supply of text books is appreciated as this has ensured that all students in school have a textbook in a given subject. Despite that, some schools are yet to

receive books meant for last year in certain subjects. Initially KESSHA was not involved in this decision but subsequently we have had discussions on the textbook supply policy.

The initial understanding was that the books would be supplied in 2018 only to ensure that all schools have a ratio of 1:1. The policy did not take into consideration schools that had already attained this ratio leading to such schools having excess books.

After the 2018 supply most schools attained this ratio. In KESSHA's December 2018 discussions with the Ministry of Education the Association was informed that the procurement procedures had already been completed for the supply of the books for 2019. It is this supply that led to the allegation of oversupply of books in schools since the policy requires that each student carries this textbook to the next class which was contrary to the initial schools textbook policies where students surrender the book after every class.

The challenges with the Policy include;

- (i) **Erroneous supply of books** – In some schools textbooks were delivered more than the number of students, some more than double while in other schools some subjects were not supplied with textbooks completely.
- (ii) **Storage of the books by students** – The student's lockers cannot manage to hold the entire load of textbooks for four years.
- (iii) The policy is not clear on who caters for the loss of the books either at the end of **the 4years** or at the end of every year.
- (iv) It is not also clear on who should cater for the costs of the maintenance of the books i.e. covering, binding.

KESSHA proposed that:-

- (i) From the year 2020 textbooks should not be supplied to schools because it is expected that books should have a shelf life of not less than 4years. This was discussed in a meeting between KESSHA and the Ministry of Education in December 2018.
- (ii) Henceforth funds should be allocated to schools to cater for other tuition needs like equipping laboratories purchase of computers and other ICT related equipment, 8 improvement of the technical subjects e.g. wood technology, power mechanics, aviation, purchase of tuition related stationaries etc.

Committee observations

The Committee observed that:

- (i) Some schools are yet to receive books meant for 2018 in certain subjects yet money for text books was retained by the Ministry,
- (ii) There was erroneous supply of textbooks as the number of textbooks did not match with classes enrolment,

- (iii) Schools are faced with problem of storage of textbooks. Further the suggestion that a student keeps all textbooks for all the subject throughout schooling period is not advisable due to risks of losing the books, lack of proper care and storage.
- (iv) The textbook policy is not clear on who caters for maintenance to the textbooks, covering the books, who meet the costs when a book gets lost.

Committee Recommendations

The Committee recommended that:

- (i) Textbooks should be stored in school libraries or bookstores for longer life span
- (ii) The Ministry to urgently supply textbooks to schools that have not received.

5. PETITION ON IMPLEMENTATION OF DELOCALISATION POLICY BY THE TEACHERS SERVICE COMMISSION

The Collective Bargaining Agreement between Teachers Service Commission separately with the Kenya National Union of Teachers and Kenya Union of Post Primary Education under Article 4, recognizes the Code of Regulations and Code of conduct and ethics of Teachers as an integral part of the CBA.

Article 70(8) of the Code of regulations for teachers (2015) notes that in undertaking deployment the Commission shall endeavor to delocalize the administration of public educational institution. In view of the above KESSHA wishes to make the following proposals;

- (i) Every decision and action taken should ensure there is cohesion and harmony and it promotes professionalism in the teaching service.
- (ii) The term delocalization should be expunged and replaced by transfers in all TSC documents.

In undertaking this process TSC should put into consideration the following;

- (i) Medical condition of the teacher or the spouse,
- (ii) The age of the teacher. Those in advanced ages should work closer home as they reintegrate with the local community,
- (iii) Care should be taken not to completely separate a couple living together in their matrimonial home leaving their children alone,
- (iv) Teachers Service Commission to set a desk to receive appeals on transfer cases and act on them promptly,
- (v) Teachers Service Commission to consider elected Officials as much as possible to avoid constant by-elections which are expensive and usually divert attention from the normal teaching duties of a teacher,

- (vi) Should teachers be required to enhance national integration, it is important it is done at the time of first appointment when they are young and fresh graduates eager to learn and experience,
- (vii) Government should ensure that security and housing for teachers is guaranteed in cases of transfers to regions away from their homes. Unlike other civil servants, teachers take care of children. Therefore when they are disoriented and made uncomfortable, they may not be in the proper state of mind to mentor and take care of the young ones no wonder the adage “Teaching is a noble profession”

Kessha proposed that TSC expunges the word delocalization and replace it with transfer as delocalization seems to be derogatory.

On CBC

Kessha informed the Committee that they are yet to interact with curriculum designs.

The Association proposed that development of curriculum designs for secondary schools be completed in time to allow teachers identify gaps that require interventions, infrastructural and resources needs before roll out in secondary schools.

Committee Resolution

The Committee directed the Kessha officials to submit list of schools that have not receive textbooks and capitation within a week.

MEETING WITH NATIONAL PARENTS ASSOCIATION

MIN.NO. /EDUC/2019/103: SUBMISSION BY THE NATIONAL PARENTS ASSOCIATION ON MERITS AND DEMERITS OF IMPLEMENTATION OF DELOCALISATION POLICY BY TSC

The Chair National Parents Association informed the Committee as follows:

Merits of Delocalisation of Teachers

1. Delocalization creates an atmosphere of serious in learning institutions
2. Encourages national wide distribution of skills and talents
3. Promotion of social integration and better inter-ethnic relations;
4. Promotes competitiveness/meritocracy in teaching profession
5. Fostering national Unity and patriotism
6. Conforming with the public service values, principles and standards as provided for in Article 232 of the Constitution of Kenya;

DEMERITS OF DELOCALISATION POLICY/CONSEQUENCIES OF IMPLEMENTATION OF THE POLICY

1. Difficulty in in socio-cultural integration among many staff;
2. Undermining the authority of the new teaching staff where they are not welcomed;
3. Non-attendance to the medical backgrounds for the transferred teachers. The Ministry does not proper accommodation for all teachers in all schools. They find it hard to settle down once they are transferred to new schools,
4. Disruption of ongoing programs in schools where the transferred teacher was the only technical resource in the particular school,
5. Mismatch of skills. Teachers hold different skills in schools and delocalization may land a teacher in a school where there is abundance of his or her skills yet there would be shortage elsewhere,
6. Separation of families and other accompanying problems. The transferred teachers leave behind their families to go and work in different areas and this constrains the family set-up as one of the parent is not present at home. Children suffer the most as they grow up without the constant care of both parents.
7. School unrest: some affected teachers are not received well in their new working stations by students and other staff in the schools which may lead to unrest in the schools.

SUGGESTIONS ON THE BEST APPROACH TO IMPLEMENT THE POLICY

1. Involving parents and the community at large through the national parents association. Empower the NPA to sensitize parents and learners on the need and benefits of delocalization; and that it is actually meant to benefit them.
2. TSC should ensure that affected teachers are given special allowance for easy settlement into their new stations;
3. TSC should offer transition training for the affected teachers. Such teachers are unfamiliar with the area/schools they are transferred to hence training will prepare them psychologically for the new environment
4. The security of the affected teachers should be enhanced in arid and semi-arid areas where they may be prone to threats and attacks
5. TSC should ensure that teachers do not work in one school for inordinately long time;
6. The Ministry of Education should provide proper and sufficient housing in the vicinity of the schools for teachers.
7. TSC should take family considerations into account

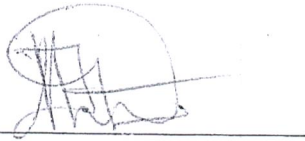
MIN.NO. /EDUC/2019/104: ANY OTHER BUSINES

No other business arose.

MIN. NO./EDUC/2019/105: ADJOURNMENT

There being no other business the meeting was adjourned at 1.15 pm. The next meeting will be held on Tuesday 26th March, 2019.

Signed

A handwritten signature in black ink, appearing to be 'Julius Melly', written over a horizontal line.

Hon. Julius Melly, MP
(Chairman)

Date

29/4/2019

MINUTES OF THE 22ND SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH HELD ON TUESDAY 26TH MARCH, 2019 IN COMMITTEE BOARDROOM ON 2ND FLOOR PROTECTION HOUSE AT 10.00 AM

PRESENT

1. Hon. Julius Melly, MP - **Chairperson**
2. Hon. Moses Injendi, MP
3. Hon. (Dr) Pamela Ochieng, MP
4. Hon. (Prof.) Zadoc Ogutu, MP
5. Hon. Eric Muchangi, MP
6. Hon. (Eng.) Nzambia Kithua, MP
7. Hon. Eve Obara MBS, MP
8. Hon. Catherine Wambilianga, MP
9. Hon. Joseph Tonui, MP
10. Hon. Jerusha Momanyi, MP
11. Hon. Peter Lochakapong, MP
12. Hon. Oroo Oyioka, MP
13. Hon. Omboko Milemba, MP
14. Hon. Wilson Sossion, MP
15. Hon. Wilson Kogo, MP

ABSENT WITH APOLOGY

1. Hon. Amos Kimunya EGH, MP - **Vice Chairperson**
2. Hon. Geoffrey Odanga, MP
3. Hon. Jackson Lekumontare, MP
4. Hon. Lilian Tomitom, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Mr. Kibet Mutai - Audio Officer
4. Ms. Catherine Mukunyi - Serjeant at Arms

KENYA NATIONAL UNION OF TEACHERS (KNUT)

1. Mr. Wycliffe Omuchei - National Chairperson
2. Mr. Ali Abdi Hussein - Assistant National Treasurer
3. Mr. Clement Omollo - Assistant Secretary General

KENYA UNION OF POST PRIMARY EDUCATION TEACHERS (KUPPET)

1. Mr. Julius Korir - National Vice Chairperson
2. Mr. Akello Misori - Secretary General
3. Mr. Paul Maingi - National Organising Secretary
4. Mr. Sammy Chelanga - National Secretary – Tertiary
5. Mr. Edward Obwocha - National Secretary – Secondary
6. Mr. Mwethi Njenga - National Treasurer

MIN.NO. /EDUC/2019/106: PRELIMINARIES

The Session Chair called the meeting to order at 10:18 am thereafter followed by prayers. The agenda of the meeting was adopted having been proposed by Hon. Oroo Oyioka, MP and seconded by Hon. MP and Hon. Moses Injendi, MP respectively.

DECLARATION OF INTEREST (S.0 90)

Pursuant to Standing Order No. 90 Hon. Wilson Sossion, MP, being the Secretary General of Kenya National Union of declared personal interests in the matter before the Committee.

Hon. Omboko Milemba, MP and Hon. Catherine Wambilianga, MP also declared their interests in the matter being officials of KUPPET

MIN.NO. /EDUC/2019/107: CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was next deferred to the next meeting

KENYA NATIONAL UNION OF TEACHERS (KNUT) AND KENYA UNION OF POST PRIMARY EDUCATION TEACHERS (KUPPET) APPEARED BEFORE THE COMMITTEE SEPARATELY TO PRESENT THEIR VIEWS REGARDING THE PETITION ON DELOCALIZATION POLICY BY THE TEACHERS' SERVICE COMMISSION

MIN.NO. /EDUC/2019/108: SUBMISSION BY KNUT ON THE PETITION ON IMPLEMENTATION OF DELOCALIZATION POLICY BY TEACHERS SERVICE COMMISSION BY KENYA NATIONAL UNION OF TEACHERS (KNUT)

TEACHER DELOCALIZATION

KNUT officials informed the Committee as follows:

Teachers Service Commission (TSC) developed **Teacher Delocalization Policy** in 2017 and rolled-out in January 2018 where Principals and Head teachers were posted outside their home counties.

Delocalization Programme was to cascade to deputy head teachers, deputy principals, senior teachers and classroom teachers. The Policy was purportedly developed to address cases of conflict of interest that may arise as a result of working in a particular station (school) for long, foster cohesion among Kenyan tribes and enhance national unity and integration.

Since the implementation of the Policy in January 2018 thousands of teachers, head teachers and deputy heads have been moved out of their stations to far away counties, even without any considerations, disrupting education programmes, and disastrously affecting teachers hence undignifying the teaching profession.

The programme has negatively affected families against the dictates of **Article 45 of the Constitution** that recognizes family as a natural and fundamental unit of society and the

necessary basis of social order. The Constitution obligates the State and its organs to recognize and protect this unit.

How Delocalization Policy was developed

Delocalization Policy was developed by TSC without the consultation of KNUT which is contrary to principles of constitutional principles of public participation and Fair Administration Action Act. While developing the Policy, the Commission contravened Section 2.1 of the Collective Bargaining Agreement (CBA) signed between the Commission and KNUT on October 25th, 2016, where the primary objective of the CBA is to ensure that both parties (TSC and KNUT) work harmoniously in setting in place the terms and conditions of service for teachers for the purpose of improving teaching standards and performance in the teaching service. Acting in violation of the law makes the Policy illegal in nature and therefore offensive to teachers.

Demerits of Delocalization Policy

There is no convincing argument that KNUT can offer on the merits of the programme. The key proponents of learning process are teachers, as such their freedoms and levels of interaction, safety and respect should be equally guaranteed within the physical and emotive environment they find themselves in. A teacher who feels disrespected, mistreated OR bullied through punitive policies like delocalization easily get frustrated and are likely to deliver dismally. Teachers are entitled to their rights and privileges as enshrined in the UNESCO and ILO conventions. Teachers should therefore feel respected, trusted, accepted, treated humanely and more importantly feel safe in the teaching/learning environment.

Delocalization Intimidates Teachers: Teachers should not be intimidated, despised or even forced to work in an environment (locality) they are not prepared to. Instead, teachers should be respected, accommodated, treated with dignity, more so, as professionals by the employer (TSC) so that they can also reciprocate in their line of duty by allowing learners to warm up to them.

Health and Other Concerns: Some sick teachers, and the disabled ones prefer working (teaching) where they are monitored closely, and supported by their families (relatives). Health and HIV/Aids concerns also contribute to teachers' unwillingness to work far from their spouses (separation).

Age factor could also make some teachers unwilling to work far away from their rural homes or areas they have established as homes.

For married couples, posting a teacher to a different locality may amount to separation from his/her family. The husband/wife may be unwilling or unable to move for cultural or economic reason(s).

Deprivation of Parent care to Children: Children bear the biggest impact when their parents are separated through transfers as they grow up without the constant nature and care of both parents. This definitely makes teachers not support Delocalization Policy. All round consultations should be done before transfers are effected. The Commission transfers disabled, sick, widow, widower, aged or a teacher under university study programme without no regard of the status of the teacher.

Teachers' Commitment and Punctuality: Rural teachers posted in counties far away from their families or their home areas tend to take extended weekend breaks to visit their homes. This in effect, results to teacher absenteeism which in turn contributes to poor syllabus coverage, culminating to learners' dismal performance in national examinations.

Socio-cultural Integration: Majority of teachers who have not gone through orientation find difficulty in socio-cultural integration in their new community. Non-availability of accommodation, lack of adequate security, regular food and water supply, transport challenges, and the teacher being isolated by the local communities aggravate the situation, leading to poor service delivery.

Mismatch of Skills in Schools: Teachers hold different skills in school, and delocalization may land a teacher in a school where there is abundance of his/her skills, yet there would be shortage elsewhere.

Destabilising Teachers' Organizations: Delocalization of teachers who are members of the teachers unions, Kenya Primary School Heads Association, Kenya Secondary School Heads Association, Burial Benevolent Fund, Sacco and Community Based Organization officials amounts to financially destabilizing and crippling these entities, as they cannot afford to be holding elections every the other month to replace office bearers who have been transferred outside areas of their jurisdiction.

Article 41 of the Constitution of Kenya protects the rights of members of a Union. Part II; Sections 4(1), (b), (2)(a)(b)(c) and (d), 5(1)(2)(a)(c), 8(a)(ii) and Section 9 protect the Union and its members to exercise their labour rights.

Diversified Languages and Ethnicities: Diversified languages and ethnicities can also create barriers for teachers' acceptance and assimilation in some communities – hence, in such an atmosphere, delocalization doesn't work (*according to a research sponsored by World Bank*). More so, delocalization is further complicated by the presence of multiple ethnic groups in the country. Teachers may be reluctant to relocate to an area where the first language is different from their own. For example, transfer of a teacher from Kwale or Kilifi counties in Coast Region to some out-posts schools in Turkana or West Pokot in Rift Valley with different first language and culture all-together, will definitely pose strain on the teacher.

Competence Based Curriculum: The proposed new curriculum which has already been implemented in Pre-Primary One, Pre-Primary Two, Grade One, Grade Two and Grade Three has indigenous languages (mother tongue) to be taught, all-through to higher levels of Basic Education. Teaching of the indigenous languages will be a major challenge if teachers from the school locality are delocalized as teachers from other regions may not be fluent in the local language.

Socio-economic Challenges: According to World Bank findings, socio-economic background may also make teachers reluctant to be deployed to less-developed parts of the country. In some cases, posting single woman to unfamiliar territories may cause cultural difficulties and even unsafe. For an unmarried woman to be, posted to an isolated rural area may also be seen to limit her marriage prospects. In some countries single women are not posted to isolated rural areas as a matter of policy.

KNUT proposals on delocalisation

- (i) Since teachers feel disrespected, mistreated and frustrated to the level that their morale is low because of uncertainty, anxiety and tension created by Delocalization Policy whereby teaching and learning outcome is at its lowest ebb – TSC should stop forthwith implementing the policy. It should be noted that when teacher productivity is low curriculum coverage would be poor.
- (ii) A survey conducted by ILO/UNESCO that led to the publication of Status of Teachers (1997) reveals that if the employer, in this particular case, TSC becomes unfriendly, intolerant, and treats teachers with disdain and in total disregard of consultation of teachers' organizations, then service delivery of the teachers would be compromised and seriously affected. Hence, it will be insensitive for TSC to continue implementing Teacher Delocalization Programme.
- (iii) Workplace bullying comes in many forms, and not limited in classroom or staffroom for that matter. Arbitrary teacher transfers is also classified under workplace bullying. This is the reason why TSC should continuously engage teachers' organizations in policy-making and review.
- (iv) Teachers' employer should put in place measures to permit teachers with family responsibilities to obtain teaching posts in the locality of their homes, and enable married couples, both of whom are teachers to teach in the same general neighbourhood or in the same school. KNUT implores TSC to observe and respect UNESCO and ILO conventions, treaties, protocols and recommendations (Status of Teachers 1997 by UNESCO & ILO).
- (v) Teachers should be adequately protected against arbitrary action that could affect their professional standing or career advancement like pursuing enhanced training at universities. Arbitrary teacher transfer could easily affect professional standing of a teacher, or even interfere with the on-going career advancement of a tutor. In the same vein, TSC should observe and respect (Status of Teachers 1997 by UNESCO & ILO).
- (vi) The implementation of Performance Contracting (PC) for head teachers and Teacher Performance Appraisal and Development (TPAD) for classroom teachers has contributed heavily to the arbitrary transfer of school heads, their deputies and classroom teachers which is in total violation of UNESCO/ILO recommendations.
- (vii) KNUT is not opposed to teacher transfer/deployment by TSC, but calls for wide consultations before effecting the transfers as in some cases the employer is unknowingly dealing with the aged, sick and the disabled cases which need special care/handling/attention.

Conclusion

KNUT joins UNESCO, ILO, World Bank and Education International to de-taste **Teacher Delocalization Programme** as it is harmful to both learners and teachers. The programme has far-reaching implications and devastating effects in the long run, if implemented without full consultation with parents/guardians, school sponsors, teachers' unions, Boards of

Management, Parents associations, KEPSHA, KESSHA, and Quality Assurance and Standards officers.

To implement the programme with a view of achieving the correct results, all these stakeholders, including the local school community have to be informed. It is important to note that **Delocalization Policy** does not guarantee fostering cohesion and national unity if not well implemented.

Further Clarifications sought by the Committee from the Union

1. Elected officials of KNUT affected by delocalisation: Since the onset of delocalisation TSC has transferred 165 elected officials of KNUT in various parts of the country outside their areas of jurisdiction contrary to understanding between TSC and KNUT.
2. Whether consultations were done:- KNUT maintained that there was no consultation undertaken before the introduction and during of the Implementation of the delocalisation policy by TSC which is in breach of Article 27 Right to public participation that gives powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them.
3. Transfer of the aged, sick and teachers living with disability:- TSC does not consult its staffing officers at the counties or sub-counties to provide background information of the teachers before effecting delocalisation. This makes the practise inhuman, unsympathetic and uphazard as it is done allegedly without prior knowledge of the teacher.

Committee Observations

The Committee observed that:

1. The Constitution under Article 237 gives the TSC the mandate inter alia to recruit and employ registered teachers and assign them provide for service in any public school or institution, Thus the Commission can deploy any teacher to teach in any part of the country.
2. The Teachers Service Commission Act section Act 67 gives the Commission the discretion to transfer a teacher to any educational institution to provide services any time whether or not the teacher has applied for transfer.
3. The term delocalization is not recognized in the Constitution, Teachers Service Commission Act or any other subsidiary legislation that concerns teachers. The term is open to abuse by the Commission due to the absence of clear guidelines/criteria of implementing the policy.
4. That according to KNUT the Commission did not conduct public participation DURING development of the policy contrary to Article of the constitution.
5. That KNUT is not against transfer of teachers as provided for in the mandate of the Commission.

**MIN.NO. /EDUC/2019/108: SUBMISSION KENYA UNION OF POST PRIMARY
EDUCATION TEACHERS ON THE PETITION
ON IMPLEMENTATION OF DELOCALIZATION
POLICY BY TEACHERS SERVICE
COMMISSION BY KENYA**

KUPPET VIEWS ON THE TSC'S DELOCALISATION POLICY

Kuppet officials informed the Committee as follows:

The Union holds the view that the so-called 'Delocalisation Policy' not exist. The term 'delocalisation' does not exist in official documents including the TSC Act and the Code of Regulations.

The Union presupposes that delocalisation refers to the transfer of teachers outside of the localities where they were brought up or they have worked for long in the course of their employment with the TSC. In effect, the teachers so transferred are being 'delocalised'. There have been mass transfers of teachers in this manner over the past year, transfers which have sparked uncertainty within the teaching profession and beyond.

The word 'transfer' is fully catered for in the TSC policy documents and Code of Regulations. When teachers take employment with the Commission, they sign a commitment of readiness to work anywhere within the Republic of Kenya. As such, the Commission has full authority to transfer and redeploy teachers anywhere within the Republic of Kenya. And 'anywhere' includes the areas where the affected teachers were raised up, went to school or have worked for many years under TSC employment.

Looked at this way, it is indicative that 'delocalisation' has been employed repeatedly as a tactic to intimidate teachers pending their redeployment far from the areas where they currently serve.

MERITS OF DELOCALISATION

If well implemented, the policy has some theoretical advantages whose impacts will be felt over time. These include:

(i) Inclusivity and national unity

Delocalised teaching force encourages national integration and unity. As the Commission argues, it is not very healthy for teachers to stay in a station for too long, and it is good for them and the students they teach for teachers to have broad cross-cultural exchanges that come with working out of their home areas.

(ii) Career progression

Teachers moving to administrative positions in the wake of the many schools being established and 100% transition have a high chance of getting promotions. This is because the leadership opportunities could be available outside the areas where the teachers are currently serving.

DEMERITS OF DELOCALISATION

Notwithstanding the Commission's power to hire, deploy and transfer teachers, the policy has had the following shortcomings:

(i) Slowing service delivery

The newly-transferred administrators take long to familiarise themselves with the institutions' systems, thereby slowing service delivery. The deployment and transfers done during first term this year had negative impacts in two dimensions. First, Form One admissions were planned by the previous administrators but expected to be implemented by other administrators not conversant with the institutions. Second, expectations from the parents brought mixed reactions, due to the new system of releasing exams results before the first term.

In some areas, parents wanted administrators to be retained while others rejected their newly deployed administrators. A classic example is Oololaiser High School principal who was transferred to Friends School, Kamusinga only to be ejected by parents. Situations like those demoralise teachers a great deal and affect their performance.

(ii) Teacher attrition

Delocalisation is a contributing factor in teacher attrition adding to the current shortage of teachers in Kenya. In some cases handled by the unions, delocalised teachers preferred to seek greener pastures rather than move from the areas they had settled in. This will not only affect the quality of education but will also deepen the struggle for teacher retention by the employer.

(iii) Damaging family values

Delocalisation has affected many families as teachers have been left with no option but to abandon their families and report to new stations, some cases hundreds of kilometres away. Newly-married couples and families with young children have been most affected. This puts parenting and marriages under the mercy of the employer, who has resorted to disciplinary action in enforcing its will.

(iv) Increased political interference in schools

The deployment and transfers of teachers at times is done under political influence.

(v) Infringement of freedom of worship

Administrators transferred to institutions sponsored by faith-based organisations have not been spared harm. Because the entire delocalisation policy has been politicised, some management boards of institutions sponsored by religious groups have taken advantage to push for their own members to head the institutions.

(vi) Increased litigation

The Commission has faced a set-back as many cases have been filed in the court of law as a means to revoke the deployments and transfers. This dragging of the TSC to court by its own employees is uncalled for and setting dangerous precedent.

(vii) Nepotism, corruption and favouritism

Deployments and transfers have been cited as grounds for corruption as administrators are forced to be corrupt so as to be retained in their institutions. Also, the deployments have been used to reward certain teachers to be administrators while demoralising others.

CONSEQUENCES OF DELOCALISATION ON TEACHER'S WELFARE, SERVICE DELIVERY AND FAMILY VALUES

The full effect of this policy will be seen over time. But the risks associated with its hasty implementation have so far outweighed any benefits accrued from it. These have included:

(i) Financial implications

Teachers who have been transferred are facing a myriad of challenges related to finances. Their budgets have been severely affected due to costs associated with relocating to a completely new area. Also, for instance, a teacher who is transferred from hardship area to non-hardship area will have a salary reduction the same with a teacher moved from urban or major town to rural areas.

(ii) Teacher attrition

Teachers prefer to seek alternative employment deepening the problem of teacher shortage in Kenya currently. County governments are becoming a major employer of trained teachers.

(iii) Fear of the unknown

Many teachers are avoiding taking administrative positions for fear of deployment and transfers and this affects sustainable leadership in institutions. Administrators currently in position can concentrate and be productive as they await possible deployment.

(vi) Productivity

As the teacher settles in the new stations, the movement between the school and family station has affected productivity and the keeping the balance is a task.

(v) Family disintegration

Cases of family disintegration have been reported especially when teachers are moved from one county to another county. The process is hurriedly done and the family aspect is neither considered nor respected by the employer.

(viii) Strategic plans and school projects

Schools have strategic plans and projects that will be implemented within a period of time, say 5 years. With the current deployment and transfers, there is uncertainty in the workplace and administrators may not be keen to propose and implement development projects spanning over long period of time.

(viii) Teacher welfare

The deployment and transfers have little consideration of the teachers welfare in the new station. Principals residing in schools when transferred to a new station outside the school have suffered both psychologically and financially while adapting to the new station

(ix) Form of punishment

The deployment and transfers are taken as a form of punishment to some principals either by the employer or the Board of Management.

SUGGESTIONS ON BEST APPROACH TO IMPLEMENTATION OF THE POLICY

While it is the mandate of the employer to hire, deploy and transfer the employees, various factors have to be considered before the exercise is undertaken. The current shortage of teachers in primary and secondary school stands at 40,972 and 63,849 respectively and the haphazard deployment and transfers deepens the already ailing teacher shortage in schools.

The Union is proposing the following approaches to be considered in the delocalisation process:

(i) Consultative approach

The deployment and transfer have targeted labour representatives and the Union proposes consultation with the employer. The success of the Collective bargaining agreement (CBA) in force is as a result of negotiations and consultations between the employer and the Union, which was done in good faith and the same, should be considered in delocalisation.

(ii) Collaborative approach

This negotiation approach results in both parties feeling that they are achieving what they wanted. The Union and the employer will get satisfaction that both parties have achieved their intended objectives rather than one party winning at the detriment of the other party. The Union respects the mandate of the Commission but for harmonious industrial relations, it is imperative that both parties should consider this approach.

(iii) Review of Legislations governing faith-based institutions

The role of the sponsor in faith-based institutions should be reviewed as the administrators are facing challenges due to lack of autonomy. The sponsor dictates the management approaches of their institutions and the administrator is unable to exercise authority and power.

(vi) Protection from the employer

The Commission should protect principals and deputies against the onslaught by Board of Management who demand transfers, deployment and hiring and threaten the productivity of the administrators.

ANY EXEMPTIONS THAT CAN BE MADE IN THE IMPLEMENTATION OF THE POLICY

The employment contracts and Code of Regulations give the TSC the right to transfer its employees as it wishes. However, the exercise of power should be tempered with sensitivity as to the impact of the decisions.

Kuppet proposed that delocalisation be limited in the following circumstances:

(i) Teachers approaching retirement

This country lacks a social welfare programme for retirees. Workers spend the last ten years of their active life planning for their retirement. The Commission should help its employees retire in peace rather than inconvenience their planning. Teachers above 50 years of age be left to work within the sub-county where they have spent the better part of their lives.

(ii) Teachers living with disability

These should get preference in redeployment and transfers. Many disabled teachers have suffered under the delocalisation programme. An example is a teacher in Bomet County who was involved in an accident and the TSC was well aware of his injuries and condition, only for him to get transferred from Bomet to Trans Nzoia County.

(iii) Family considerations

Notwithstanding the Commission's discretion to transfer teachers, family values need to be considered. When married teachers are transferred in different localities, the Commission subject's families to circumstances that will affect teacher productivity.

(vi) Union leaders should be exempted

Union officials are elected one every five years, and they represent the teachers in their counties. If such officials are transferred, unions may be forced to do replacement elections. This is unfair to the victims who might have invested considerable effort in unionism in his/her area.

(v) High performing administrators

Teachers who have set high performance standards in the schools should be spared the deployments as the incoming administrators are finding it hard to fit in these institutions.

In conclusion, TSC should strive to apply the best principles of human resource management. The Commission knows its employees. It should make decisions on transfers in a fair and well-understood manner to avoid the destabilising the lives of teachers. Despite the outcry by teachers, the Commission has continued with this controversial policy, citing the Code of Regulations for Teachers (2015) and the TSC Act that authorise it to transfer teachers at will.

However, no less a person than President himself halted the process in August 2018 and directed the Commission to review the delocalisation policy after receiving concerns that many families were being affected and even experiencing break-ups. TSC should be humane.

Further Clarifications sought by the Committee

1. Kuppet informed the Committee that TSC did not consult the Union during development and Implementation of delocalization policy. TSC ought to consult the unions and make the process consultative and collaborative.
2. Kuppet is not against transfer of teachers as provided for the mandate of TSC in the Constitution, TSC Act 2015 and TSC Code of Regulations.

3. That during delocalisation of teachers TSC does not give adequate notice to the concerned teacher to prepare and relocate and further it does not give teachers audience or hear appeals from teachers with otherwise special considerations.
4. On the allegations that some school communities are happy over delocalisation, KUPPET submitted that this happens in cases where non- performing teachers are delocalised. Some teachers delocalised as a result of promotion feel happy.
5. Kuppet averred that delocalization is a derogatory term and can be used to selectively target certain teachers, hence open to manipulation, favourism and corruption.
6. Teachers excelling in some fields such as teaching subjects, co-curricular activities etc should be allowed to continue providing their expertise in the particular stations if they so wished.

Committee Recommendations

The Committee recommended that:

1. The TSC should reconsider the policy on delocalization and undertake wide public participation before effecting it further.
2. TSC should not undertake delocalization in the disguise of transfers;
3. In implementing delocalization, TSC should take into account age of the teachers, widows and widowers, minimize separation of families, the health of the teachers, officials of the teachers unions, officials of teachers' financial organizations and giving adequate notice to teachers.
4. TSC to be invited to make its submission on the Petition before the Committee retreat to write its report.
5. The Committee noted the significance of the Petition and Members were urged to take cognizance of the mandate of the TSC and at the same time the welfare of teachers during report writing.

MIN.NO. /EDUC/2019/109: ANY OTHER BUSINESS

The Committee was informed of upcoming international educational conferences in London and Canada in early May, 2019. This agenda will be discussed substantively in the next meeting.

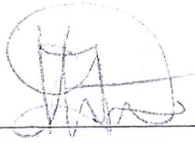
The Committee was also informed of a delegation from the Ugandan Parliament Sectoral Committee on Education and Sports that would like to meet the Committee in the afternoon. The Chair encouraged the Members to attend the meeting that will be held in Committee Room 7 at 3.00 pm.

No other business arose.

MIN. NO./EDUC/2019/110: ADJOURNMENT

There being no other business the meeting was adjourned at 12.10 pm. The next meeting will be held on Thursday 28th March, 2019.

Signed



Hon. Julius Melly, MP

(Chairman)

Date

29/11/2019

MINUTES OF THE 25TH SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH HELD ON TUESDAY 16TH APRIL, 2019 IN CONTINTAL HOUSE COMMITTEE BOARDROOM ON 4TH FLOOR AT 10.00 AM

PRESENT

1. Hon. Amos Kimunya EGH, MP - Vice Chairperson
2. Hon. (Prof.) Zadoc Ogutu, MP
3. Hon. (Eng.) Nzambia Kithua, MP
4. Hon. Eve Obara MBS, MP
5. Hon. Catherine Wambilianga, MP
6. Hon. Eric Muchangi, MP
7. Hon. Jerusha Momanyi, MP
8. Hon. Oroo Oyioka, MP
9. Hon. Omboko Milemba, MP

ABSENT WITH APOLOGY

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Moses Injendi, MP
3. Hon. Geoffrey Odanga, MP
4. Hon. (Dr) Pamela Ochieng, MP
5. Hon. Jackson Lekumontare, MP
6. Hon. Joseph Tonui, MP
7. Hon. Lilian Tomitom, MP
10. Hon. Peter Lochakapong, MP
11. Hon. Wilson Kogo, MP
12. Hon. Wilson Sossion, MP

SPONSORS OF BILLS

1. Hon. Kassim Amin, MP
2. Hon. Babu Owino, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Mr. Kibet Mutai - Audio Officer
4. Ms. Catherine Mukunyi - Serjeant at Arms

TEACHERS SERVICE COMMISSION

1. Dr. Nancy Macharia - Chief Executive Secretary
2. Ms. Nancy Rotich - Director
- 3.

*Continental House
16/4/2019*

MIN.NO. /EDUC/2019/130: PRELIMINARIES

The Chair called the meeting to order at 10:16 am thereafter followed by prayers. The agenda of the meeting was adopted having been proposed by Hon. Jerusha Momanyi, MP and seconded by Hon. MP and Hon. (Eng.) Nzambia Kithua, MP respectively.

MIN.NO. /EDUC/2019/131: CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO./EDUC/2019/132: SUBMISSION TEACHERS SERVICE COMMISSION

The TSC Chief Executive Officer informed the Committee as follows:

1. PETITION BY THE HON. PATRICK MARIRU, M.P., LAIKIPIA WEST CONSTITUENCY ON IMPLEMENTATION OF DELOCALIZATION POLICY BY TSC

The Constitution of Kenya

The Teachers Service Commission is established under Article 237(1) of the Constitution with its primary functions set out in Article 237(2) 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.

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.

TEACHERS SERVICE COMMISSION ACT, CAP 212

Further, the Commission draws powers necessary for the execution of its constitutional functions from the TSC Act. Section 11 of the Act mandates 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.

Sections 47 and 48 of the Act empower the Commission to publish a Code of Regulations for Teachers to regulate the Teaching Service.

In this regard, the Commission published the Code of Regulations for Teachers which came into effect on 1st July 2016.

THE CODE OF REGULATIONS FOR TEACHERS

In developing the Code of Regulations for Teachers (CORT), the Commission strictly adhered to the provisions of the Constitution that underscore the principle of public participation; and the provisions of Statutory Instruments Act, 2013, which govern the process of developing subsidiary legislations.

Every clause in the CORT was discussed, negotiated and agreed upon by all stakeholders in the entire Education sector and beyond.

As required by law the CORT being a delegated legislation had its provisions extensively interrogated by Committee on Education and the Committee on Delegated Legislation of the 11th Parliament.

The respective Committees' valuable contributions were incorporated in the final document before gazettelement.

Collective Bargaining Agreement 2017-2021

During the negotiations on the **Collective Bargaining Agreement (2017-2021CBA)** between the Commission and the Teachers' Unions, parties mutually agreed that the CORT forms an integral part of the CBA.

The Teachers' Unions, the KNUT and the KUPPET, signed the CBA and wholesomely adopted the provisions of the CORT.

Accordingly, the CORT is at the center of the employment contract existing between the Commission and teachers in its employment.

Delocalization as a Regulatory Function not Policy

Regulations 55(3) and 70(8) of the CORT provide for delocalization as regulatory function of the Commission.

- (a) Regulation 55(3) of the CORT regulates the posting of newly recruited teachers to counties other than their home counties. It provides: "*A teacher who is recruited by the Commission may be deployed to serve in any part of the country based on the teaching service requirements*"

(b) regulation 70(8) of the cort regulates the deployment of institutional administrators. it provides: *“in undertaking deployment, the commission shall endeavour to de-localise the administration of public educational institutions.”*

Delocalization is not a policy but a regulatory function of the commission for assigning newly employed teachers and in deploying newly identified institutional administrators to all parts of the country without discrimination.

Accordingly the allegation that delocalization is a policy is not true. additionally, Delocalization as a regulation was subjected to stakeholder participation.

In undertaking delocalization, the Commission has put in place various implementation policies to ensure accountability; transparency; and effective and efficient utilization of teachers as human resource. Accordingly:

(a) By regulation 55(3) of the CORT, the Commission ensures:

(i) Equitable recruitment of new teachers in **all** Counties without exception;

(ii) Newly recruited teachers are posted to counties neighbouring their home counties to mitigate drastic change of environment.

(iii) That in the best interest of the child, every school has at least one teacher to facilitate learning.

(b) By regulation 70(8) of the CORT, the Commission ensures:

(i) It provides schools throughout the country with qualified, competent and professionally upright administrators.

(ii) That, issues of age, sickness, alternative ability and family (teacher-teacher) are considered when deploying institutional administrators.

Merits of Delocalization as a Regulatory Function of the Commission

In response to the above question, we submit as follows:-

Safeguarding the Constitutional and Statutory mandate of TSC

The Commission derives the power to transfer teachers directly from the Constitution and its parent Act, the Teachers Service Commission. **Article 237, (2) (c)** of the Constitution grants the Commission the sole mandate to assign teachers under its employment to various public schools in the Country.

Article 237 (3) (b) of the Constitution grants the Commission the mandate to review the supply and demand of teachers and ensure that public schools are allocated proportionate number of teachers.

Section 47 of the TSC Act grants the Commission power to develop, in accordance with the law, the Code of Regulations for Teachers to regulate the teaching service. Thus, as per the provisions

of the Statutory Instruments Act, 2013, the regulatory requirement to delocalize newly recruited teachers and newly appointed institutional administrators was, negotiated with stakeholders and codified in the CORT.

Accordingly, delocalization of newly recruited teachers and newly appointed institutional administrators is but routine duty of the Commission granted by Constitution and the law has been the case since the Commission's establishment in 1967.

Substantive Appointment of Institutional Administrators as per the Job Evaluation Report for the Teaching Service

The Teachers Service Commission and Salaries and Remuneration Commission (SRC) undertook a Job Evaluation exercise for the teaching service in November 2015/2016.

The Job Evaluation recommended the substantive¹ appointment of Institutional Administrators and placing them in institutions commensurate with their grades.

The CBA and the Job Evaluation have introduced a new appointment and/or placement criteria informed by the grade of a teacher and the category of the school.

Institutional administrators are placed/delocalized depending on their grades and the category of institutions. The placements which amount to transfers are accompanied by substantive appointments informed by the individual grades of each teacher.

By placing institutional administrators correctly through such transfers, the Commission has demonstrated its constitutional mandate to ensure prudent utilization of public finances in paying teachers' salaries. Institutional administrators having been substantively appointed remain so, unless promoted to existing higher grades and cannot be demoted and be deployed back as classroom teachers.

From the foregoing, it is clear that placements and/or delocalization of institutional administrators have been made in public interest as well as in the best interest of the individual teachers.

National Cohesion and Integration.

The current constitutional design proclaims TSC as an independent state organ with its mandate spread all over the Country. **Article 10** of the Constitution as read together with the provisions of the National Cohesion and Integration Act requires state agencies, specifically constitutional Commissions, to establish policies and practices that enhance national cohesion and integration.

The overall objective of delocalization as a regulatory requirement in the teaching service is to deter localization of the teaching profession so as to promote co-existence and cohesion among different communities.

Performance and good governance of public Institutions

In its assessment of performance in public schools, the Commission noted that a teacher stationed to serve in a school within the neighbourhood he/she hails from often demonstrates laxity and leniency in enforcing Government policies and standards.

Placement and/or delocalization of administrators outside their home counties is intended to enable them enforce the teaching standards and government policies without fear or favour. It is also meant to improve service delivery in public schools with a view to ensuring quality education and curriculum implementation.

Deterrence of conflict of interest

Serving in the local neighbourhoods has been the root cause of the recurrent menace of poor management of institutional resources leading to conversion of public resources and institutional property into private use.

Thus, delocalization of institutional administrators is intended to deter this negative practice and allow teachers to focus on their administrative duties and not private business.

Borrowing from best practices

Teaching profession is part and parcel of the Kenya's public service. However, for the longest time past, teaching service has been managed as in isolation.

Borrowing best practices from sister Commissions like the Judicial Service Commission where judicial officers work outside their home counties for a period of at least 3 years and considering the intricacies of the teaching service, the Commission has capped the length of stay at an institution at a maximum of nine (9) years for the heads of institutions and a maximum of six (6) years for their deputies to facilitate succession management.

Enforcing contractual Obligations

Teachers are bound by the individual contracts of employment they sign while entering the teaching service. Individual letters of appointment duly signed by teachers bind them to serve anywhere in Kenya where their services are required.

Consequences of Implementation of Delocalization On Teachers' Welfare, Service Delivery and Family Values.

In response to the above question, we respond as follows:-

Equal opportunities for professional growth

As a regulator and an employer of the teaching service, the Commission is concerned about the overall welfare teachers to ensure that service delivery is not compromised.

To this end, the Commission is more interested in the professional welfare of the teachers as the same is within its mandate.

- Since appointment and deployment of institutional administrators is based on category of schools e.g.(National, Extra County, County or Sub-County), the Commission's implementation of delocalization has enabled teachers access opportunities for administrative posts outside their home counties.

Job satisfaction and Economic returns

According to the provisions of the CBA, appointment to administrative positions in the teaching service attracts monetary compensation that is in built in the basic salary.

Thus, delocalization has, in a nut shell, occasioned improvement of economic welfare of teachers.

Further, feedback from teachers who have previously been delocalized from their home counties confirms that the change in environment has rejuvenated their service delivery leading to overall individual job satisfaction.

Professional independence, personal integrity and effective service delivery

Under the Code of Regulations for Teachers, institutional administrators are part and parcel of the administrative structure in the teaching service.

Institutional administration demands undertaking critical assignments aimed at enhancing professionalism and general service delivery. As pillars of curriculum implementation, institutional administrators are in charge of quality assurance at the school level, appraisal of staff and discipline of teachers among other critical functions.

The nature of the above assignments requires institutional administrators to act independently, exhibit personal integrity and be the lead educators in service delivery. Accordingly, appointment to administrative position outside home county has had positive impact on the service.

Teachers working outside their home counties have demonstrated professional independence in decision making as they are cushioned from the shackles of home politics.

Acquisition of new knowledge

Delocalization of teachers as provided under the Code of Regulations for Teachers has led acquisition of new ideas based on environmental factors hence change in teaching and/or management styles.

Environmental changes coupled with diverse culture and traditions in schools have made teachers become better managers leading to improved service delivery and performance.

Separation of families

In undertaking delocalization, the Commission has put in place a policy to consider a teacher's family. According to the Commission's policy, family refers to teacher-teacher marriage.

Thus, for optimal delivery of service, the Commission ensures that teachers married to each other are not posted or deployed to different counties even when undertaking delocalization.

Therefore, it is evident that the Commission takes teachers' family values very seriously to ensure effective service delivery.

Suggestions on the Best Approach on the Implementation of Delocalization

Competitive filling of administrative positions

On 1/7/2017 when the Commission commenced the implementation of the 2017-2021 Collective Bargaining Agreement (CBA), it made a policy decision to convert all teachers in Job **Groups M** and above as institutional administrators regardless of whether or not they were actually serving as such. Those teachers who were not performing duties of institutional administrators as at 30th June, 2017 have since been substantively appointed as such in a deliberate mop up exercise to forestall overpayments.

Once the mop up of the teachers is completed, appointment to institution administration shall be competitive.

Accordingly, only interested teachers shall be considered for the appointment and deployment.

However, it must be noted that as an employer, the Commission reserves the right to transfer a teacher even when they have not applied for the same.

Reviews and Appeals

Section 46 of the Teachers Service Commission Act requires a teacher who is dissatisfied with the decision of the Commission to appeal against the decision. The Commission has an obligation to hear, consider and determine all the appeals and make appropriate decisions.

Teachers who are dissatisfied with the transfers have a responsibility to channel their grievances as provided in the contractual agreements.

Posting outside the County

Since 2015, the Commission has been posting newly employed teachers outside their home County as a measure of rejuvenating the profession.

This is a long term strategy to ensure that issues of conflict of interest that have bedeviled the profession are addressed.

In future, administration of public schools will be exclusively by non-locals.

Vetting before transfers

The Commission has adopted a new method of evaluating the transfer cases before they are executed. The Commission is vetting each teacher's case to ascertain their employment status before effecting transfers.

This is intended to ensure that all relevant factors are considered before any transfer is effected.

Exemptions in the Implementation of the Policy

Teachers Aged 56 years and above

In the implementation of **delocalization**, the commission has made a decision to exempt all teachers who are aged 56 years and above.

Health status

Teachers who have proven cases of health or medical conditions already reported to the Commission have been exempted from the transfers. However, the Commission takes each case on its own merit taking into consideration availability and accessibility of medical facilities amongst other factors.

Alternative ability

Teachers with alternative abilities have also been exempted from the transfers though personal requests have been granted subject to availability of vacancies.

Conclusion

The Commission wishes to reiterate that **delocalization** is part of its regulatory functions related to transfer teachers. Transfer of teachers is not only a constitutional mandate of the Commission but also its statutory duty. This, **delocalization** is founded in the Constitution, the TSC Act and the CORT.

Teachers have a contractual duty to seek review of any **delocalization** (transfer) decision and channel their grievances to the Commission through the established channels of communication so that the Commission can take appropriate remedial action.

The Commission has always accorded teachers' grievances special attention and responded to all appeals. At all times, the Commission considers a lot of factors before transferring a teacher from one station to another.

In **December, 2018**, the Commission transferred **3,094** teachers but only **360** appealed against the transfers. The appeals were considered and appropriate determinations made expeditiously based on the terms and conditions of service

Committee Observations

The Committee observed that:

1. Article 237(1) and (2) of the Constitution mandates the Teachers Service Commission to amongst other recruit and employ registered teachers and assign teachers for service in any public school or institution.
2. Further, the Commission draws powers necessary for the execution of its constitutional functions from the TSC Act. Section 11 of the Act which mandates the Commission to formulate policies to achieve its mandate;

3. Regulations 55(3) and 70(8) of the CORT provide for delocalization as regulatory function of the Teachers Service Commission. Regulation 55(3) of the CORT regulates the posting of newly recruited teachers to counties other than their home counties. It provides that teacher who is recruited by the Commission may be deployed to serve in any part of the country based on the teaching service requirements
4. While it is the mandate of the employer to hire, deploy and transfer teachers, various factors have to be considered before the exercise is undertaken. Haphazard deployment of teachers of principals from a performing schools to a less performing school demotivates them.

Committee Recommendations

The Committee recommended that:

1. In undertaking delocalisation of teachers, TSC should take into account the age, health status of the teacher, family considerations, security at the new station and alternative abilities of the teacher.
2. The Commission should consider appeals from teachers and appropriate determinations made expeditiously before the transferring a teacher. Adequate notice for should be given to prior transfers.

Committee Resolutions

The Committee directed the CEO to avail to the Committee the following by Friday 19th April 2019:

- (i) Evidence that delocalisation policy was subjected to public participation
- (ii) That the delocalisation as a regulation was submitted to the National Assembly for approval pursuant to the provisions of Statutory Instruments Act, 2013.

2. PETITION BY THE HON. GEOFFREY JOASH NYAMACHE NYAMOKO, M.P., NORTH MUGIRANGO CONSTITUENCY ON TRANSFER OF TVET LECTURERS FROM TEACHERS SERVICE COMMISSION TO THE PUBLIC SERVICE COMMISSION

The matter is currently pending before a court of law pending full determination.

3. PETITION BY THE HON. DANSON MWASHAKO, M.P., WUNDANYI CONSTITUENCY ON NON-PAYMENT OF HARSHIP ALLOWANCE TO TEAVHERS WORKING IN TAITA TAVETA COUNTY

The Teachers Service Commission pays hardship allowance to teachers working in areas determined and gazetted as hardship areas by the National Government.

MIN.NO./EDUC/2019/133: SUBMISSION BY HON. BABU OWINO, MP ON THE UNIVERSITIES (AMENDMENT) BILL, 2018

Hon. Babu Owino, MP made his submission to the Committee as follows:

1. He seeks to amend Section 41 of the Universities Act by deleting subsections (1C), (1D) and (1E).
2. The amendment seeks to delete the requirement of constituting electoral colleges and electing the electoral college representatives for purposes of election of the members of the students' council.
3. The effect of the amendment is that the conduct for the election of the members of the students' council shall be conducted through universal suffrage as opposed to current delegate system.
4. The delegates/representatives from various faculties are given chance to exercise their democratic rights on behalf of the majority do not represent the wishes of every student.
5. That the electoral system is not in tandem with the Constitution where national elections are done through universal suffrage.
6. The amended Universities Act was challenged in a court of law and ruling was made.

Committee Resolution

The Committee directed Hon. Babu Owino to submit the court ruling of the case regarding amendment of the Universities Act to guide the Committee further.

MIN.NO./EDUC/2019/134: SUBMISSION BY TEACHERS SERVICE COMMISSION (AMENDMENT) BILL, 2019 SPONSORED BY THE HON. RASHID KASSIM AMIN, MP

The Hon. Rashid Kassim Amin, MP gave the following submission regarding the Teachers Service Commission (Amendment) Bill, 2019:-

The Teachers Service Commission Act, 2012 is amended by inserting the following new section immediately after section 22-

Qualifications for the entry into training institutions for teaching

- 22A. (1) The Cabinet Secretary shall by notice in the Gazette prescribe qualifications required for a person to be admitted for training as a teacher by a training institution.
- (2) The Cabinet Secretary shall in prescribing qualifications under subsection (1), take into account the affirmative action principle in order to promote access to education and training by persons from marginalized counties and persons with disabilities.
- (3) The qualifications for admission into training institutions under subsection (1), may be varied from time to time by the Cabinet Secretary and shall be lower for-
- (a) persons from marginalized counties in order to afford the persons adequate and equal opportunities for training and advancement; and

persons with such disabilities that may disadvantage them from equally competing or attaining average grade

- (4) A person who obtains a certificate from a training institution under this section shall be eligible to be registered as a teacher for purposes of section 26(b).

The amendment seeks to The amendment seeks to introduce a new provision which gives the Cabinet Secretary the power to prescribe the qualifications for admission into a training institutions for the teaching profession.

JUSTIFICATION:- In doing so, the Cabinet Secretary will be required to take into account the affirmative action principle and shall set lower qualifications for the marginalized persons as well as persons with disabilities.

This amendment seeks to give effect to the provisions of Article 27(6) of the Constitution which requires the State to take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.

Committee Observation

The Committee observed that decision by the Cabinet Secretary to set of academic qualifications for admission into a training institutions for the teaching profession was canvassed in a court of law and ruling was issued.

Committee Recommendation

The Committee requested the Members to avail the court ruling and Attorney General opinion on the matter to the Committee by Friday 19th April, 2019.

The Committee resolved to scrutinize the two legislative proposals in the next meeting and make a decision.

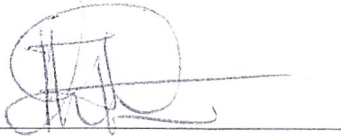
MIN.NO. /EDUC/2019/125: ANY OTHER BUSINESS

No other business arose.

MIN. NO./EDUC/2019/125: ADJOURNMENT

There being no other business the meeting was adjourned at 12.10 pm. The next meeting will be held on Thursday 25th April, 2019.

Signed



Hon. Julius Melly, MP
(Chairman)

Date

24/4/2019



MINUTES OF THE 29TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH HELD ON THURSDAY, 2ND MAY, 2019 IN THE BOARDROOM, 4TH FLOOR, PROTECTION HOUSE, MAIN PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. Hon. Amos Kimunya EGH, MP- Vice Chairperson
2. Hon. Eric Muchangi, MP
3. Hon. Ooro Oyioka, MP
4. Hon. Eve Obara MBS, MP
5. Hon. Geoffrey Odanga, MP
6. Hon. (Eng.) Thaddeus Nzambia Kithua, MP
7. Hon. (Prof.) Zadoc Ogutu, MP
8. Hon. Catherine Wambilianga, MP
9. Hon. Wilson Sossion, MP
10. Hon. Jackson Lekumontare, MP
11. Hon. Jerusha Momanyi, MP
12. Hon. Omboko Milemba, MP
13. Hon. Peter Lochakapong, MP
14. Hon. Wilson Kogo, MP

ABSENT WITH APOLOGY

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Moses Injendi, MP
3. Hon. (Dr.) Pamela Ochieng, MP
4. Hon. Joseph Tonui, MP
5. Hon. Lilian Tomitom, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

1. Mr. Daniel Mutunga- Principal Clerk Assistant I
2. Ms. Annceta Gacheri - Research Assistant III
3. Mr. Kibet Mutai - Audio Officer

MIN.NO./EDUC/2019/136: PRELIMINARIES/ADOPTION OF THE AGENDA

The Vice Chairman called the meeting to order at 10.30am. The Prayer was said. The Agenda of the Meeting was adopted as the true business for the day after having been proposed by Hon. Wilson Kogo, MP, and seconded by Hon. Ooro Oyioka, MP.

MIN. NO. /EDUC/2019/137: CONFIRMATION OF MINUTES

Confirmation of Minutes was deferred to the next Meeting. There were no matters arising.

MIN.NO./EDUC/2019/138: CONSIDERATION AND ADOPTION OF THE REPORT ON THE DELOCALIZATION POLICY AND SESSIONAL PAPER NO. 1 OF 2019

Report on the Petition by Hon. Patrick Mariru, MP, on the delocalization policy by TSC

The Committee Members noted that changes on the text of the observations and recommendations proposed in the previous meeting had been incorporated.

Proposal on the adoption of the report was made by Hon. (Prof.) Zaddock Ogutu, MP, and seconded by Hon. Catherine Wambilianga, MP. The report was thereby unanimously adopted by the Members present.

Report on the Sessional Paper No. 1 of 2109

The Committee considered the report on the Sessional Paper No. 1 of 2019 and noted the following:

- i. That the Ministry had submitted an addendum on suggestions made by the Committee during a recent retreat with officials of the Ministry. The Committee resolved to hold a Sitting to consider the addendum and make recommendations as necessary.
- ii. The implementation of the Sessional Paper should commence immediately after adoption of the Committee report by the National Assembly.

Proposal on the adoption of the report was made by Hon. Wilson Sossion, MP, and seconded by Hon. Jerusha Momanyi, MP. The report was thereby unanimously adopted by the Members present.

MIN. NO./EDUC/2019/139: UNIVERSITIES VISITS

It was resolved that the Universities visits scheduled for 4th to 5th May, 2019 be postponed to 17th and 18th May, 2019. The visits to include an inspection tour of one public school within the proximity of the universities.

MIN. NO./EDUC/2019/140: ANY OTHER BUSINESS

The Committee resolved to hold a retreat with the Ministry of Education to deliberate on, among other agenda, Capitation to schools, status on the implementation of the Competence Based Curriculum and updates on the process of the implantation of Sessional Paper No. 1 of 2019.

MIN. NO. 017/EDUC/2017: ADJOURNMENT

There being no other business, the meeting was adjourned at 12.35 pm. The next meeting would be held on Tuesday 7th May, 2019 at 10.00 am.

Signed..........Date..........

**Hon. Julius Melly, MP
(Chairman)**



THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - (THIRD SESSION)

PUBLIC PETITION

(No.005 of 2019)

BY THE TEACHERS FROM LAIKIPIA WEST CONSTITUENCY REGARDING
IMPLEMENTATION OF DELOCALIZATION POLICY BY TEACHERS'
SERVICE COMMISSION

I, the UNDERSIGNED, on behalf of teachers from Laikipia West Constituency,

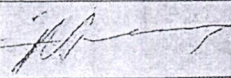
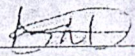
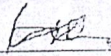
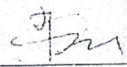
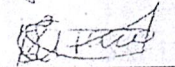
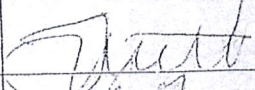
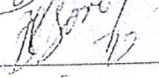
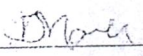
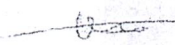
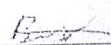



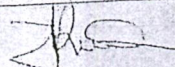
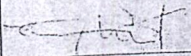
DRAW the attention of the House to the following: -

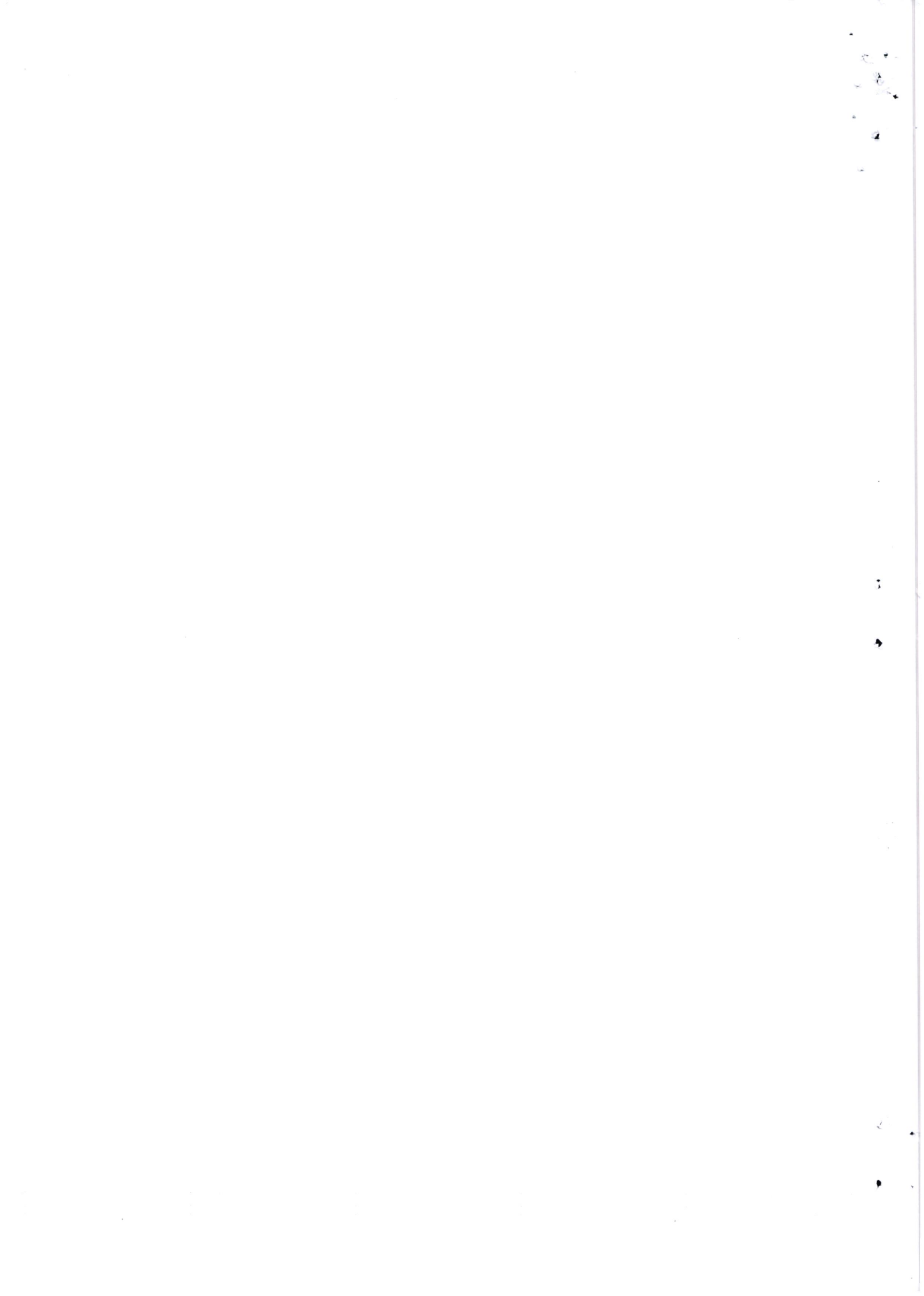
- i) THAT, Article 53 (1) of Constitution of Kenya, Section 7 of the Children's Act and the United Nations Convention on Rights of the Child provides for the Right to free and compulsory basic education for every child;
- ii) THAT, Article 13 of the International Convention on Economic, Social and Cultural Rights recognizes the right to education and provides that education shall be directed towards the full development of the every human being and shall strengthen the respect for human rights and fundamental freedoms;
- iii) THAT, towards the realization of provisions of Article 53 (1) of the Constitution the Government has mandated the Teachers Service Commission with the responsibility of the recruitment and deployment of teachers in the Country;
- iv) THAT, in November 2017 the Teachers' Service Commission arbitrary introduced a policy on delocalization of teachers in the public schools whereby teachers are transferred to institution away from their home counties;
- v) THAT, in several instances, the delocalization exercise has had major negative effects in welfare of teachers, including separation and disintegration of their families;
- vi) THAT, the implementation of the policy has led to among others demoralization of the teachers hence affecting service delivery;

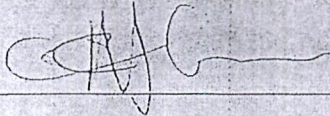
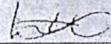
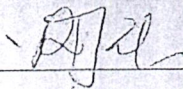
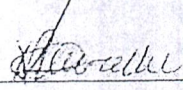

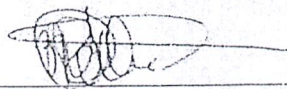
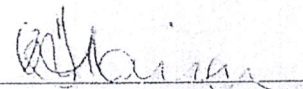
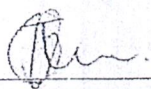
err. *Speaker*
The may appear by
for its members.
18/12/19.

Approved,
SNA
19/2/19

PUBLIC PETITION
ON THE DELOCALIZATION OF HEADTEACHERS LAIKIPIA WEST
CONSTITUENCY

No.	Petitioner	ID No.	Signature
1.	Michael M. Njor	0978295	
2.	Nwoid Mgonja	11507256	
3.	Charles Mjanganja	22996444	
4.	JOHN GITONGA	7120345	
5.	John Gitau	20466084	
6.	JOSEPH MURUGU	912866	
7.	Samuel M. M. M. M.	9012573	
8.	JOSEPH MURUGU	22317230	
9.	MARION MURUGU	42232487	
10.	BENNET KUMANGA	11708997	
11.	JAMAL A. JIMU	23547476	
12.	GERALD MWANGI	3602415	
13.	Consolata W. Mwangi	25052422	
14.	JOICE MUTHONI	22374257	
15.	GRACE WANGAR	33083076	



16.	Charles Mwan	10876165	
17.	LYDIA NYUKHBI	23039846	
18.	Mary Wangiku	20579197	M. Wangiku
19.	Robert Kobia	7869302	
20.	Lucy Muriati	14720280	
21.	Stephen Tutcek	12937166	
22.	RAPHAEL NIENGA	10512099	
23.	John Njoroge	5947108	
24.	JOHN NIENGA	2064033	
25.	MONICA NJERI	22609024	